

Sexual and Gender-Based Misconduct UBOD Training- Fall 26



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UNIVERSITY MARYLAND

Title IX and Bias Compliance

Agenda

- **Overview of definitions**
- **Overview of Investigation Process, Hearing, and Appeal**
- **Tips for Hearing**
- **Case Study**
- **Questions & Answer**



Sexual and Gender-based Misconduct Definitions

Sexual and Gender-based Misconduct Definitions

- **Sexual Harassment**
- **Sexual Assault**
- **Non-consensual Sexual Contact**
- **Incest**
- **Statutory Rape**
- **Dating Violence**
- **Domestic Violence**
- **Stalking**
- **Sexual Exploitation**
- **Student Quid Pro Quo Sexual Harassment**
- **Hostile Environment Harassment**

Policy Review: Sexual Harassment

Sexual Harassment defined as conduct on the basis of sex which may include such behavior as unwelcome sexual advances, requests, and other verbal, written, or electronic communications or physical conduct of a sexual nature when

- (1) an employee of the University conditions the provision of an aid, benefit, or service of the University on an individual's participation in the unwelcome sexual conduct; or
- (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Student Quid Pro Quo Harassment

Models of Proof:

Quid Pro Quo:

- An employee OR student of the University
- Conditions the provision of an aid, benefit OR service
- On an individual's participation in the:
 - Unwelcome
 - Sexual
 - Conduct

Sexual Harassment

- Unwelcome sexual conduct
- Severe (reasonable person)
- Pervasive (reasonable person) AND
- Objectively offensive (reasonable person)
- Would deny a reasonable person equal access to the program or activity

Policy Review: Hostile Environment Harassment

Hostile Environment Harassment

Conduct, which need not be severe or pervasive, that consists of unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature when based on the totality of the circumstances, the conduct unreasonably creates a living, working, or learning environment that a reasonable person would perceive to be abusive or hostile.

Models of Proof:

- Conduct of a sexual nature
- Creates a living, working, and/or learning environment
- That is abusive OR hostile (reasonable person)

Policy Review: Non-consensual Sexual Contact

Non-consensual Sexual Contact

The intentional touching of the clothed or unclothed body parts without the consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation or the Respondent forcing the touching by the Complainant of the Respondent's clothed or unclothed body parts, without consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

- Body parts is defined as genitals, buttocks, groin, breasts, or other body parts.*
- Contact with body parts is considered to be done for the purpose of sexual degradation, sexual gratification, or sexual humiliation unless: (1) the contact can be proven inadvertent; (2) the contact is for a legitimate medical (or other privileged) purpose and thus is conduct for which consent should have been sought and obtained by the provider; (3) the contact involves a Respondent who is pre-sexual, based on maturity/age (thus their intent is not sexual); (4) the contact involves a Respondent who cannot developmentally understand sexual contact or that their contact is sexual; or (5) The contact is something like butt-slapping on a team and is both minimal and unlikely to have sexual motivation or purpose, as shown by the context of the act(s).*



Policy Review: Non-consensual Sexual Contact

Model of Proof

- The intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant by the Respondent,
 - without the consent of the Complainant,
 - for the purpose of sexual degradation, sexual gratification, OR sexual humiliation
- OR
- Respondent caused OR directed the Complainant's intentional touching of the Respondent's clothed or unclothed genitals, buttocks, groin, breasts, or other body parts,
 - without the consent of the Complainant,
 - for the purpose of sexual degradation, sexual gratification, or sexual humiliation

Policy Review: Statutory Rape

Statutory Rape is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent which is 16 years of age in the state of Maryland (which means the victim must be under 16); however, 14- and 15-year-olds may consent if the offender is less than four years older than the victim.

Model of Proof

- Sexual intercourse
- With a person
- Under the age of consent
- 14-15 Years of age and the respondent is 4 years or older than complainant

Policy Review: Dating Violence

Dating Violence encompasses a wide range of behaviors including sexual assault, physical abuse and other forms of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Model of Proof

- Violence
- Committed by a Respondent
- Who is OR has been in a relation of a romantic OR intimate nature with the Complainant

Policy Review: Dating Violence

Violence includes but is not limited to

- Use or attempted use of physical abuse or sexual abuse
- Pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over the Complainant
 - Verbal
 - Psychological
 - Economic
 - Behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled
 - Technological abuse
 - Act or pattern of behavior that is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology,
- Violence is not legitimate use of violence for self-defense, which is violence prompted by physical violence or the threat thereof.
- Violence is not consensual use of violence, such as in kink relationships, in most circumstances.

Policy Review: Domestic Violence

Domestic Violence encompasses a wide range of behaviors including sexual assault, physical abuse and other forms of violence committed by a current or former spouse or intimate partner of the complainant; by a person with whom the complainant shares a child in common; by a person who is cohabitating with or has cohabitated with, the complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the complainant, or by any other person against an adult or youth complainant protected from those acts by domestic or family violence laws of Maryland.

Model of Proof

- Violence
- Committed by a respondent who:
 - Is a current or former spouse or intimate partner of the Complainant
 - Shares a child with the Complainant
 - Is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner
 - Is similarly situated to a spouse of the Complainant
 - Commits the violence against an adult or youth Complainant protected from those acts by domestic or family violence laws of Maryland.

