

POLICY

Number: 0-004
Title: Sexual Misconduct/Sexual Harassment (Including Sexual Violence)
Responsible Office: Title IX Office

Date of Origin: 12-22-11

Date Last Amended: 9-26-22

Date Last Reviewed: 1-30-2023

I. PURPOSE AND INTENT

The University of South Florida (USF) community is most successful when it is based on respect and fair treatment of all people. USF strives to provide a work and study environment for faculty, staff, guests and visitors that is free of discrimination based on sex (including pregnancy) and sexual harassment, including sexual violence. As part of the effort to maintain a safe environment, USF establishes this Policy.

USF prohibits sexual misconduct and sexual harassment, including sexual violence. USF has designated the Title IX Office where voluntary and mandatory Reports and Complaints are to be filed. The USF Title IX office will review the report or complaint and provide appropriate response, which may include referrals to services or other USF offices, supportive measures, alternative resolutions, or formal investigations. Pursuant to Title IX, USF does not discriminate on the basis of sex in educational programs or activities that it operates. Such protection extends to both employees and students.

Any questions or inquiries concerning the application of Title IX may be referred to the University's Title IX Coordinator. Up to date information may be found at

II. STATEMENT OF POLICY

Sexual harassment, including sexual violence, by or between any faculty member, staff, vendor, visitor or student, including individuals of the same sex, in all academic, educational, extracurricular, athletic, and other programs of the University, whether those programs take place in University facilities, at a class or training program sponsored by the University at another location, or elsewhere is prohibited.

Prohibited conduct does not include verbal expression, written, or other material that is relevant and appropriately related to the subject matter of USF course/curriculum or to an employee's duties.

All employees and students are strongly encouraged to cooperate fully with any investigation and/or compliance review conducted under this Policy. Failure to cooperate may impede or

9. **Finding:** a conclusion by the standard of proof that the conduct did or did not occur as alleged.
10. **Formal Process:** a method of formal resolution designated by USF to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.
11. **Hearing Decision-Maker (or Hearing Panel):** refers to those who have decision-making and sanctioning authority within USF's Formal Process.
12. **Investigator:** the person(s) charged by USF with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of related evidence.
13. **No Contact Order (NCO):** a non-punitive supportive measure administered by the Title IX Coordinator or SCED that prohibits directed contact between the Parties and applies to both individuals equally.
14. **Notice:** an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
15. **Official with Authority (OWA):** A University employee who has authority to institute corrective measures on behalf of the University. Includes Presidents, Provosts, Vice Presidents, Deans, Department Chairs, UPD, SOS, SCED, HR and Supervisors with authority to discipline.
16. **Party/Parties:** Complainant(s) and Respondent(s).
17. **Privileged Communication**

includes an individual's participation in the reporting, investigation, and/or resolution of an alleged violation of University policy. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be

- a. the conduct adversely affects or affected the University community;
- b. or the conduct endangers or endangered the health or safety of a University affiliate or others.

In instances of a formal Title IX complaint, the allegations will be reviewed to determine applicability of the University's Title IX process or other applicable processes. Other University resources may be available to address situations not covered by this Policy. Any identified individual adversely affected by prohibited conduct will be offered information on applicable support resources and resolution processes. For more information about prohibited conduct not based on sex, refer to the [Student Code of Conduct](#) for students, or [Equal Opportunity Policy 0-007](#) and [HR policies](#) for employees. Additional policies may apply. The following conduct is prohibited by this policy when such conduct is based on sex:

B. Sexual Exploitation: Taking non-consensual or abusive sexual advantage of an individual for their own benefit or for the benefit of anyone other than the individual being exploited, and that the conduct does not otherwise constitute sexual harassment under this policy. Examples of sexual exploitation include, but are not limited to::

1. Sexual voyeurism (such as observing or allowing others to observe an individual undressing or using the bathroom or engaging in sexual acts, without the consent of the individual being observed).
2. Invasion of sexual privacy.
3. Taking pictures, videos, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy

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10. Engaging in sex trafficking

11. Creating, possession or dissemination of child pornography.

C. Threats of Violence: a threat by word or act to do violence to an individual(s).

D. Hazing: Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of an individual(s) for purposes of initiation and/or admission into, or association with and/or the perpetuation or furtherance of a tradition or ritual of any recognized student organization or non-affiliated organization. The consent or permission of the individual(s) does not eliminate responsibility. For more information see the [Student Code of Conduct](#).

individual, or interferes with an individual's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A reasonable individual is a person(s) under similar circumstances and with similar identities to the Complainant.

