

**WAC 137-56-105 Definitions.** For the purposes of serious violations, the following terms have the following meanings:

(1) Assault - A physical attack upon the body of another person. The attack may be made with any instrument including, but not limited to, weapons, body parts, food products, or bodily secretions.

(2) Attempting - Putting forth an effort to commit any violation.

(3) Bodily harm - Physical pain or injury, illness, or impairment of physical condition.

(4) Conspiring - Entering into an agreement with another person(s) to commit a violation.

(5) Individual - Offender or inmate as defined in RCW 72.09.015.

(6) Possessing - When an item(s) is found on an individual or in an individual's assigned area of responsibility.

(7) Sex act - Includes, but is not limited to, any of the following acts: Genital-genital, oral-genital, anal-genital, or oral-anal contact/penetration; genital or anal contact/penetration with an inanimate object; masturbation; sadistic/masochistic abuse; bondage; bestiality; and/or bodily excretory behavior which appears to be sexual in nature.

(8) Sexual assault against a staff member - An incident in which one or more of the following actions is taken or threatened against a staff member without his/her consent or when he/she is unable to consent or refuse:

(a) Contact between genitalia (i.e., penis, vagina) or between genitalia and the anus involving penetration, however slight. This does not include kicking, grabbing, or punching genitals when the intent is to harm or debilitate rather than to sexually exploit.

(b) Contact between the mouth and the penis, vagina, or anus.

(c) Penetration of the anal or genital opening of the staff member by hand, finger, or other object.

(9) Sexual contact against a staff member - Contact against a staff member without his/her consent or when the staff member is unable to consent or refuse which includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttock of the staff member. This does not include kicking, grabbing, or punching when the intent is to harm or debilitate rather than to sexually exploit.

(10) Sexual harassment against a staff member, visitor, or community member - Any word, action, gesture, or other behavior taken against a staff member, visitor, or community member that is sexual in nature and that would be offensive to a reasonable person.

(11) Staff member - A department of corrections employee, contract staff, or volunteer.

(12) Violation - The act of failing to comply with a rule enumerated in this chapter.

[Statutory Authority: RCW 79.01.090. WSR 24-08-017, § 137-56-105, filed 3/22/24, effective 4/22/24.]