

The Restaurant School at Walnut Hill College

Policy Addressing the Violence Against Women's Act (VAWA)

The Restaurant School at Walnut Hill College is committed to fostering an environment where all persons affiliated with TRSWHC can work and learn together in an atmosphere that is inclusive, safe, rewarding, and free of all forms of harassment, exploitation or intimidation.

All campus-related sexual harassment, sexual offenses, or acts of sexual violence including domestic violence, dating violence, sexual assault, and stalking are strictly prohibited.

We each have a role in preventing sexual harassment, sexual offenses, or acts of sexual violence.

The Restaurant School at Walnut Hill College's Sexual Harassment and Sexual Violence policy, in accordance with VAWA, has very specific definitions that relate to sexual offenses or acts of sexual violence. The definitions included here are: Domestic Violence, Dating Violence, Sexual Assault, Stalking and Consent.

Domestic Violence described as Abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child or is having a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

Dating Violence is defined as Violence committed by a person:

- A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. Where the existence of such a relationship shall be determined based on consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relation.

Sexual Assault is defined as Engaging in physical sexual activity without the consent of the other person. An act of sexual assault may involve: Physical force, violence, threat, or intimidation. Ignoring the objections of the other person. Causing the other person's intoxication or incapacitation through the use of drugs or alcohol. Taking advantage of the other person's incapacitation, including his or her voluntary intoxication, his or her state of intimidation, or other inability to consent.

Stalking defined as Behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

Consent is:

Informed: Consisting of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Voluntary: Given without coercion, force, threats, or intimidation. Positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Revocable: Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent has been revoked, sexual activity must stop immediately.

Consent is when a person is **not**:

Incapacitated: Physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts.

Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed impacts a person's: decision-making capacity awareness of consequences ability to make fully informed judgments.

A person cannot give consent if he or she is unconscious or coming in and out of consciousness and/or under the threat of violence, bodily injury, or other forms of coercion, or if his/her understanding of the act is affected by a physical or mental impairment.

As a Bystander seeing a potentially situation, here's what you can do:

- **Engage:** say or do something that directly engages one or more of the parties involved
- **Distract:** say or do something to interrupt the interaction
- **Enlist:** ask for the help of someone else who may be better able to intervene
- **Delay:** say or do something after the difficult moment or incident has passed

If you suspect someone you know is a victim of a sexual offense or an act of sexual violence, talking with them about it can be difficult. The most important thing you can do is to let them know that they have support and that they do have options.

If you are the victim of sexual assault, be sure to contact authorities, campus security guards, the College's Title IX Coordinator or advocacy group. Do not wash up or shower as evidence may be taken. Remember that you are not alone. Report.

For more information regarding VAWA please visit the Cleary Center at

<http://clerycenter.org/article/vawa-amendments-clery>.

