

Federal and State Laws: Sexual Assault

The 2024 final Title IX regulations adopted the following definitions of sexual assault and other sex offenses:

- As defined under 34 C.F.R. § 106.2, sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting program's definition of sex offenses, as follows: "[a]ny sexual act including Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse."
- As defined under the Clery Act at 20 U.S.C. 1092(f)(6)(A)(v)]: "an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation."
- Definitions of forcible and nonforcible sex offenses under the uniform crime reporting [UCR] system of the Federal Bureau of Investigation [FBI] (see below).

§ 106.44 Recipient's response to sexual harassment. [Effective Aug. 1, 2024]

(a) General.

(1) A recipient with knowledge of conduct that reasonably may constitute sex

The information contained in this program may not be reproduced in whole or in part, by any means, without permission. © Vector Solutions. All rights reserved.

discrimination in its education program or activity must respond promptly and effectively; and

(2) A recipient must also comply with this section to address sex discrimination in its education program or activity.

(b) Barriers to reporting. A recipient must require its Title IX Coordinator to:

(1) Monitor the recipient's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX or this part; and

(2) Take steps reasonably calculated to address such barriers.

.... *[Content omitted for clarity.]*

Title 20-EDUCATION

CHAPTER 28—HIGHER EDUCATION RESOURCES AND STUDENT ASSISTANCE

SUBCHAPTER IV—STUDENT ASSISTANCE

Part G—General Provisions Relating to Student Assistance Programs

§ 1092. Institutional and financial assistance information for students

.... *[Content omitted for clarity.]*

(f) Disclosure of campus security policy and campus crime statistics

The information contained in this program may not be reproduced in whole or in part, by any means, without permission. © Vector Solutions. All rights reserved.

.... [Content omitted for clarity.]

(6)(A) In this subsection:

(v) The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

.... [Content omitted for clarity.]

Crime Definitions From the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program

Sex Offenses

Any sexual act including Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse.

Rape [Except Statutory Rape]—The carnal knowledge of a person, without the consent of the victim, including instances where the victim is unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is unable to give consent because of his/her age or because of his/her temporary or permanent

The information contained in this program may not be reproduced in whole or in part, by any means, without permission. © Vector Solutions. All rights reserved.

mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent