

Cardiac and Vascular Institute of Ultrasound

It shall be the policy of the Cardiac and Vascular Institute of Ultrasound (CVIU) to establish and maintain open lines of communication between its employees and all students. Faculty and staff of CVIU shall be readily available to discuss with students any matter of concern or grievance and shall encourage students to utilize the grievance procedure, as stated in the CVIU Student Handbook, when matters of dissatisfaction occur and/or discrimination which includes race, creed, color, sex, age, handicap, or national origin.

A grievance, under the meaning of this policy and procedure, shall be any complaint, dissatisfaction, or misunderstanding arising between a student and CVIU regarding the interpretation or application of a CVIU rule, regulation, or policy. This also includes race, creed, color, sex, age, handicap, or national origin and any CVIU Title IX policies and procedures.

The below documentation specifically addresses CVIU's Title IX policy and procedure.

Title IX Policy and Procedure at the Cardiac and Vascular Institute of Ultrasound

SEX AND GENDER-BASED DISCRIMINATION, HARASSMENT, AND VIOLENCE

The Cardiac and Vascular Institute of Ultrasound's (CVIU) Title IX Policy prohibits sex and gender-based discrimination, harassment, and violence, including acts of sexual assault, dating and domestic violence, and stalking, which may also constitute crimes. While CVIU policy uses different standards and definitions than the Alabama law, sex, and gender-based incidents often overlap with the crimes of rape, sexual assault, stalking, dating violence, and domestic violence.

Acts of violence and harassment based on sex or gender, including sexual orientation, gender identity, and gender expression, may also constitute crimes. Individuals who have experienced incidents involving one or more of these behaviors are protected by federal laws, specifically Title IX (<https://www.ultrasound.edu/>), and the Clery Act, which mandates the contents of this report.

Immediate Care and Preservation of Evidence

If you experience sex- or gender-based discrimination, harassment, or violence; or incidents of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact CVIU Title IX Coordinator, Thomas Hopper (251-433-1600 or 850-450-3128) if you are on campus or call 911 if you are off campus.
2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis.

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3. If you are on campus during regular business hours, you may go to the office of Thomas Hopper or Michelle Good at the front of the school building, for support and guidance. These are both confidential resources. After regular business hours, or in any situation where an individual wishes, local resources are also available and may be able to provide confidential assistance Mobile Police Department 911, Lifelines Counseling Services (251-473-7273) or Penelope House (251-342-8994).
4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. You can go to the Children and Women Hospital Emergency Room (251- 415-1620), and they will ensure you receive proper care. The hospital will arrange for a specific medical examination at no charge or can collaborate with you to arrange state reimbursement.
 - To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
 - Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent items that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you participate in transmission of items of evidence, such as to the hospital, secure them in a clean **paper** bag or clean bedsheet to avoid contamination.
 - If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
 - Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
 - Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.
 - If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify the campus Title IX Coordinator, Thomas Hopper at 251-433-1600 so that those orders can be observed on campus.
5. Even after the immediate crisis has passed, consider seeking support from a professional

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counseling service and/or the Penelope House (251-342-8994)

6. Contact Thomas Hopper at 251-433-1600 or 850-450-3128 if you need assistance with assistance or concerns, such as no-contact orders or other supportive measures. Thomas Hopper will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. CVIU is able to offer reasonable academic support if needed. CVIU is able to offer information about legal assistance, visa/immigration assistance, and student financial aid considerations for victims.

Reporting to Law Enforcement

It is the policy of CVIU to notify local law enforcement when sex or gender-based discrimination, harassment, or violence occurs, typically without providing identifying information about the incident, unless a Complainant wishes that information to be shared, or an emergency requires disclosure.

It is the policy of CVIU not to notify local law enforcement when sex or gender-based discrimination, harassment, or violence occurs, unless a Complainant wishes or there is an emergency threat to health or safety].

Complainants have the option to notify law enforcement directly, or to be assisted in doing so by campus authorities. If requested, campus officials can facilitate reporting to campus or local law enforcement but may also respect a Complainant's request not to do so.

CVIU Reporting

In the event that sex or gender-based discrimination, harassment, or violence or the crimes of sexual assault, stalking, dating violence, or domestic violence do occur, CVIU takes the matter very seriously.

CVIU employs supportive and protective measures such as no contact orders or emergency removal in cases in which a violence risk assessment indicates such action is warranted.

If a student is accused of sex or gender-based discrimination, harassment, or violence, they are subject to action in accordance with CVIU Title IX Policy in the Student Handbook. A student wishing to officially report such an incident may do so by contacting Thomas Hopper at 251-433-1600 or 850-450-3128.

Anyone with knowledge about sex- or gender-based discrimination, harassment, or violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence is encouraged to report it immediately to Thomas Hopper.

Supportive and protective measures for individuals who have experienced these incidents are available from the campus whether the individual chooses to report to local and/or campus law enforcement, and irrespective of whether the individual pursues a formal complaint through

CVIU resolution process.

