

**2021-2022 Loyola University Maryland
Title IX End of Year Report**



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Overview

Gender-based violence is a serious and deeply troubling issue at colleges and universities nationwide. Loyola University Maryland is committed to providing an environment free from sex-based discrimination and harassment. We are working to prevent and eliminate gender-based violence through education, training, and advocacy, while also offering support and resources to students, faculty, and staff. We go beyond compliance with federal laws around gender-based violence, and we aspire to provide an environment that is rooted in our Jesuit, Catholic traditions of justice and respect for others.

The Office of Title IX, Compliance, and Assessment strongly believes part of a successful sexual and gender-based misconduct prevention and response program is building and maintaining trust with the community. To build and maintain trust with the community, the office is committed to transparency. As part of the 2022 Action Plan, the Office of Title IX, Compliance, and Assessment will release an annual report. This report will include an overview of action steps the office has completed, deidentified statistics of reports the office has received and how the reports were addressed, a link to a discussion of survey data from the biannual Sexual Violence Prevention, Education, and Response survey, and a discussion of results from the annual survey regarding interaction with Title IX coordinators and intake officers. It is our hope that by releasing this information, the community will understand Loyola University Maryland cares deeply about preventing and addressing sexual and gender-based misconduct, and community members can trust that if they or a friend experience sexual and gender-based misconduct, they can work with the office to receive the support they need and address the behavior in a supportive manner.

Achievements of 2020 Action Plan

In response to concerns raised in the community in the summer of 2020 via Instagram and community conversations, Loyola University Maryland created an action plan of steps to enhance sexual and gender-based misconduct prevention, education, and response. This action plan was completed in Fall 2021. Below is a list of the action steps and the ways in which the steps were completed.

ESTABLISH TITLE IX REPORT INTAKE OFFICER ROLES AND RESPONSIBILITIES

Loyola recruited 7 Loyola administrators to serve as Title IX intake officers and trained them with over 10 hours of training. Title IX intake officers have provided community members the ability to choose the reporting option to whom they feel most comfortable reporting. Intake Officers can be found on the reporting resources webpage.

DEVELOP A PROCESS TO SURVEY ALL STUDENTS WHO INTERACT WITH TITLE IX DEPUTIES AND INTAKE OFFICERS

Loyola surveyed all students who interacted with Title IX deputies and intake officers from Fall 2017-Spring 2021 and received invaluable feedback that will shape culture, policies, and processes regarding sexual and gender-based misconduct. Whereas this survey is only sent to students who interact with the Title IX team and collects feedback based on interactions, it is distinct from the bi-annual Sexual Violence Prevention, Education, and Response climate survey which is sent to the entire student body. Loyola will continue this practice of a yearly survey of students who interact with the Title IX coordinators, deputies, and intake officers for continual process feedback and improvement.

ESTABLISH AN ADVISORY BOARD OF STUDENTS, CHAIRED BY THE PROGRAM MANAGER/SEXUAL ASSAULT PREVENTION AND RESPONSE COORDINATOR

Loyola established the Student Advisory Board in Fall 2020, and the advisory board had over 5 active students who met monthly to learn about the Title IX process. They participated in programming including creating Title IX Thursdays on Instagram, providing valuable information about the process to the community, and collaborated on Take Back the Night.

RECONVENE THE COORDINATED COMMUNITY RESPONSE TEAM (CCRT)

Loyola reconvened the CCRT in Fall 2021 with active members from Student Conduct, Student Life, LGBTQ+ resources, Public Safety, the Counseling Center, Title IX, and the Women's Center. CCRT will continue to meet regularly to enhance prevention of, education of, and response to sexual and gender-based misconduct at Loyola.

REENVISION THE WOMEN'S CENTER MISSION STATEMENT TO BE MORE INCLUSIVE AND WELCOMING TO ALL GENDER IDENTITIES

The Women's Center has aligned their mission statement with best practices and will continue to evaluate the mission considering University and Student Development goals and initiatives.

ENHANCE TRAINING OFFERINGS FOR MANDATORY REPORTERS

Since Fall 2020, Loyola trained over 1,000 employees through an online training module and 550 mandated reporters through over 20 virtual trainings to ensure mandated reporters are equipped to fulfill their responsibility of reporting any incident of sexual and gender-based misconduct to Title IX. This practice ensures community members who experience harm can receive trauma-informed, best practice resources from individuals specifically trained to respond to issues of sexual and gender-based misconduct.

UPDATE TRAINING FOR HEARING PANELS OF SEXUAL MISCONDUCT INCIDENTS IN THE GRIEVANCE PROCESSES THROUGH A PARTNERSHIP WITH THE STUDENT CONDUCT INSTITUTE

In 2020, Loyola partnered with SUNY Student Conduct Institute, a national best practice training consortium. Title IX coordinators, deputies, intake officers, hearing officers, and advisors were required to take 8 hours of online modules yearly to ensure best practice, trauma-informed response to sexual and gender-based misconduct.

REVIEW AND REVISE THE BYSTANDER INTERVENTION TRAINING, "STEP UP!"