C. FORCE, COERCION, CONSENT & INCAPACITATION: As used in the offenses above, the following definitions and understandings apply:

1. **Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you."). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
2. **Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
3. **Consent** is knowing, voluntary and clear permission by word or action to engage in sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time. Consent to some sexual contact (such as kal./1 b.1 (t)54 (as)-1 9o9

either party involved in an incident. Instead, the burden remains on USF to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

4. **Incapacitation:** A person cannot consent if they are unable to understand what is happening,

provide the victim (if applicable) or the disclosing person information about confidential advocacy, counseling, or other support services, as well as the right to file a Title IX complaint to the Title IX Coordinator and/or report a crime to law enforcement. **Responsible Employees** are any administrative personnel or any employee who (i) supervise one or more employees and may include but is not limited to Deans, Directors, Department Chairs, Coordinators, Unit Heads, Managers, Principal Investigators or (ii) supervise or oversee students, including but not limited to

anonymously. For Responsible Employees this report must be submitted immediately and no later than 24 hours after receiving a disclosure.

2. **Email:** titleixreports@usf.edu
3. **In Person/Mail:** Title IX, 4202 E. Fowler Ave, ALN 172, Tampa, FL 33620
4. **Anonymous Reporting:** Individuals not considered Responsible Employees may report anonymously via Ethics Point, a third-party hosted hotline to enable the safe, secure, and anonymous reporting of activities which may involve misconduct, fraud, abuse, and other violations of USF policies. Submit reports at <https://www.usf.edu/compliance-ethics> or by calling (866)-974-8411.

VII. REPORT REVIEW

After receiving a Report, the Title IX Coordinator will conduct an initial assessment to determine jurisdiction. If the Title IX Coordinator deems the report outside the jurisdiction of Title IX, the Title IX Coordinator will refer the report to the appropriate office - Human Resources (HR), Academic Affairs (AA), or Student Conduct & Ethical Development (SCED). If deemed within the jurisdiction of Title IX the initial contact from the Title IX Coordinator to the Victim will include an overview of supportive measures, the Victim rights, all relevant policies and procedures, and will invite the Complainant to attend an information session with the Title IX Coordinator. The Title IX Coordinator may provide **Supportive Measures** at any time.

SUPPORTIVE MEASURES are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties (No Contact Order or NCO), changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. USF must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of USF to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

VIII. TITLE IX PROCESS:

The Title IX Process begins upon receipt of a report of sexual harassment that is determined, by the Title IX Coordinator, to invoke the jurisdiction of the Title IX Office.

A. INFORMATION SESSION: Anyone reporting sexual harassment that invokes the

referral to services, academic/on-campus housing accommodations, and workplace accommodations.

2. **Alternate Resolution:** A voluntary agreement between Complainant(s) and Respondent(s) facilitated by the Title IX Coordinator to address reports of sexual harassment, that can be vacated by either Party at any time. Entering into an Alternative Resolution does not preclude either Party from withdrawing and requesting a Formal Investigation. **The following conditions must apply to enter into an Alternative Resolution:**
 - a) Must be completely voluntary and may be withdrawn by either Party at any time for any reason
 - b) Can include mediation in cases other than student alleging sexual harassment by an employee
 - c) The Title IX Coordinator must receive a written complaint outlining allegations in order to properly notice the Respondent of the request for an Alternative Resolution
 - d) **An Alternative Resolution in no way indicates a finding of responsibility or policy violation**

3. **Formal Investigation:** The Complainant (Victim) submits a written Formal Complaint to the Title IX Coordinator requesting resolution of allegations of sexual harassment by Formal Investigation. (See below for more information on filing a complaint.) The Title IX Coordinator will notice the Respondent of the allegations and request for a formal investigation, assign an investigator team, and oversee the investigative process.