Policy Review: Violence

Violence under dating violence and domestic violence includes but is not limited to:

- the use or attempted use of physical abuse or sexual abuse
- a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim
 - including verbal, psychological, economic, or technological abuse.
 - Economic abuse means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled,
 - Technological Abuse means an act or pattern of behavior that is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology

Policy Review: Stalking

- *Stalking* is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. A 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. A reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
- Model of Proof
 - Respondent engaging in a course of conduct
 - Directed at the Complainant that
 - Would cause a reasonable person to fear for the person's safety or the safety of others OR
 - Suffer substantial emotional distress

Policy Review: Sexual Exploitation

Taking non-consensual or abusive sexual advantage, that does not constitute sexual harassment, of another person for one's own advantage or benefit for the advantage or benefit of anyone other than the person being exploited.

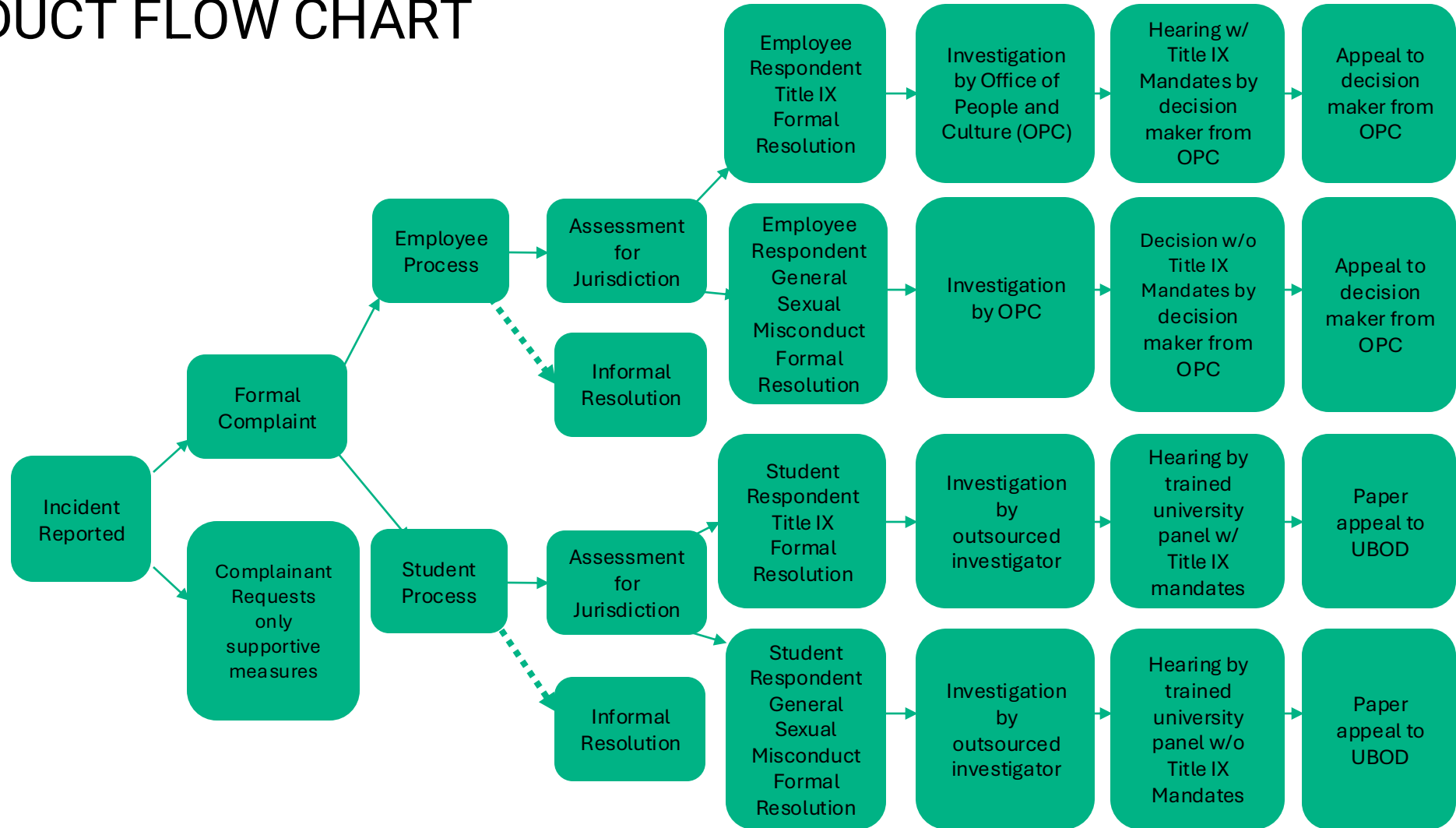
Model of Proof

- Taking non-consensual OR abusive advantage
- Of another person
- For the advantage or benefit of anyone other than the person being exploited

Title IX Regs Overview- Major Components

- **Title IX Jurisdiction**
 - Meets Title IX specific prohibited conduct as alleged
 - Education program or activity
 - “education program or activity” includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution
 - In the United States
 - Not off campus unless
 - Happens within University’s operations
 - Exercised substantial control
 - Happens at a building controlled by a student organization
- **General Sexual and Gender-based Misconduct Jurisdiction**
 - Meets definition of prohibited conduct as alleged
 - Does not fall under Title IX jurisdiction