Loyola revised "Step up!" and trained all first year Messina courses in Fall 2020 and Spring 2021. Over 97% of participants reported the program helped them understand their responsibility and provided effective skills to intervene in problem situations.

INFORM THE COMMUNITY OF THE CHANGES TO THE INVESTIGATION AND ADJUDICATION PROCESSES FOR SEXUAL MISCONDUCT INCIDENTS AS A RESULT OF THE NEW TITLE IX REGULATIONS

Loyola sent multiple communications to the community regarding updated regulations and infused information about the sexual and gender-based misconduct policy and process in trainings to over 2,000 students.

HIRE AN ADDITIONAL FULL-TIME TITLE IX PROFESSIONAL

Loyola launched the Office of Title IX, Compliance, and Assessment with two, new full-time professionals dedicated to preventing and addressing sexual and gender-based misconduct. The Director, David Tiscione, serves as Loyola's Title IX coordinator, and the Assistant Director, Mariella Toribio, serves as Loyola's Title IX Deputy for Students.

CONDUCT A COMPREHENSIVE REVIEW OF LOYOLA'S SEXUAL MISCONDUCT POLICIES AND PROCESSES

In Spring 2021, Loyola successfully partnered with D. Stafford and Associates, a national expert on sexual and gender-based misconduct policies and practices, to complete a comprehensive review of Loyola's sexual and gender-based misconduct policies and processes. [Download the report.](#)

CONDUCT ADDITIONAL AND SPECIALIZED TRAINING

Loyola infused trauma-informed approaches into mandated reporter, Title IX coordinator, deputy, intake officer, hearing officers, and public safety training to ensure a trauma-informed response. Loyola also held a training with all athletics coaches to discuss the policy and practices and provided additional sexual and gender-based misconduct training to student athletes through Everfi. Loyola will continue to provide additional and specialized trainings in areas of need.

Launch of 2022 Action Plan

Loyola completed its first Action Plan in Fall 2021, as described above, but the work is not finished. Through this new action plan, we will continue to address this issue within our community and ensure that the best processes and supports are in place for our students, faculty, and staff. Thank you to all those who are joining us in our commitment to living out our Jesuit ideals in word and action.

Completed action steps

CREATE AN END OF YEAR REPORT TO ENHANCE TRANSPARENCY ABOUT NUMBERS AND TYPES OF INCIDENTS, WHERE THEY OCCUR, HOW THEY ARE ADDRESSED, AND OTHER TITLE IX RELATED TRACKING

100%



The Office of Title IX, Compliance, and Assessment has produced this end of the year report, and it will be released annually. The report will include statistics related to sexual and gender-based misconduct incidents, how they are addressed, and other Title IX related tracking.

ESTABLISH AND GROW A SOCIAL MEDIA PRESENCE FOR LOYOLA TITLE IX

100%



The Office of Title IX, Compliance, and Assessment created an Instagram account, TitleIX_LoyolaMaryland, in Fall 2021 to engage with the Loyola community including respond to concerns raised online and to enhance prevention and education. The Title IX account has grown its presence highlighted by a live Q+A with the Director of the Women's Center, Instagram Takeover of the Class of 2025 SGA account, highlighting women Title IX Pioneers during Women's History Month, and regularly highlighting Title IX related resources and groups on campus. The account reached nearly 800 accounts between March and May 2022. We plan to continue regularly engaging with the community through this account and continue to grow our presence on Instagram as a resource for community members.

Action steps with progress made

CONDUCT A CLIMATE SURVEY RELATED TO SEXUAL AND GENDER-BASED MISCONDUCT OF UNDERGRADUATE STUDENTS AND EXPAND THE SURVEY TO GRADUATE STUDENTS AND EMPLOYEES

50%



The Office of Title IX, Compliance, and Assessment conducted the Sexual Violence Prevention, Education, and Response survey. We received a 21% response rate with nearly 800 survey respondents. The results of the survey can be accessed through this report below. The Office of Title IX, Compliance, and Assessment also hosted an event in April 2022 to discuss the results of the survey with the community. Loyola will use the results from this survey to continue informing and enhancing its sexual violence prevention, education, and response program. This survey is conducted every two years, and Loyola plans to include employees and graduate students in the survey in 2024.

REGULAR OUTREACH TO CAMPUS CONSTITUENTS, SUCH AS SGA AND UNIVERSITY ADMINISTRATION, WITH UPDATES ABOUT SEXUAL AND GENDER-BASED MISCONDUCT TRENDS AND BEST PRACTICES

50%



The Office of Title IX, Compliance, and Assessment, along with campus partners such as the Women’s Center, began regularly meeting with campus constituents. In AY 2021-2022, we met with the Student Government Association Executive Leadership and Loyola Do Better Executive Board multiple times to discussion action plan progress and concerns and the Student Government Association Joint Conference once in the fall and once in the spring. Additionally, the Title IX Coordinator held a Question-and-Answer event with Loyola Do Better in Fall 2021. Lastly, the Office of Title IX, Compliance, and Assessment met with the Board of Trustees in Fall 2021 and Spring 2022 and the Cabinet in Spring 2022 to discuss updates related to the sexual and gender-based misconduct program. The Office of Title IX, Compliance, and Assessment plans to continue these regular outreach meetings with these groups and plans to expand into other student and faculty/staff constituents.