4. **Dismissal of Complaint:** After review of a complaint alleging sexual harassment the Title IX Coordinator may dismiss the complaint based on certain circumstances. If a complaint is dismissed notice to each Party will be issued outlining the rationale for dismissal. Either Party may appeal the decision to dismiss. Appeals should be submitted in writing to the Title IX Coordinator within five days of notice of dismissal. Complaints will be dismissed by the Title IX Coordinator under the following circumstances:
 - a) The Title IX Coordinator must dismiss a formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:
 - i. The conduct alleged in the formal Complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or
 - ii. The conduct did not occur in an educational program or activity controlled by the University and/or the University does not have control of the Respondent; and/or
 - iii.

- b) The Title IX Coordinator may dismiss a formal Complaint or any allegations therein if, at any time during the investigation or hearing:
 - i. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal Complaint or any allegations therein; or
 - ii. The Respondent is no longer enrolled in or employed by the recipient; or
 - iii. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal Complaint or allegations therein
 - iv. Upon any dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the Parties.

D. FORMAL INVESTIGATION:

1. **Investigation Review:** Upon receipt of a formal Complaint outlining allegations of sexual harassment and requesting a formal investigation, the Title IX Coordinator will evaluate the Complaint to determine if it is appropriate to move forward to Formal Investigation. If the Title IX Coordinator determines a complaint will move forward, the Title IX Coordinator will provide each Party a Notice of Investigation (NOI).
2. **Notice of Investigation:** The Title IX Coordinator will issue a Notice of Investigation (NOI) to the named Complainant(s) and Respondent(s) simultaneously which will include any allegations, relevant policies/procedures, definitions and the right to an Advisor. Notice will be issued prior to conducting any investigative interviews with Respondent. The Respondent may provide to the Title IX Coordinator a written response to the allegations. If new allegations surface throughout the course of the investigation, a notice will be issued outlining any additional allegations including specifics of the allegations. Upon receipt of a complaint, The Title IX Coordinator will invite the Respondent to attend a Title IX information session. The Respondent may have an Advisor of their choice present during the information session. Each Party is responsible for providing their own Advisor.
3. **Investigation Guidelines:**
 - a) Investigations will be conducted by the Title IX Office
 - b) Parties will be given notice in advance of scheduled meetings
 - c) Investigation will be conducted fairly and promptly, within a reasonable time frame (120 days), unless impacted by unforeseeable or unavoidable circumstances. Parties will be notified of delays and may contact the Title IX Coordinator for regular updates.
 - d) Investigation will be conducted by trained neutral fact-finding investigators
 - e) Investigators will collect all relevant evidence and information
 - f) Parties have the right to submit names of witnesses and evidence for review

Parties may have a Union or Collective Bargaining Agreement Representative present for the Hearing. Thi

Process. Student complaints of employee harassment are not eligible for Alternative Resolution. An Alternative Resolution is not an option once a Hearing has taken place. A Hearing Outcome is a final action process and cannot be rescinded. Once a determination is rendered there is no option for alternate resolution.

X. APPEAL:

NOTE: Parties have the ability to address an Investigator's, Coordinator's, or Hearing member's potential conflict of interest or bias for or against a given party at the time of

XII. REMEDIES:

If a Respondent is found responsible for sexual harassment, the Title IX Coordinator will effectively implement remedies for the Complainant, designed to restore or preserve the Complainant's equal educational access. Such remedies are not meant to be punitive for the Respondent but may minimally impact the Respondent. Examples include but are not limited to restricting Respondent's access to certain campus buildings or facilities when the Complainant is required to use those facilities, but the Respondent is not, and creating equitable but separate schedules that would allow both Parties to access the same facility without contact between the Parties.