SEXUAL AND GENDER-BASED MISCONDUCT FLOW CHART



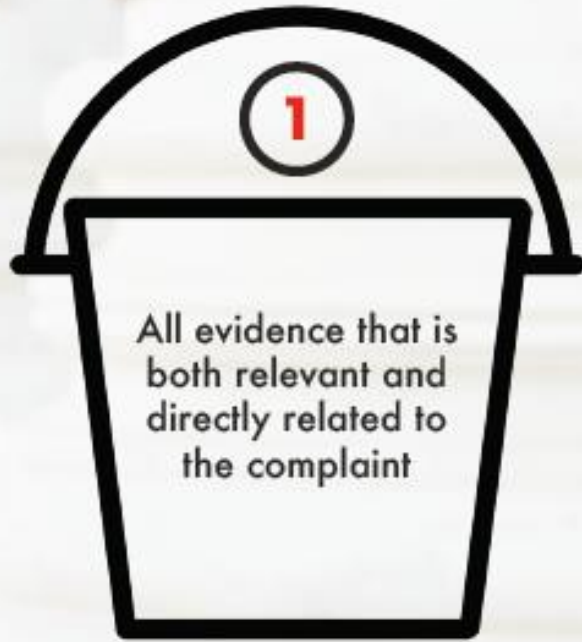
Tips for serving impartially

Ensure you avoid prejudgment of the facts and conflicts of interest/bias

- Review any interactions you've had with complainant, respondent, or witnesses
 - Notify Title IX Coordinator if you have a potential conflict of interest
- Do the work to address biases and check them at the door
- Trust the process
- Review all the evidence in full
- Attentive and active listening and participation
- Others?

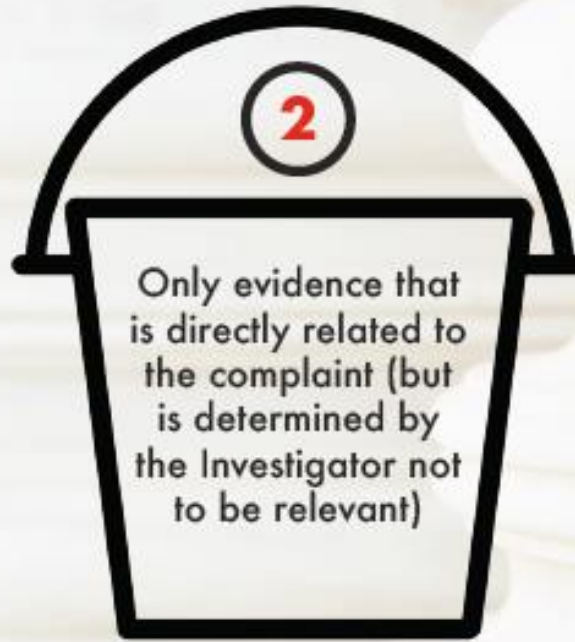


Relevance



Parties may make case to Investigators/Decision-makers that this evidence should be shifted to Bucket 2 or 3

Once finalized, this evidence should be provided to the Parties/Advisors/Decision-makers within the investigation report via secure technology



Parties may make case to Investigators/Decision-makers that this evidence should be shifted to Bucket 1 or 3

Once finalized, this evidence should be provided to the Parties/Advisors/Chair in a separate file via secure technology



Evidence should be maintained by the Investigator(s), but disregarded for purposes of the process. Parties/Advisors/Decision-makers don't get to see or know about it

ATIXA
Investigation
buckets

Investigation overview

Investigation Process

- **Notice of Investigation and Allegations**
- **Investigation summary review**
- **Draft investigation report shared with parties for review and response**
- **Final investigation report shared with parties for review and response**

Notice of Investigation and Allegations

- **Notice of Investigation and Allegations (NOIA) provided to parties after a Formal Complaint is filed, and the Formal Resolution Process is initiated**
- **NOIA includes:**
 - Identities of parties
 - Date and location of alleged violation
 - Description of conduct allegedly constituting the violation
 - Statement that Respondent is presumed not responsible
 - Offenses alleged implicating University policies, potential sanctions associated with alleged violations, and which policies apply
 - Description of Formal Resolution Process (investigation, hearing, finding of determination, etc.)
 - Information on confidentiality, advisors, evidence gathering, false statements, retaliation, and disability accommodations

Investigation

- **Investigator Assigned**

- Fair, impartial, and neutral factfinder (typically external to the University) is assigned by Title IX Coordinator/Deputy

- **Investigative Interviews**

- Parties (and their advisors) and Witnesses are invited to participate in an interview (typically virtual)
- Opportunity to provide evidence and answer questions related to the allegations
- Interview recorded and transcript included in investigation report
- Process timeline can be dependent on number/availability of witnesses*

Investigation Report

- **Draft Investigation Report**

- Report provided to Title IX Coordinator/Deputy for review
- Report provided to Complainant(s), Respondent(s), and their advisor(s)
- 10-day Review Period
 - Parties have an opportunity to inspect and review all evidence obtained during the investigation
 - Parties may submit a written response to the report – responses include new evidence/information, clarifications/corrections, or request for additional interview

- **Final Investigation Report**

- Investigator evaluates submissions and will incorporate new, relevant evidence and information obtained
- Final report (with all evidence – related/directly related to the complaint) provided to Title IX Coordinator/Deputy for review
- Final report (and evidence) provided to Complainant(s), Respondent(s), Advisor(s), and Office of Student Integrity
- 10-day Response Period
 - Parties have another opportunity to submit a written response to SIRJP

The background is a solid dark teal color. On the left side, there is a lighter teal abstract shape that resembles a stylized arrow or a bracket pointing towards the right. In the bottom right corner, there is a curved, lighter teal shape that looks like a decorative flourish or a partial circle.