ENHANCE PUBLIC SAFETY TECHNOLOGY IN LINE WITH BEST PRACTICES

50%



Public Safety retrofitted all public safety vehicles GPS tracking systems and supervisors have been trained to use the GPS dashboard to track vehicles. This will allow public safety to respond to emergency situations more effectively and quickly and will allow additional data for investigations where the location of a public safety vehicle is pertinent. Public Safety is continuing to explore best and mandated practices for technology to enhance the safety of the campus.

ENHANCE SEMI-ANNUAL TRAINING WITH PUBLIC SAFETY TO ENSURE BEST PRACTICES

50%



The Office of Title IX, Compliance, and Assessment, Women’s Center, and Public Safety collaborated to identify areas to enhance training and had a training approved by the Office of Civil Rights as part of Loyola’s Violence Against Women Act grant. The training will be implemented in August 2022.

FURTHER LOYOLA COMMUNITY’S UNDERSTANDING OF REPORTING OPTIONS AND PROCESSES FOR ADDRESSING SEXUAL AND GENDER-BASED MISCONDUCT THROUGH CAMPAIGNS

25%



This is an ongoing goal we were working toward prior to this action plan and will continue working toward after completion of the action plan because of the nature of our community and sexual and gender-based misconduct processes. Specifically, we know each year we welcome new students and employees who need to be introduced to our processes, and we know the regulations regarding sexual and gender-based misconduct have changed regularly since 2011. This year, we took multiple steps to educate the community on reporting options and processes. Information about reporting options and processes were included in our first-year programming through Everfi, Fall Welcome weekend orientation session, and Step Up!, Loyola’s bystander intervention. Further, there were numerous outreach events to student organizations, classes, mandated reporters, student leaders, and campus departments. In total, attendance at these outreach events reached nearly 2,000 community members. Additionally, as part of Sexual Assault Awareness month, the Office of Title IX, Compliance, and Assessment, as part of the Violence Against Women Act Grant, facilitated a yard sign campaign discussing various reporting options and resources in high traffic locations across campus. Lastly, increasing our presence on social media has also bolstered our success furthering Loyola community’s.

EXPLORE ADDITIONAL REPRESENTATION FROM CAMPUS CONSTITUENTS ON CAMPUS COMMITTEES RELATED TO SEXUAL AND GENDER-BASED MISCONDUCT SUCH AS THE COORDINATED COMMUNITY RESPONSE TEAM

25%



The Office of Title IX, Compliance, and Assessment has had exploratory conversations with Student Government Association Executive Leadership and the Coordinated Community Response Team about the necessity and possibility of expanding representation on sexual and gender-based misconduct committees. We plan to solidify the pipelines of representation in AY 2022-2023.

MONITOR AND IMPLEMENT CHANGES RELATED TO TITLE IX REGULATIONS INCLUDING BIDEN ADMINISTRATION UPDATES EXPECTED TO BE PROPOSED IN JUNE 2023 AND VIOLENCE AGAINST WOMEN ACT

25%



The Biden administration previously announced the notice of proposed rulemaking and draft regulations would be released in April 2022, but they were not released until June 23, 2022. Upon the notice of proposed rulemaking, there is a mandatory comment period for at least 30 days but can be extended often to 60-90 days. OCR must respond to the comments, and though there is no mandated timeline for a response, the Trump administration took 18 months to review and respond to the comments and publish the final regulation. Industry estimates are that the final rule may be released by or during AY 2023-2024.

While OCR was preparing for the Notice of Proposed Rulemaking, Congress reauthorized the Violence Against Women Act in an Omnibus Budget Bill. Industry Experts expect final regulations for implementation by October 2022. Some of the initiatives that were included in the reauthorization Loyola University Maryland has already been administering including a biannual sexual violence prevention, education, and response survey and focus on restorative justice practices. We will continue to monitor developments related to these legal issues and will continue to implement compliant best practices that make our process safe, trustworthy, and equitable.