XIII. GENERAL PRINCIPLES:

A. PRIVACY: Privacy of Parties and Witnesses will be maintained to the fullest extent possible. Information will be shared with only those who have a legitimate need to know and are part of the Title IX process. The Title IX Coordinator will be responsible for evaluating a Complainant's request for confidentiality in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all members of the USF community. Factors that may be considered in analyzing such request for confidentiality may include, but are not be limited to, the seriousness of the alleged harassment, whether there have been other Complaints or Reports of harassment involving the same all(he)--5 (m)11TJ0.19 Tw 0 -1.2FaIII.c2eree alespu(nv)-1 (ol)-(e)-1 (ng)-2 J0.08 T

D. AMNESTY: The Title IX Office provides amnesty to those reporting sexual harassment,

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University's crime statistics if appropriate under the [Clery Act](#) . UPD will share, by using the online Title IX report form, reports of sexual assault, stalking, groping or intimate partner violence with the Title IX Coordinator. For up to date information and the contact information of the USF Clery Coordinator visit <https://www.usf.edu/administrative-services/university-police/your-safety/campus-security-authority.aspx>

It is USF's Policy to provide to the public, upon request, the number of sexual battery cases that have been Reported to UPD within a specified time period. Crime statistics are provided to Tallahassee in accordance with State law. Information concerning the incidence of crime is provided to the University community in a regular and timely manner through local and on-campus media. This information is also forwarded to the Federal Bureau of Investigation and included in the National Crime Report publis(i)-1 hd tobye caDn3 (n)4 ()14 04 (t)6 (oS4 ()14 (a)14 04 ()10 (aD)15(p)4 (o)13.9a)6.1 (e)(e)-5(n)14 (R)2 (i)-13 (eoR)2 (i)4 Jes

- Directors or Managers of Student Service Centers
- Officials who oversee extracurricular activities
- Director of Athletics, Coaches, Trainers, Staff
- Student Health Directors
- Faculty Advisors and Advisers to Student Groups

Examples of who is NOT a CSA:

- A faculty member who does not have any responsibility for student and campus activities beyond the classroom
- Clerical or cafeteria staff
- Pastoral or Professional Counselors when they are working within the scope of their religious assignment or license, respectively.

Reporting responsibilities of CSAs and Responsible Employees may overlap. For example, an instance of dating violence on campus disclosed to a member of the Provost's office requires both a Clery report to the Clery Coordinator, and a Responsible Employee report to the Title IX Coordinator, since employees of the Provost's Office are both designated CSAs and Responsible Employees, and dating violence is both a Clery crime and form of sexual harassment prohibited by Title IX. CSA employees are not required to provide information that identifies the victim when submitting a Clery report. Responsible Employees are required to provide information that identifies the victim (if available) when submitting a Title IX

filing complaints at any time with external agencies and does not affect any requirements for filing or deadlines that may be imposed by any agency external to the University. Law Enforcement complaint and criminal prosecution reporting are available, and sexual assault and other forms of sexual misconduct are crimes and may

D. REVISIONS TO THIS POLICY:

1. This Policy supersedes any previous policy addressing harassment, sexual misconduct and/or retaliation under Title IX and will be reviewed and updated by the Title IX Coordinator. USF reserves the right to make changes to this document as necessary.
2. The Title IX Coordinator or designee may make reasonable adjustments to address academic calendar changes or other unforeseen circumstances to ensure fairness to all parties provided reasonable notice is given to both parties with the justification/necessity of the adjustment.
3. The Title IX Coordinator or other University Responsible Office may propose amendments through the [University Regulation and Development Procedure](#).
4. If state or federal law, regulations or court decisions alter the requirements regarding sexual harassment in a way that impacts this document, this document may be immediately amended to address those changes.