Hearing overview

Technology overview



- Regulations require parties to be seen and heard when answering questions in Title IX cases
 - Regulations do not require parties to watch or listen
 - We will utilize Zoom or similar platforms to conduct the hearings
 - Parties not answering questions may be asked to turn off their cameras and mute themselves
 - Parties and their advisors will be able to connect via phone or breakout room
 - A practice session may be conducted in the pre-hearing conference
- Regulations do not apply to non-Title IX cases
 - We are only required for parties to be heard
 - This may be done through a combination of zoom and breakout rooms

Zoom overview

<https://www.linkedin.com/learning/zoom-quick-tips/use-zoom-more-effectively?u=57888833>

Pre-hearing conference

- **Pre-hearing Conference will be scheduled after investigation report has been finalized and before the scheduled hearing (likely within 10 days of the report being finalized)**
- **Prior to or during conference, student will be asked to complete a panel member strike list**
- **Student should submit questions or topics about which they wish ask at the hearing 2 business days prior to conference**
 - Chair will rule on relevance and document ruling
 - Does not preclude questions from being asked, especially based on testimony provided
- **Chair may consider arguments for relevance and document ruling**
- **Chair will conduct a technology overview**
- **Chair will review the hearing agenda**
- **Chair will review advisor roles and responsibilities**

Hearing agenda

Introduction

- Panel, parties, and advisors introduce themselves
- Rights and responsibilities are reviewed

Investigator will present a summary of the investigation and be questions by panel

- Cross examinations by parties' advisor (Title IX hearing)

Complainant opening statement and questions by panel

- Cross examination by respondent advisor

Respondent opening statement and questions by panel

- Cross examination by complainant advisor

Witness testimony and question by panel

- Cross examination by parties' advisors
- Suggested questions by parties (non-Title IX hearing)
- All witnesses will be called in title IX hearings

Closing statement by complainant

Closing statement by respondent

Closed deliberation

Relevance

- **Chair determines relevance**
- **Relevance can be defined as directly related to the issue and helps prove (inculpatory) or disprove (exculpatory) the allegation**
- **The following is irrelevant:**
 - Complainant's sexual predisposition or prior sexual behavior (rape shield law)
 - Unless such questions and evidence about the complainant's prior sexual behavior are offered to prove:
 - That someone other than the respondent committed the conduct alleged by the complainant
 - Consent when the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent
 - Privileged information
 - Medical Records
 - Duplicative or abusive questions
 - New information (can be remanded to investigation)
- **Panels should not ask questions about irrelevant information**

Relevance cntd.

- **Relevance of crosses examination questions should not be based on:**
 - Who asked the question
 - Their possible (or clearly stated) motives
 - Who the question is directed to
 - The tone or style used to ask about the fact
 - The sex or gender of the party for whom it is asked or to whom it is asked
 - Their status as complainant or respondent
 - Past status as complainant or respondent
 - Any organizations of which they are a member
 - Any other protected class covered by federal or state law (e.g. race, sexual orientation, disability).

Relevance determinations by chair:

- ***Question regarding Probative Information***

- The question is relevant because it asks whether a fact material to the allegations is more or less likely to be true.
- The question is irrelevant because it asks about a detail that does not touch on whether a material fact concerning the allegations is more or less likely to be true.

- ***Question regarding Prior Sexual History***

- The question is relevant because although it calls for prior sexual behavior information about the complainant, it meets one of the two exceptions to the rape shield protections defined in 34 C.F.R. § 106.45(b)(6)(i), and it tends to prove that a material fact at issue is more or less likely to be true [denote which exception].
- The question is irrelevant because it calls for prior sexual behavior information about the complainant without meeting one of the two exceptions to the rape shield protections defined in 34 C.F.R. § 106.45(b)(6)(i)

Relevance determinations by chair cntd:

- *Question regarding Privileged Information*
 - The question is irrelevant because it calls for information shielded by a legally-recognized privilege [identify the privilege].
 - The question is relevant because, although it calls for information shielded by a legally-recognized privilege [identify the privilege], that privilege has been waived in writing, and the question tends to prove that a material fact at issue is more or less likely to be true.
- *Questions about Undisclosed Medical Records*
 - The question is irrelevant because it calls for information regarding a party's medical, psychological, or similar record without that party's voluntary, written consent. 85 Fed. Reg. 30026, 30294.
 - This question is relevant because although it calls for a party's medical, psychological, or similar records, that party has given their voluntary, written consent to including this material, and it tends to prove that a material fact at issue is more or less likely to be true. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

Relevance determinations by chair cntd 2:

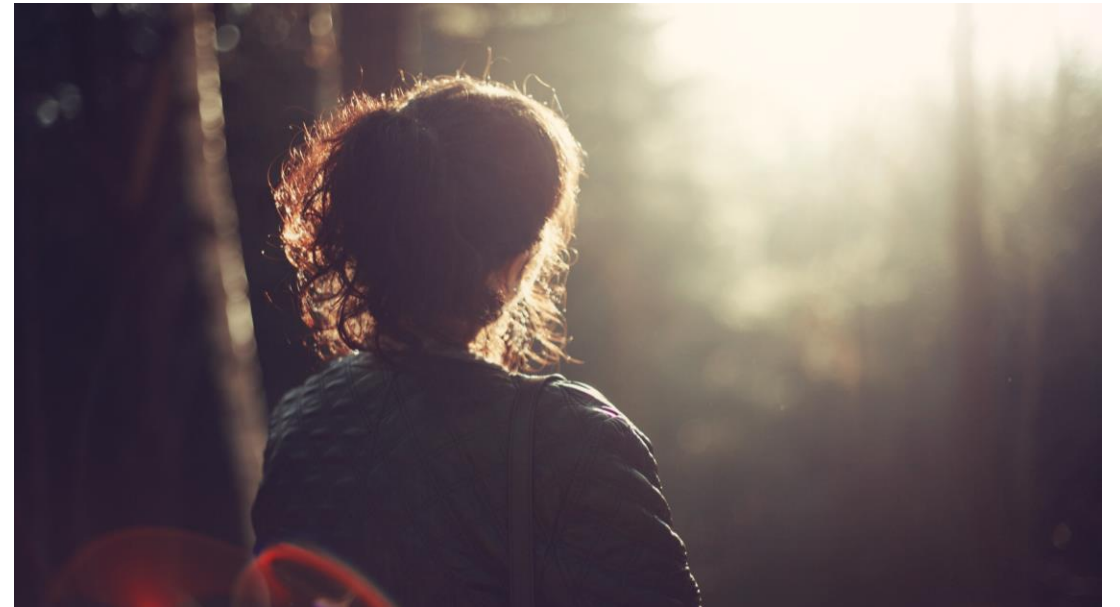
- *Duplicative Questions*
- The question is irrelevant because it is duplicative of a question that was asked and answered.