Confidential Resources

An individual who seeks completely confidential assistance may do so by speaking with professionals who have legally protected confidentiality. Information shared with these resources will remain confidential and will not be shared with CVIU or anyone else without express, written permission of the individual seeking services unless required by law or court order.

Prevention and Education

CVIU offers a range of initiatives to promote awareness, education, risk reduction, and prevention in an effort to reduce the frequency of sex or gender-based discrimination, harassment, and violence amongst members of the campus community.

It is the policy of CVIU to offer programming to identify and prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults), and stalking each year.

Educational programs are offered to raise awareness for all incoming students and employees and are often conducted during new student and new employee orientation and throughout an incoming student's first semester.

Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions.

Campus and Community Resources

CVIU shall provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for Complainants, both within CVIU and in the community.

Off-campus resources that offer advocacy services and counseling:

Lifelines Counseling Services (251-473-7273)/ Penelope House (251-342-8994).

LEGAL DEFINITIONS

Rape is generally defined by states as forced sexual intercourse. It may also include situations in which the Complainant is incapable of giving consent due to incapacitation by means of disability, alcohol, or other drugs. Many rapes are committed by someone the Complainant knows, such as an acquaintance or friend.

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Under Alabama law, rape is defined as sexual intercourse against the will of the Complainant that can occur under a variety of circumstances.

- Where the Complainant is incapacitated due to alcohol or drugs.
- When the assailant uses physical force or the threat of force to overpower and control the Complainant.
- When the Complainant fears that they or another will be injured if the Complainant does not submit.
- When the Complainant is unconscious of the nature of the act, and this is known to the assailant.
- When the Complainant is incapable of giving legal consent due to a mental disorder or developmental or physical disability, and this is known or reasonably should be known to the assailant.
- When the act is accomplished by threatening to use the authority of a public official to incarcerate, arrest, or deport the Complainant or another person.
- When the assailant uses duress, such as a direct or implied threat of hardship or retribution, to coerce the Complainant.
- When the assailant uses force, fear, or threats to accomplish sexual intercourse against the will of the spouse. This provision of the law is known as the "spousal rape law."

The complete Alabama rape and sexual assault offense definitions are:

In Alabama, the crime of rape means that there has been some form of non-consensual sexual intercourse with a female. Rape may occur in several different ways; thus, the definition of what constitutes "rape" depends on the degree and type of rape charged.

Alabama recognizes two different levels; the most serious is the first degree.

There are three ways the crime of rape first degree can be committed:

Rape First Degree

I

Rape 1st° by "forcible compulsion."

This crime occurs when the rapist uses physical force (legally this is called "forcible compulsion") to overcome the earnest resistance of the victim or, the rapist made either a direct or implied threat putting the victim in fear of imminent death or serious physical injury to either themselves or another person.

II

Rape 1st° with the victim is "physically helpless or "mentally incapacitated."

Rape first degree also occurs when a man has sexual intercourse with a female who is incapable of consent because she is physically helpless or mentally incapacitated. A woman is physically helpless if she's either unconscious or, for any other reason, she's physically unable to communicate an unwillingness to act.

For example, if a woman drank too much and is unconscious, she would not be capable of consenting to sex; if a man had sex with her, it would be considered rape. Another example would be if a man had sex with a woman who is completely paralyzed and unable to communicate.

III

Rape First Degree where the victim is under 12 years of age

When a male who is 16 years old or older has sexual intercourse with a girl who is under the age of 12, this is a version of Rape, First.

Sentencing for Rape, First Degree:

The maximum sentence for Rape First is life for 99 years in prison.

The minimum sentence usually is ten years in prison; unless the victim was a child under 12, where the minimum sentence is 20 years in prison.

If a firearm or other deadly weapon was used or an attempt was made to use such a weapon in committing the crime, the minimum sentence is 20 years in prison.

Rape, Second Degree

The next degree of rape under Alabama law is rape, second. There are two ways this crime occurs:

I

A male 16 or older has sexual intercourse with a female under the age of 16 but older than the age of 12. The first is when a male aged 16 or older has sexual intercourse with a female who is under 16 but older than 12.

This law applies as long as the accused person is at least two years older than the person of the opposite sex. In other words, there is a "grace period" when there is less than two years between the parties. To put that in plain English, if a 16-year-old has sex with a 15-year-old that would not be rape under the statute. However, if a boy who was exactly 18 years old had sex with his girlfriend, he would be guilty of rape because there would be more than two years between them.

Under Alabama law, a child under the age of 16 is not capable of giving consent to sexual intercourse; many people refer to this as "statutory rape." There is no defense if the girl lies about being "of age," and there is no defense if the girl appears older than her age. This crime is a "strict liability" crime: if a male has sex with a female less than 16 and more than 12 and there are more than two years between them, it's rape, second degree.

II

RAPE SECOND DEGREE WHERE THE FEMALE IS "MENTALLY DEFECTIVE."