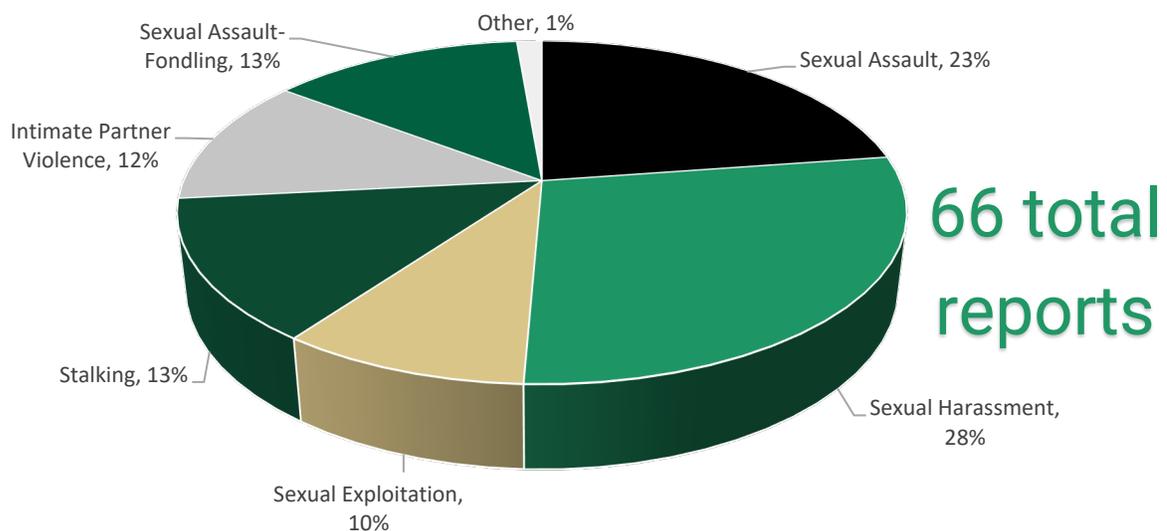
Future action steps

- **DEVELOP RESOURCES SPECIFIC TO LGBTQ+ VICTIMS/ SURVIVORS/ COMPLAINANTS**
- **DETAIL STEPS AND OPTIONS FOR INFORMAL RESOLUTION TO OFFER ADDITIONAL RESOURCES TO ADDRESS SEXUAL AND GENDER-BASED MISCONDUCT**
- **CREATE POSITION DESCRIPTIONS FOR EACH POSITION WITHIN THE SEXUAL AND GENDER-BASED MISCONDUCT PROCESS**

2021-2022 Sexual and Gender-Based Misconduct Statistics- Reports

This section describes statistics related to the sexual and gender-based misconduct process. Figure 1 shows types of incidents reported to the Office of Title IX, Compliance, and Assessment from June 2021 through May 2022. Given different perspectives of how incidents may be categorized, the methodology for categorizing incident is important to outline. The office categorizes reports by the information reported by the complainant, witness, or mandated reporter. Title IX and Clery have specific definitions with prongs that need to be met for a policy violation to occur, after review through the sexual and gender-based misconduct process, or to be counted as a [Clery crime](#). Upon receiving a report, most importantly, the Office of Title IX, Compliance, and Assessment contacts the complainant to offer support, resources, and options. Additionally, the office determines whether the incident needs to be counted and reported as a Clery crime, based on Clery Act regulations, in the daily crime log and [annual security report](#). When categorizing incidents for this report, the office determines which definition the incident fits in based on elements of the incident in the report. Definitions used for this report can be reviewed in Appendix A. For example, a student may share with a faculty member that they need an extension on a paper because they had a “scary fight with an ex.” The faculty member, as a mandated reporter, shares the information with the Office of Title IX, Compliance, and Assessment. Upon receiving outreach from the Office of Title IX, Compliance, and Assessment, the complainant may not want to share more details, have the university intervene, nor have any measures implemented beyond an academic supportive measure.

Figure 1- Types of Reports 2021-2022



Because more information was not shared, it is not possible to determine if the incident meets the Clery definition of dating violence- such as determining if the incident occurred on campus (Clery geography) or if the incident involved violence or merely a verbal disagreement. Therefore, the office would view this incident to have elements of dating violence but may not count the incident as a Clery crime. When an incident contains elements from multiple incident types, such as stalking and sexual harassment, it is categorized within the multiple incident types.

Figure 2 shows the status of the respondents, or the individuals who allegedly committed the act being reported. It is important to note the status of the respondent does not affect whether the report is counted within the numbers shown in Figure 1 or in the annual security report. While Loyola is unable to address and incident through our processes when Loyola does not have control over the respondent, we are able to offer supportive measures such as restriction from campus or academic supportive measures, and we are able to assist the complainant in making a report the police.