Questioning

Trauma Informed:

- Commit to not re-traumatizing Complainants, respondents, or witnesses
- Recognize the impact of trauma on Complainants, respondents, or witnesses
- Apply this training/knowledge to guide effective responses



Adapted from Milnor and Oglesby (2025)

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Trauma Informed Interviewing means...



Informed of the scientific research on trauma and memory



Aware of the unique dynamics of sexual assault



Creating an environment where Complainants feel comfortable and safe enough to share

Adapted from Milnor and Oglesby (2025)

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Trauma Informed Interviewing does not mean...

- Complainant or respondent is automatically credible or not credible
- We can excuse memory gaps
- Respondent is automatically responsible or not responsible
- Trauma is not in and of itself evidence

Adapted from Milnor and Oglesby (2025)

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Tips for Trauma-informed questions

- Focus on facts rather than character judgments
- Avoid implying blame, shame, or disbelief
- Recognize that memory may be fragmented
- Allow witnesses to describe experiences in their own words
- Seek clarification without accusing
- Avoid relying on common myths about sexual violence or trauma
- Avoid why questions
- Give context for why you are asking a question

Question examples

- **Instead of** "If you were afraid of them, why did you keep texting them?"
- **Try** "I have some questions about what happened after the incident; the answers can help me understand your frame of mind after the incident occurred. It seems in the report there are descriptions of communication between you and the respondent after the incident occurred. What were you hoping to achieve through those interactions?"

Question examples

- **Instead of** "How drunk were you, exactly?"
- **Try** "Sometimes it is helpful for us to understand whether substances were consumed and if so the effect the substances had on the individual. "Can you help me understand what you consumed that evening and how it affected your ability to think, communicate, or remember events?"

Question examples

Instead of “Earlier you said the event occurred around midnight. Now you're saying 1:00 a.m. Which version is true?”

- **Try** "I noticed a difference between your earlier statement and your testimony today regarding the time of the event. The investigation report said midnight, but today you said 1am. Can you help us understand that difference?"

Appeal overview

Appeal overview cntd.

Due by either party within 5 business days

May appeal on:

- The Party alleges that there were procedural irregularities that affected the outcome of the matter;
- The Party alleges new evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome of the matter;
- The Party alleges the Title IX Coordinator or Deputies, Investigators, or Hearing Panel had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.
- The Party alleges that the sanctions imposed are grossly disproportionate to the findings of responsibility.

Appeal panel chair determines if ground are met and allows other party to respond within 5 days

3 person panel including chair

Paper based appeal; no hearing. Appellate body may consider:

- Hearing record
- Appeal letter and response
- Decision and rationale of the hearing panel
- May ask questions of parties if necessary

Appeal panel decision is final



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Appeal overview cntd 2

- **Possible outcomes:**
 - New evidence
 - If evidence was not known nor reasonably available and might impact the decision, remand to panel
 - Sanctions grossly disproportionate
 - Affirm, reduce, or increase sanctions
 - Procedural irregularities or Bias
 - affirm the original decision; affirm the original decision of responsibility for some or all of the charges and change the sanction (sanction may be reduced or increased); reverse the original decision of responsibility for some or all of the charges and affirm or change the sanction (sanction may be reduced or increased); or remand the matter to the original hearing panel for further consideration



Deliberations

Deliberations

Decision based on majority, but aim for unanimous

Multi-step process

- 1st- Based on preponderance of the evidence, what does the panel believe happened?
 - List weighted pieces of evidence
- 2nd- Based on preponderance of evidence, did the conduct the panel determined happened violate the policy?
 - Use policy proof
- 3rd- Determine sanctions
 - Review sanctioning rubric
 - Consider mitigating and aggravating factors
 - Consider precedence

