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and reasonable judgment. Consent may be expressed either by affirmative words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity. Consent may be withdrawn at any time. Consent cannot be obtained by force, threat, coercion, fraud, manipulation, reasonable fear of injury, intimidation, or through the use of one's mental or physical helplessness or incapacity. Consent cannot be implied based upon the mere fact of a previous consensual dating or sexual relationship. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

**B. Dating Violence** means violence committed by a person



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**M. Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others,

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## **2. Dissemination of Notice**

The notice must be widely distributed to all students, employees, applicants for admission and employment, and other relevant persons. The notice must be prominently displayed on the institution's web site and at various locations throughout the campus, and must be included in publications of general distribution that provide information to students and employees about the institution's services and policies. The notice should be available and easily accessible on an ongoing basis.

## **C. Prompt Investigation and Resolution**

### **1. Investigation**

Once an institution knows or reasonably should know of possible Sexual Misconduct, it must take immediate and appropriate action, in accordance with its internal procedures, to investigate or otherwise determine what occurred. This obligation applies to Sexual Misconduct covered by this Policy regardless of where the Sexual Misconduct allegedly occurred, regardless of whether a parallel law enforcement investigation or action is pending, and regardless of whether a formal complaint is filed.

### **2. Prompt Resolution**

If the institution determines that Sexual Misconduct has occurred, the institution must take prompt and effective steps to eliminate the Sexual Misconduct, prevent its recurrence, and address its effects.

- a. In this subsection, "prompt" generally means within 60 calendar days from the time a report is brought to the institution's attention until an initial decision is rendered.
- b. There may be circumstances that prevent an institution from meeting the 60-day timeline. When an institution is unable to meet the 60-day timeline, the institution should document the reasons why it was unable to meet the 60-day timeline.

### **3. Notice of Outcome**

As permitted by law, the institution must notify the parties concurrently, in writing, about the outcome of the complaint

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**D. Policy & Procedures**

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- c. Identify Responsible Employees required to report any knowledge of Sexual Misconduct to the Title IX Coordinator;
- d. Identify confidential and non-confidential medical, counseling and

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vii. Explain the parties' options and rights, as well as institution responsibilities, regarding notification of



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xvi. Advise the community of institutional programs that endeavor to promote the awareness of Sexual Misconduct and prevent its occurrence; and

xvii. Advise the community of external options for reporting Sexual Misconduct, including local law enforcement, the Equal Employment Opportunity Commission and the U.S. Department of Education Office for Civil Rights.

### **3. Prohibited Content**

Policies and procedures may not include any of the following content:

- a. Requirement that the parties attempt to resolve any Sexual Misconduct matter informally;
- b. Requirement for or allowance of mediation in Sexual Assault cases;
- c. Allowing a

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**IV. MOU with Local Law Enforcement**

Each institution must review any Memoranda of Understanding (“MOU”) with local police forces to ensure that the terms of any MOU allow the institution to meet its legal obligations.

**V. Training**

**A. Prevention and Awareness Education**

Each institution must develop and implement preventive education, directed toward both employees and students, to help reduce the occurrence of Sexual Misconduct. At a minimum, these educational initiatives

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procedures, and any subsequent changes in such designations and procedures, to the Chancellor.

Replacement for: USM Policy on Sexual Harassment (VI-1.20) and USM Policy on Sexual Assault (VI-1.30) in their entirety

Cross-reference with: USM Policy on the Reporting of Child Abuse & Neglect (VI-1.50)