Figure 2- Status of Respondents

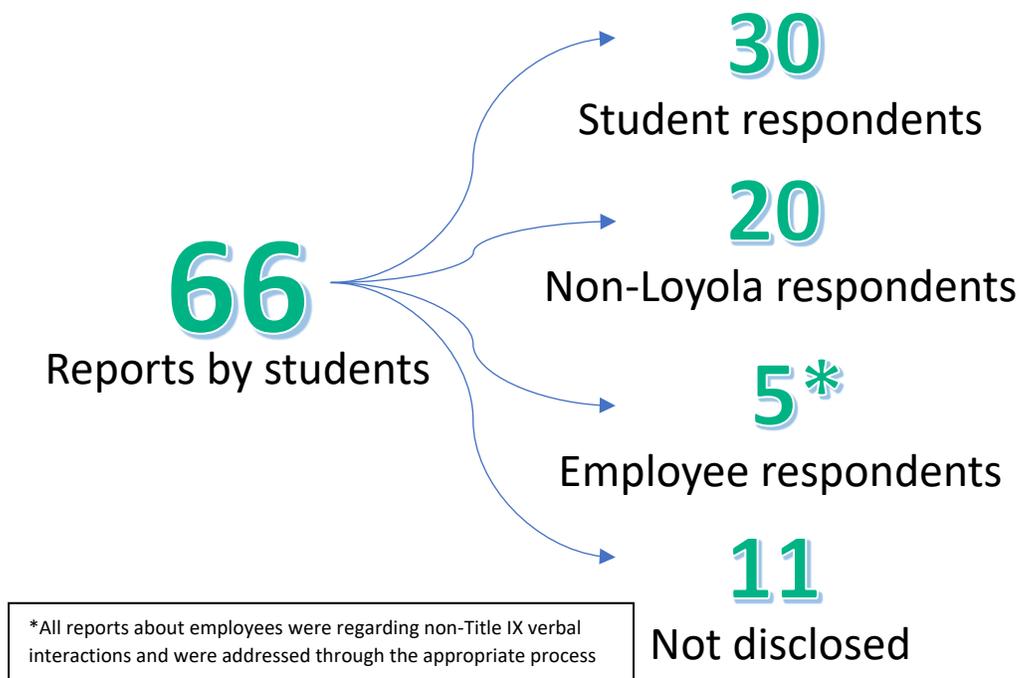


Figure 3 shows where the incidents reported to the Office of Title IX, Compliance, and Assessment occurred. On-campus is defined as behavior that occurs on property owned or controlled by Loyola, online is defined as behavior that primarily occurs through the internet such as social media or email, off-campus is defined as behavior that does not occur on property owned or controlled by Loyola, and not disclosed means the reporter did not have information regarding the location of the incident or complainant did not disclose the location of the incident. It is important to note that behavior that occurs on campus (and sometimes online depending on the facts of the incident) falls within and must be addressed consistent with Title IX. For incidents that do not occur on campus, Loyola goes beyond Title IX regulations and addresses the behavior consistent with national best practices.

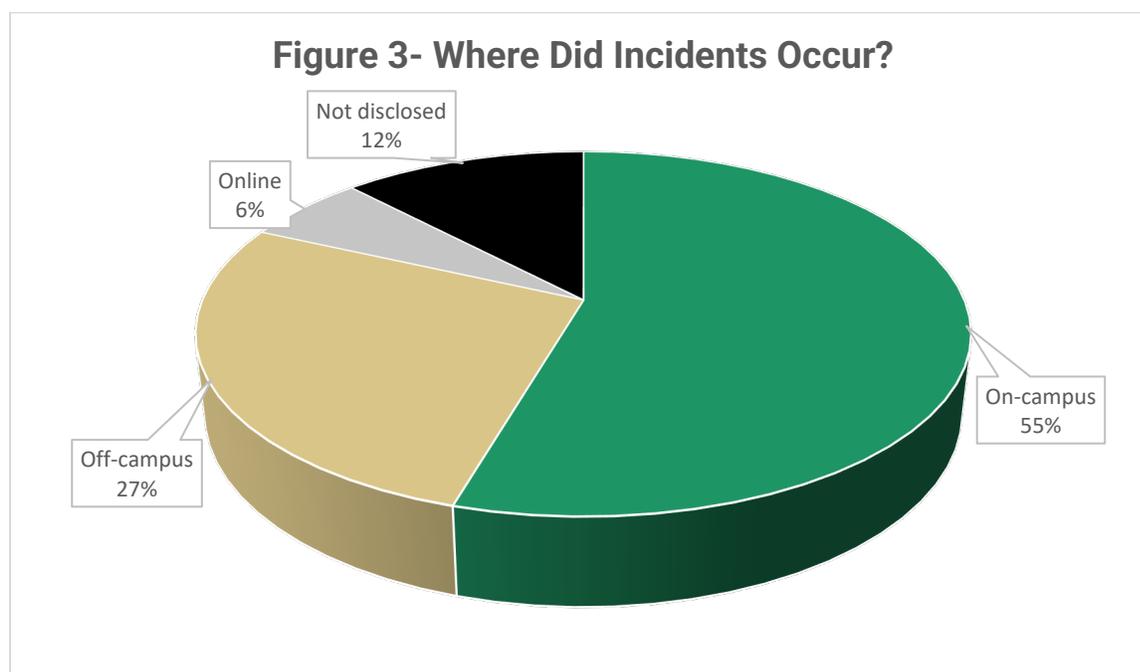
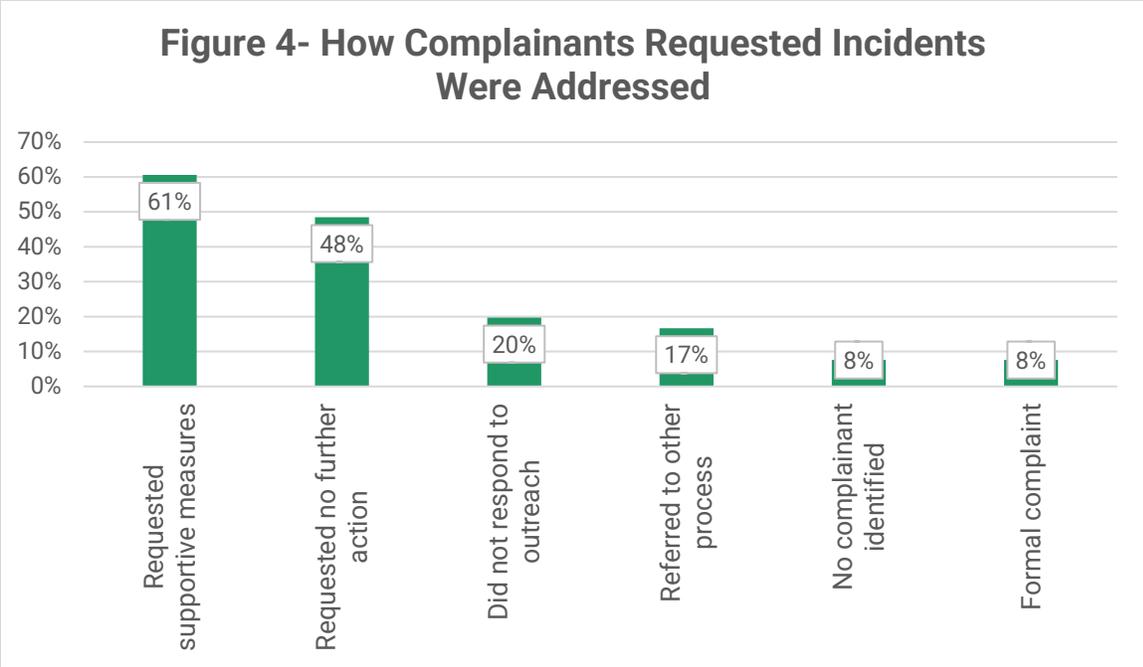