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Sanctions

- STOP. Bring an end to the discriminatory conduct.
-

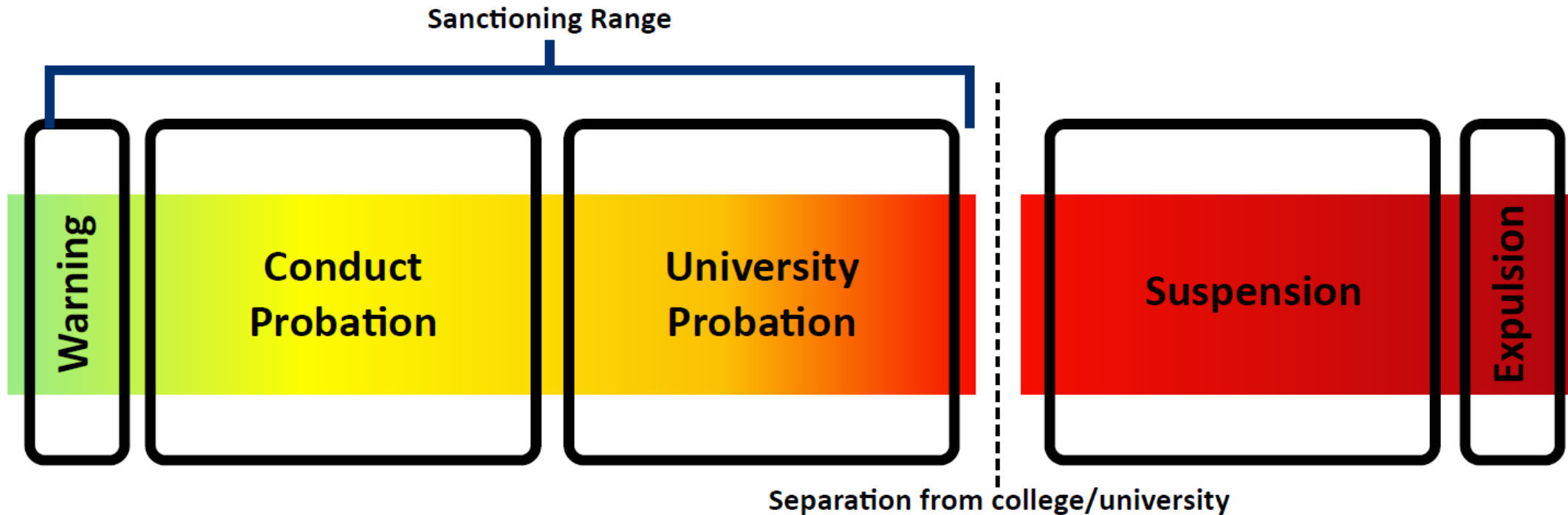
- PREVENT. Take steps reasonably calculated to prevent the future reoccurrence of the discriminatory conduct.
-

- REMEDY. Restore the Complainant (and community) as best you can to their predeprivation status

Adapted from ATIXA Hearing Officer and Decision-maker Training Manual

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SEXUAL HARASSMENT (SPOO)- GUIDE



SEXUAL HARASSMENT (SPOO)- GUIDE

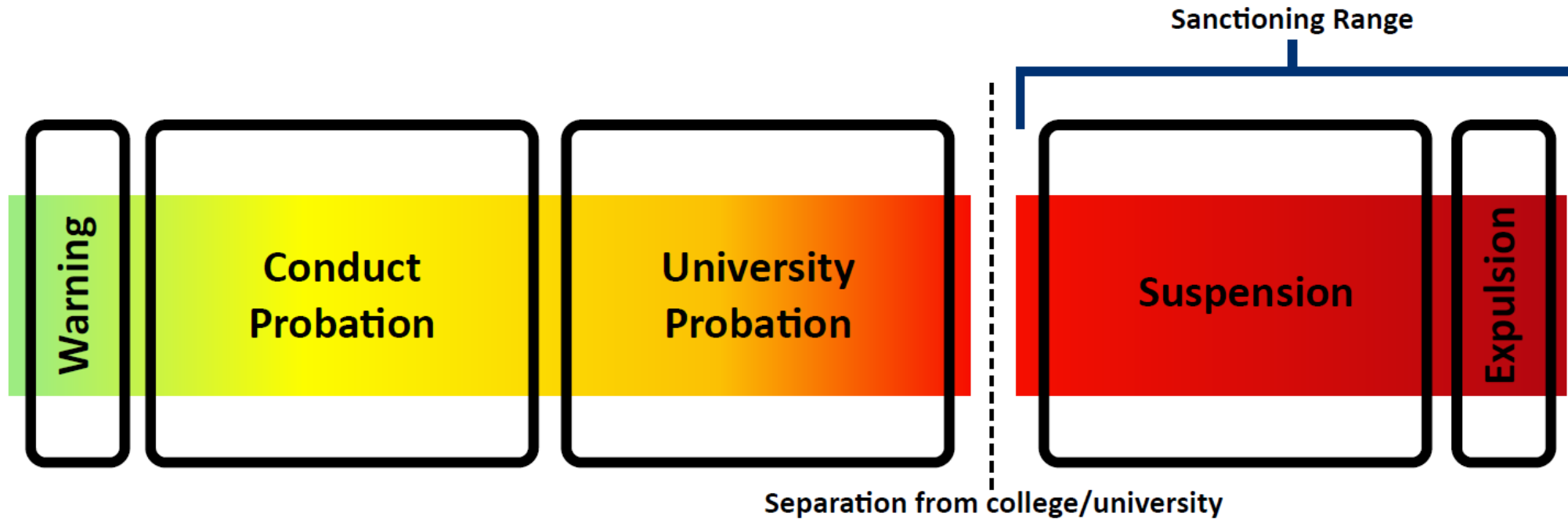
Common mitigating factors:

- *Genuine contrition*
- *Prior situations in which the Respondent's advances were welcomed or reciprocated*
- *The Respondent attempted to make amends or provide a remedy*
- *The Complainant was not the target recipient of the conduct; although the Complainant was offended, the target was not*

Common aggravating factors

- *The language used was extraordinarily offensive, hate-based, and/or the totality of the behavior was exceptionally severe, persistent, or pervasive*
- *The harassment was threatening, intimidating, and/or aggressive*
- *The harassment occurred in violation of an existing No-Contact Order between the parties*
- *The harassment persisted despite repeated attempts to indicate it was unwelcome or to get it to stop*

SEXUAL ASSAULT- GUIDE



SEXUAL ASSAULT- GUIDE

Common mitigating factors:

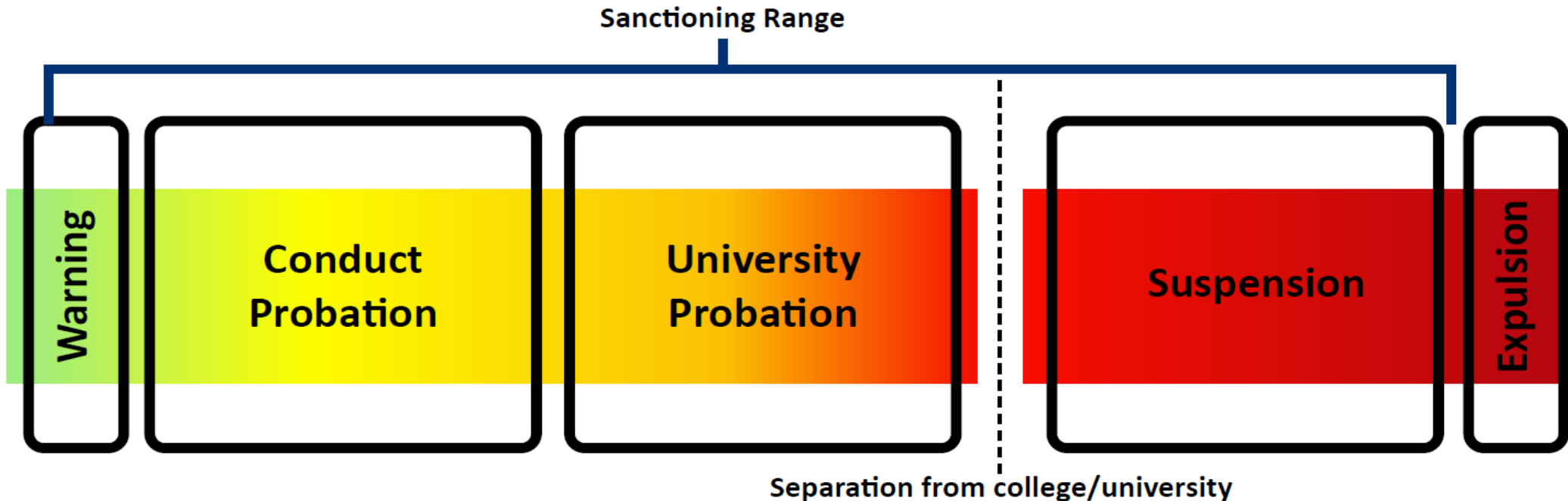
- *Genuine contrition*
- *Consent was ambiguous*
- *A request for leniency by the Complainant*
- *The Respondent's behavior, though non-consensual, did not exhibit a deliberate disregard for the dignity and autonomy of the Complainant, but instead appeared to be an error in judgment*
- *The Respondent's behavior was not malicious and was intended to be seductive, despite ultimately being received and assessed as coercive*
- *A Respondent self-inhibited/stopped their own attempted offense*

Common aggravating factors

- *A request for enhanced sanctions by the Complainant*
- *The Respondent's use of force or physical violence in the perpetration of the non-consensual sexual intercourse*
- *The Respondent's use of a weapon or restraints*
- *The Respondent threatened bodily injury or intimidated the Complainant*
- *The use of drugs or alcohol to intentionally incapacitate the Complainant*
- *The Respondent's brazen refusal to desist the conduct after consent had been clearly revoked*
- *The Respondent's behavior was predatory*
- *An ongoing hostile environment persists*