E. RELATED POLICIES AND REGULATIONS:

1. [Policy # 0-020 Retaliation, Retribution, Or Reprisals Prohibited](#)
2. [Policy #1-022 Consensual Relationships](#)
3. [Policy #0-007 Diversity and Equal Opportunity: Discrimination and Harassment](#)
4. [Regulation USF6.0021, Student Code of Conduct](#)
5. [Policy # 6-032 Child Abuse Reporting](#)

XXI. RESOURCES:

A. TAMPA CAMPUS

1. Students

- a) Student Outreach & Support: 4202 E Fowler Ave, SCV 2058, Tampa, FL 33620 (813) 974-6130, www.usf.edu/student-affairs/student-outreach-support/ email socat@usf.edu
- b) Student Accessibility Services: 4202 E Fowler Ave, SCV 1133, Tampa, FL 33620 (813) 974-4309, <https://www.usf.edu/student-affairs/student-accessibility/> email sas-info@usf.edu
- c) Student Conduct & Ethical Development: 4202 E Fowler Ave, ALN 109, Tampa, FL 33620 (813) 974-9443 www.usf.edu/sced email sa-studentrightsmail@usf.edu
- d) University Police: 4202 E Fowler Ave, UPD 002, Tampa, FL 33620 (813) 974-2628
<https://www.usf.edu/administrative-services/university-police/>
email usfpdpio@usf.edu

2. Students (Confidential)

- a) Center for Victim Advocacy: 4202 E Fowler Ave, SVC 2057, Tampa, FL 33620 (813) 974-5756, VICTIM HELPLINE: (813) 974-5757 www.usf.edu/student-affairs/victim-advocacy/

email: va@admin.usf.edu

5. St. Petersburg Police Department:

G. SARASOTA/MANATEE COMMUNITY:

- a) Safe Place & Rape Crisis Center: 2139 Main St, Sarasota, FL 34237 (941) 365-1976 <https://www.sparcc.net/>
- b) Sarasota County Sheriff's Office: 2071 Ringling Blvd, Sarasota, FL 34237 (941) 861-5800 <https://www.sarasotasheriff.org/>
- c) Sarasota Police Department: 2099 Adams Ln, Sarasota, FL 34237 (941) 263-6773 <https://www.sarasotapd.org/>
- d) Manatee County Sheriff's Office: 600 Highway 301 Boulevard West, Bradenton, FL 34205 (941) 747-3011 <https://www.manateesheriff.com/>
- e) Bradenton Police Department: 100 10th Street West, Bradenton, FL 34205 (941) 932-9300 <https://bradentonpd.com/>

H. FLORIDA STATUTES:

1. **Sexual Battery (794.011):** Oral, anal or vaginal penetration by, or union with the sexual organ of another, or anal/vaginal penetration of another by any other object. The sex act is performed without the victim's consent. An individual who is mentally incapacitated, asleep, physically helpless or unconscious due to alcohol or other drug consumption is considered unable to give consent. The same definition applies regardless of whether the assailant is a stranger or non-stranger. The type of force employed may involve physical violence, coercion or threat of harm to the victim. The victim is not required to physically fight back.
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000199/0199/Sections/0794.011.htm
2. **Domestic Violence (741.28):** any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. "Family or household member" means spouses, former spouses, persons related by

frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship. The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0784/Sections/0784.046.html

4. **Stalking (784.048):** A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who, after an injunction for protection against repeat violence, sexual violence, or dating violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks a child under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who, after having been sentenced for a violation of s. 794.011, s. 800.04, or s. 847.0135(5) and prohibited from contacting the victim of the offense under s. 921.244, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks the victim commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0784/Sections/0784.048.html

5. **Consent (794.011):** intelligent, knowing, and voluntary consent and does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender. "Mentally defective" means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct. "Mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent. "Physically helpless" means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.

Date Approved: Dec. 22, 2011

Substantively Amended: (none)

Technically Amended: Sept. 26, 2022, Sept. 7, 2022, Nov. 16, 2021, Oct. 6, 2021, Apr. 26, 2021, Aug. 14, 2020, Apr. 30, 2020, Feb. 4, 2020, Aug. 22, 2019, Jan. 3, 2018, Oct. 19, 2015, Sept. 7, 2012

Biennial Review: Jan. 30, 2023

Other: Jul. 1, 2020 (Consolidation)