Figure 4 shows how Loyola addressed the incidents reported to the Office of Title IX, Compliance, and Assessment. A trauma-informed best practice Loyola utilizes is engaging the complainant in choosing what support they need or processes they want to utilize to address and heal from the incident they experienced. In situations where there is an ongoing threat to the community and enough information to begin an investigation, Loyola may sign a formal complaint on behalf of the complainant. However, where there is not an ongoing threat to the community, Loyola will typically respect the wishes of the complainant. Incidents that are referred to another process can mean addressing an incident through a process outside of the sexual and gender-based misconduct process when it does not fall under behavior prohibited by sexual and gender-based misconduct. Other processes can include the student conduct process for students or the harassment and discrimination process for employees.



Incidents of sexual and gender-based misconduct can deny access to Loyola’s educational experience for complainants because they may not engage in Loyola’s experience in the same way had they not experienced the sexual and gender-based misconduct. However, supportive measures are an effective tool for restoring that access and ensuring the complainant stays whole as a community member. Additionally, some complainants who initially request the university take no further action may feel more comfortable requesting action after they have received supportive measures.

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Supportive Measures provided to Complainants AY 2021-2022

When a respondent is found responsible for violating the sexual and gender-based misconduct policy, the hearing panel determines sanctions necessary to prevent the recurrence of, address, and remedy the effect of the behavior. Sanctions provided during the outcome of the hearing will address collateral misconduct, such as alcohol or drug use by the respondent, in addition to the sexual misconduct. The information below are the sanctions given for respondents who were found responsible for sexual misconduct. When a student is expelled, that is typically the only sanction given because other sanctions would not apply to their status as non-students. When

students are not expelled, the hearing panels are trained to provide sanctions that will focus on the safety of the community while the student is away and if they return.

To protect the privacy of parties, sanctions will be reported in aggregate. Definitions of the sanctions can be found in the [Loyola University Community Standards](#). The following chart represents all sanctions given for a responsible sexual misconduct finding after the 5 Sexual Misconduct grievance processes were completed during the 2021-2022 academic year.

Sanction type	Sanctions given
Expulsion	2
Suspension from the University	2
Suspension from the Residence Hall	1
Deferred suspension	3
Referral for off-campus counseling	3
Continued restricted contact	3
Parent/Guardian Notification	5

Please note, to protect privacy of participants and because there were less than 5 complaints, complaints by employees are not reported.

2021-2022 Sexual and Gender-Based Misconduct Statistics- Sexual Violence Prevention, Education, and Response Survey

Since 2016, in compliance with Maryland Education Article §11-601, Loyola University Maryland has conducted a bi-annual Sexual Violence Prevention, Education, and Response survey. These results are reported to the Maryland Higher Education Commission to be used in a report for institutions of higher education in the state of Maryland. Loyola University Maryland utilizes the results of the survey to better understand the climate related to sexual and gender-based misconduct for undergraduate students in our community and to make improvements to its sexual violence prevention, education, and response program. The survey asks questions related to sexual misconduct incidents experienced by survey respondents, perceptions of safety and general campus climate, and perceptions of Loyola University Maryland's readiness and ability to address issues of sexual violence. The results of the survey can be accessed through [inside.loyola](https://inside.loyola.edu).

2021-2022 Survey of Interaction with Title IX Intake Officers and Coordinators

In 2021-2022, The Office of Title IX, Compliance, and Assessment surveyed all victims/complainants/survivors who were identified in reports to the office (56). The survey was anonymous and multiple email reminders were sent to encourage completion. 9 survey respondents responded for a completion rate of 16%.

