

# STUDENT HANDBOOK ADDENDUM

## ALL CALIFORNIA LOCATIONS

This document constitutes an addendum to DeVry University's Student Handbook and the Sex and Gender-Based Misconduct Response and Prevention Policy. This addendum contains certain information required by **California Education Code Section 67386**.

The full Sex and Gender-Based Misconduct Response and Prevention Policy can be found at: <https://www.devry.edu/d/DVU-Sexual-Misconduct-Response-and-Prevention.pdf>.

### DEFINITIONS

#### Stranger and Non-stranger

"Stranger" and "Non-stranger" are terms to describe the association between a Complainant of sexual harassment or sexual misconduct, and the Respondent. A "Stranger" is a person(s) not known by the Complainant at the time of the alleged sexual harassment or sexual misconduct. A "Non-stranger" is a person(s) known by the Complainant, whether the person(s) is known casually, intimately, or for a short or long period, at the time of the alleged sexual harassment or sexual misconduct. DeVry University's Sex and Gender-Based Misconduct Response and Prevention Policy applies to misconduct involving both Strangers and Non-strangers, occurring on- or off-campus.

#### Affirmative Consent

"Affirmative consent" is the affirmative, knowing, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other, or others, to engage in the sexual activity. The lack of protest or resistance does not constitute consent, nor does silence. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never, by itself, be assumed to be an indicator of consent.

It is not a valid excuse to alleged lack of affirmative consent that the Respondent believed the victim consented to sexual activity if the:

- Respondent's belief arose from the Respondent's own intoxication or recklessness;
- Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- Respondent knew, or a reasonable person should have known, that the Complainant was unable to consent because the Complainant was asleep, unconscious, incapacitated due to the influence of drugs, alcohol, or medication, or was unable to communicate due to a mental or physical condition.

## **INVESTIGATIVE PROCESS**

DeVry University will investigate allegations of sex and gender-based misconduct, including when drugs or alcohol may have been involved. DeVry University understands that victims and witnesses may be hesitant to report when underage or excessive drinking, or drug use occurred at the time of the alleged sexual harassment or sexual misconduct. To encourage reporting, DeVry University grants victims and witnesses amnesty, when appropriate, for potential DeVry University policy violations, and provides all parties and witnesses other interim measures, as appropriate or needed.

DeVry University will utilize the preponderance of evidence standard to determine if a violation of the Sex and Gender-Based Misconduct Response and Prevention Policy occurred. The preponderance of evidence standard means that, based on all of the information available, it is more likely than not that the alleged sexual harassment or sexual misconduct occurred.