NON-CONSENSUAL SEXUAL CONTACT GUIDE



NON-CONSENSUAL SEXUAL CONTACT GUIDE

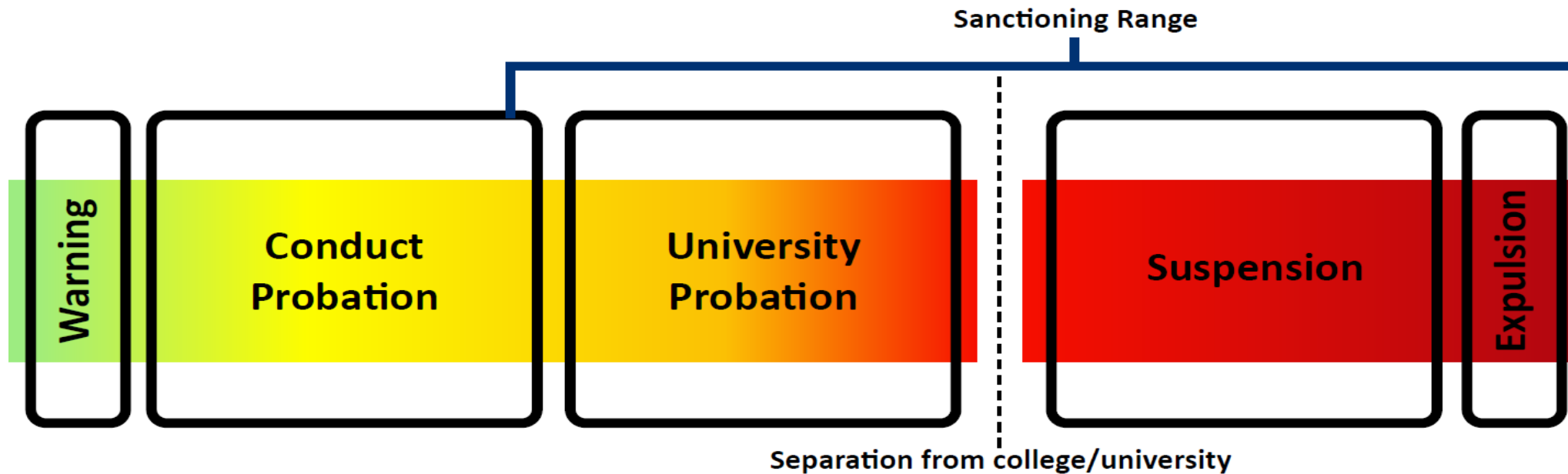
Common Mitigating Factors

- *Genuine contrition*
- *Consent was ambiguous*
- *A request for leniency by the Complainant*
- *Prior instances with the Complainant in which the Respondent's similar sexual contact was welcomed and/or reciprocated*
- *The sexual contact was (relatively) minimally invasive, such as a grazing touch rather than a pro-longed squeeze, or the contact was over the clothes rather than under*
- *The sexual contact was relatively brief/ephemeral*
- *A Respondent self-inhibited/stopped their own attempted offense*

Common Aggravating Factors

- *A request for enhanced sanctions from the Complainant*
- *The sexual contact was comparatively more invasive, such as a Respondent reaching under the Complainant's clothes or engaging in more vigorous or aggressive fondling/stroking/caressing/groping rather than merely touching*
- *The sexual contact was extensive and abiding*
- *The sexual contact was aggressive or violent*
- *The Respondent engaged in the sexual contact — or continued to engage in the sexual contact— after the Complainant communicated, verbally and/or nonverbally, that it was unwelcome*
- *An ongoing hostile environment persists*

DATING & DOMESTIC VIOLENCE- GUIDE



DATING & DOMESTIC VIOLENCE- GUIDE

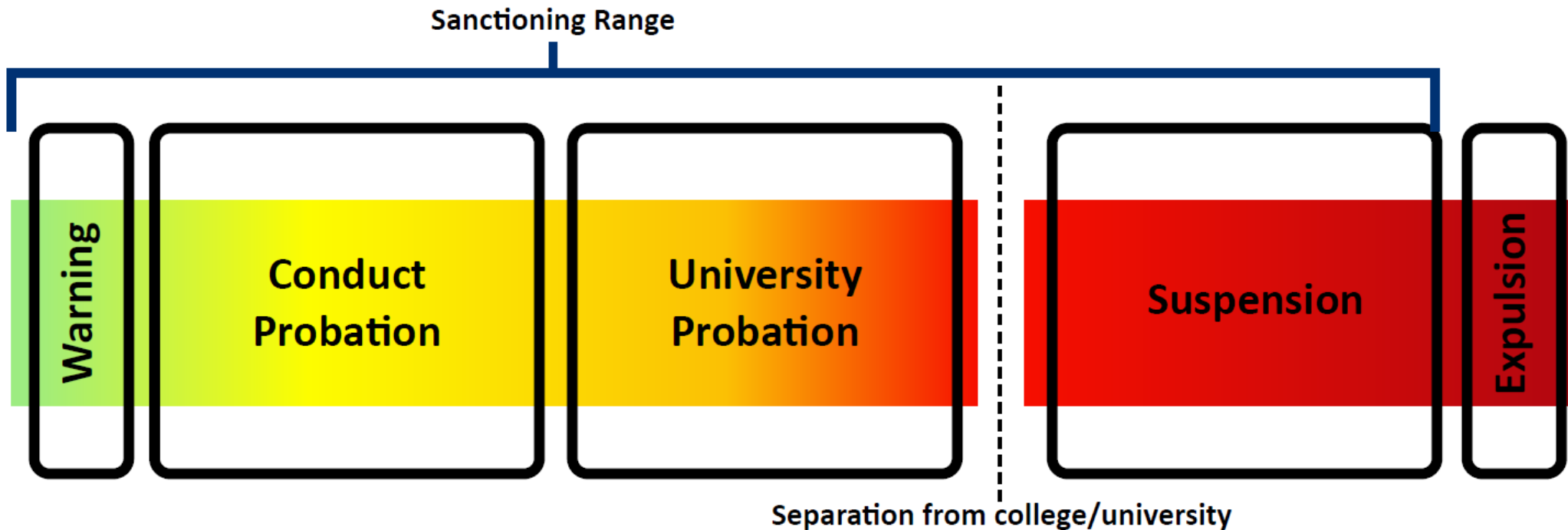
Common Mitigating Factors

- *Genuine contrition.*
- *Self-defense (in counterclaims, if self-defense doesn't fully excuse the conduct)*
- *While still constituting a violation, the abuse was brief and comparatively mild*
- *The harm caused by the violence or abuse was minimal*
- *Lack of potential to repeat the behavior (e.g., relationship is over; no contact between parties)*
- *The Respondent self-inhibited/stopped their own attempted offense*

Common Aggravating Factors

- *The violence or abuse was long-lasting, occurred multiple times, and/or involved several types of abuse*
- *The harm caused by the violence or abuse was extensive or irreparable*
- *The violence or abuse resulted in the Complainant needing medical attention*
- *The violence or abuse was particularly cruel or sadistic*
- *High potential to recidivate (the relationship may be ongoing or not fully severed)*

STALKING- GUIDE



Stalking- Guide

Common Mitigating Factors

- Genuine contrition
- A request for leniency from the Complainant
- The Respondent appears to be on the Autism spectrum and intends no harm
- The Respondent exhibited articulable signs of possessing below-average social skills and/or demonstrated inability to perceive and understand normal social cues or conventions

Common Aggravating Factors

- A request for enhanced sanctions from the Complainant
- The Respondent's refusal to stop the conduct after being told that their behavior was unwelcome
- The Respondent's behavior was excessive, pervasive, aggressive, and/or violent

Case study