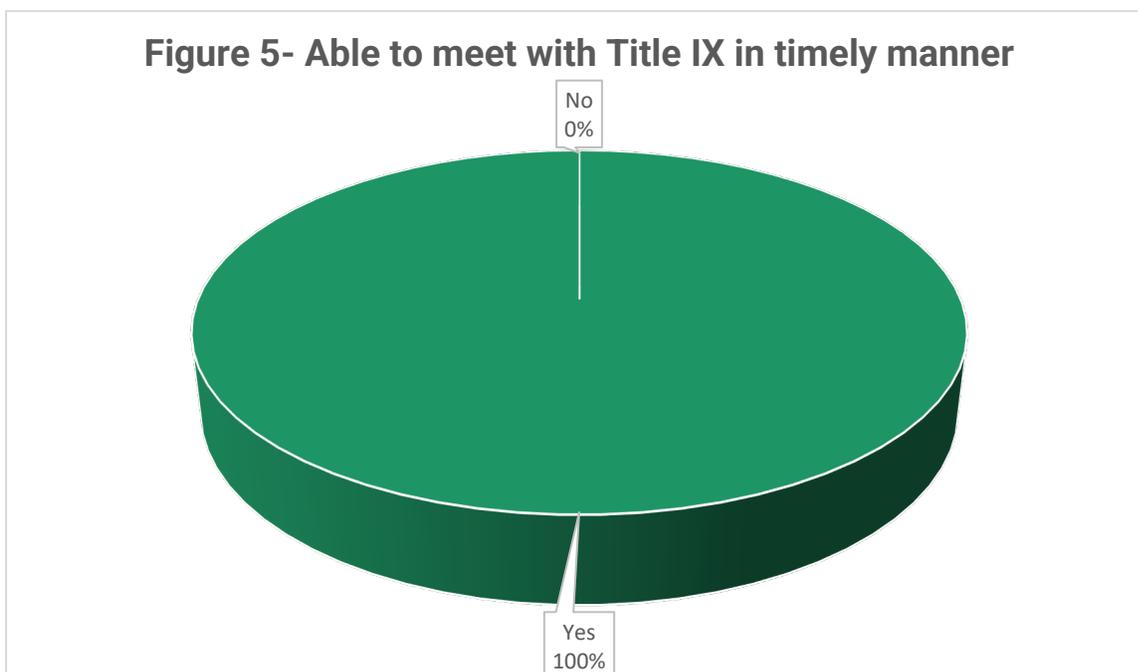
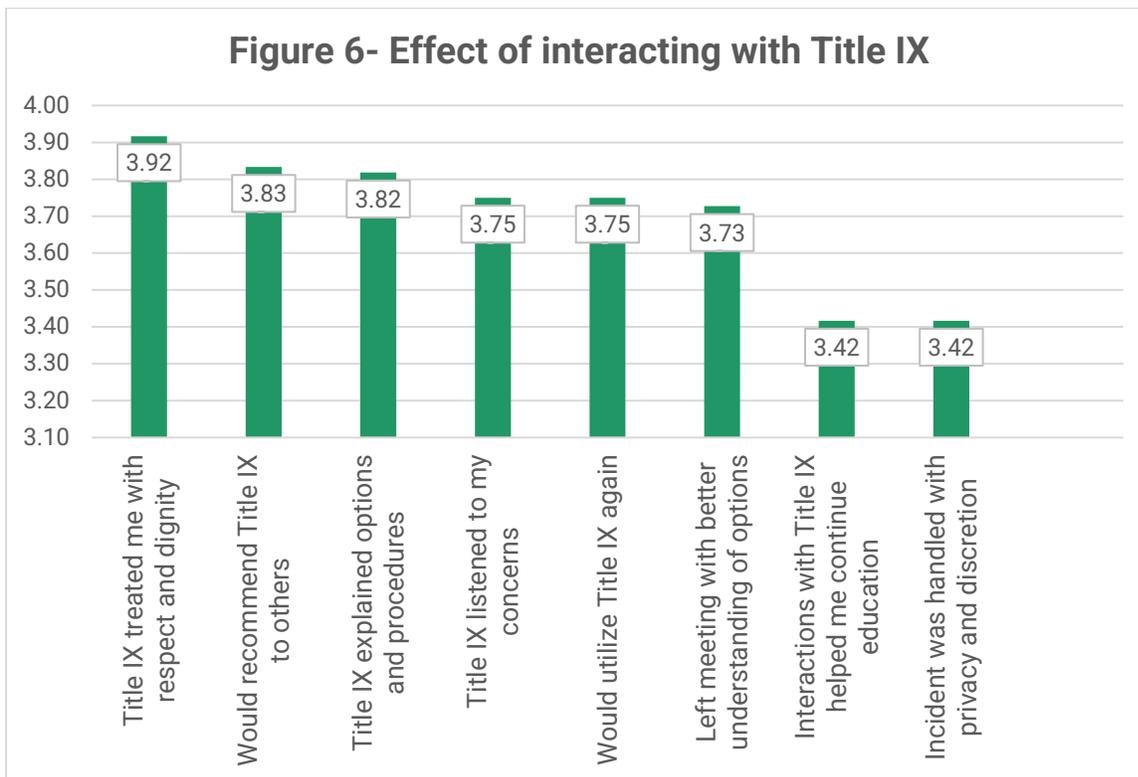


Figure 5 shows that all individuals who met with Title IX reported being able to meet in a timely manner. Figure 6 shows the average scores for each question asked in the survey about the experience complainants had when interacting with the Title IX office. In addition to asking whether the complainant was able to meet with Title IX in a timely manner, the survey asked complainants to rate their agreement with the following statements:

- 1) I left the initial meeting with a better understanding of all options available to me
- 2) Title IX Personnel explained reporting options and procedures for filing a formal complaint for investigation and adjudication
- 3) Title IX Personnel listened to my concerns
- 4) I felt that the Title IX Personnel respected me and treated me with dignity

- 5) My interactions with the Title IX Personnel helped me stay at Loyola to pursue my education or to continue my employment
- 6) I would utilize the services and assistance of the Title IX Personnel in the future, if needed
- 7) Understanding that Title IX Personnel are not confidential resources, my situation was handled with a high degree of privacy and discretion
- 8) I would recommend the Title IX Personnel and their services to a friend or others

The survey used a Likert scale of Strongly disagree to Strongly agree. Each choice was coded with a number: Strongly agree- 4, agree- 3, neither agree or disagree- 2, disagree- 1, and strongly disagree- 0. This means that for a score of 4.0, all survey respondents rated their agreement with the question as strongly agree. As seen in Figure 6, the average response for each question rated between agree and strongly agree, which means that generally, after interacting with Title IX, complainants reported feeling treated with respect and dignity, that they would recommend Title IX to others, that Title IX explained and the complainant understood their options and resources, they would utilize Title IX again, Title IX helped them continue their education, and that the incident was handled with privacy and discretion.



Conclusion

Incidents of sexual and gender-based misconduct cause significant harm to individuals and the community. Additionally, Loyola University Maryland, like other colleges and Universities, addresses these incidents privately and may not discuss specifics of cases publicly because these situations contain details and allegations that many involved parties- like complainants- would not want discussed publicly and because laws require the addressing of these incidents in a private manner. Additionally, surveys provide quality data, but the data is only useful within a proper context. Lastly, even if the data showed only positive results, it is a Jesuit core value to continually improve. This means that the Office of Title IX, Compliance, and Assessment will continue working to build trust with the community and prevent and address sexual and gender-based misconduct through enhanced training, transparent interactions, and best practice policies and processes. If you have questions about information contained in this report, please contact titleix@loyola.edu.

Appendix A

As previously discussed, to categorize statistics for the End of the Year Report, the Office of Title IX, Compliance, and Assessment utilized definitions of behaviors that are prohibited under Loyola University Maryland's Sexual and Gender-Based Misconduct Policy.

Sexual Harassment is 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. Other unwelcome verbal, written or physical conduct based on sex, sexual orientation and/or gender identity was categorized as sexual harassment even if there were not enough details provided to determine whether the behavior was severe, pervasive, and objectively offensive. Finally, although not prohibited under Title IX, student quid pro quo sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, or other verbal, written, or physical conduct of a sexual nature when a student 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, was also categorized as sexual harassment.

For the definitions of sexual assault, fondling, and sexual exploitation, consent is an important construct of the definitions. Consent is defined as an affirmative indication by words and/or actions of a voluntary agreement to engage in the particular sexual act or conduct in question. Consent for one sexual act or conduct does not constitute consent to all sexual acts or conduct. Consent can be withdrawn at any time, and once withdrawal of consent has been expressed, sexual activity must cease. Consent cannot be obtained through the use of force, threat, intimidation, or coercion. Silence or absence of resistance on the part of an individual does not constitute their consent. Consent cannot be given by someone who is incapacitated due to consuming drugs or alcohol or for any other reason (including but not limited to being unconscious, asleep, or otherwise unaware that sexual activity is occurring). Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). While incapacitation may result from the use of alcohol and/or drugs, incapacitation is a state beyond drunkenness or intoxication. Incapacitation may also exist because of a physical, mental, or developmental disability. The question of incapacitation will be examined objectively from the perspective of the respondent i.e., whether a reasonable, sober person in place of the respondent should have known the condition of the complainant based on the apparent indications of incapacitation, which may include, but are not limited to, acting confused or incoherent, difficulty walking or speaking, and vomiting.

Sexual assault is defined as any sexual act directed against another person, without consent of the complainant, including instances where the complainant is incapable of giving consent. Sexual assault includes penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant. This definition includes any gender of the complainant or respondent.

Fondling is defined as the touching of the private body parts, including but not limited to breasts, buttocks, or groin of another person, for the purpose of sexual gratification, without the consent of the complainant.

Sexual exploitation means taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited. Examples include but are not limited to non-consensual photography, video-, or audio- recording of sexual images or activity, distributing images of sexual activity without consent, allowing others to observe a consensual sexual act without the prior knowledge or consent of all involved parties, and voyeurism.

Intimate Partner Violence is defined as behaviors that include elements of dating or domestic 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. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. 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.

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.