Rape second degree also occurs when a male has sexual intercourse with a female who is incapable of giving consent because she is "mentally defective."

A female is "mentally defective" if she suffers from a mental disease or defect that renders her incapable of appraising the nature of her conduct.

Whether she is mentally defective is a question of fact; in a jury trial, the jury would decide if she suffered from a mental disease or defect to the degree where she would not be capable of consenting to have sex. If the trial were before a judge alone, the judge would decide the issue.

Punishment for Rape, second

Under most circumstances, punishment for this crime is from 2 to 20 years in prison. When a firearm or other deadly weapon is used (or was attempted to be used), the minimum sentence is ten years.

In addition to these consequences, a person convicted of any degree of rape is subject to Alabama's sex offender registration and notification laws. These laws require a person convicted of a sex crime be registered as a sex offender and, in most instances, that the public is to be notified.

OTHER SEXUAL OFFENSES

Other sexual offenses include the following: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal).

In Alabama, sexual consent is defined as:

The age of consent is 16. Anyone who engages in sexual activity with a child younger than 16 may face charges for statutory rape or a similar crime. For these age-based sexual offenses, it's immaterial whether the child consented to the activity or not.

Sexual Harassment at CVIU is defined as:

Sexual harassment is a form of misconduct that undermines the integrity of the academic environment. It is the policy of CVIU that sexual harassment is prohibited. All members of CVIU community, especially administrators, faculty, and other individuals who exercise supervisory authority, have an obligation to promote an environment that is free of sexual harassment.

Sexual harassment is defined as:

behavior characterized by the making of [unwelcome](#) and inappropriate sexual remarks or physical advances in a workplace or other professional or social situation.

Any complaints or inquiries regarding sexual harassment of a student by an administrator, faculty member, or staff member should be brought to the immediate attention of Thomas Hopper. Any complaints or inquiries regarding sexual harassment of a student by another student should be brought to the immediate attention of Thomas Hopper 251-433-1600 or 850-450-3128.

CVIU will promptly respond to such information to determine appropriate steps for resolving the

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issue. If, for any reason, a student wishes to report or inquire regarding sexual harassment but feels it would not be appropriate to raise such issues with Thomas Hopper, Title IX Coordinator, the student may inquire or complain to the Program Director, Michelle Good.

If harassment is established, CVIU will discipline the offender. Disciplinary action for violations of this policy can range from verbal or written warnings, up to and including immediate termination from employment or dismissal from CVIU for serious or repeated violations.

Sex Offenders

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, CVIU is providing a link to the Alabama Sex Offender Registry: <https://www.alea.gov/node/270>

All sex offenders are required to register in the state of Alabama and to provide notice of each institution of higher education in Alabama at which the person is employed, carries out a vocation, or is a student: <https://www.alea.gov/node/270>

In addition to the above notice to the State of Alabama, all sex offenders are required to deliver written notice of their status as a sex offender to CVIU's Title IX Coordinator no later than three (3) business days prior to their enrollment in, employment with, volunteering at, or residence in CVIU.

Such notification may be disseminated by CVIU to, and for the safety and well-being of, CVIU community, and may be considered by CVIU for enrollment and discipline purposes.

CAMPUS PROCEDURES FOR ADDRESSING SEX OR GENDER-BASED DISCRIMINATION, HARASSMENT, AND VIOLENCE

Supportive Measures

Procedurally, when CVIU receives a report of sex or gender-based discrimination, harassment, or violence, the campus Title IX Coordinator is notified. If the Complainant wishes to access local community agencies and/or law enforcement for support, CVIU can assist the Complainant in making these contacts.

The Title IX Coordinator will offer assistance to Complainants in the form of supportive measures such as opportunities for academic adjustments and other assistance as may be appropriate and available on campus or in the community.

The Title IX Coordinator can connect the Complainant with a counselor off-campus victim advocate. No Complainant is required to take advantage of these services and resources, but CVIU provides them in the hopes of offering help and support. Similar supports can be made

available to Respondents, upon request.

Protection Orders

CVIU does not issue orders of protection. Orders of protection, restraining orders, injunctions, or similar lawful orders may be obtained through the court system and can be enforced by the Mobile Police Department. Individuals who have obtained a protection order are encouraged to provide a copy of the documents to Thomas Hopper as soon as possible following the issuance to ensure full enforcement.

Although CVIU does not issue orders of protection, individuals may request that CVIU issue an administrative directive for a no contact policy while on school grounds.

For information regarding how to obtain a protection order, contact Thomas Hopper at 251-433-1600 or 850-450-3128.

Process Rights

A summary of rights, options, supports, and procedures, in the form of this document, is provided to all Complainants, whether they are students, employees, guests, or visitors.

When appropriate upon receipt of a formal complaint, the Title IX Coordinator will initiate a prompt, fair, and impartial process, commencing with an investigation, which may lead to the imposition of sanctions for a Respondent based upon a preponderance of evidence.

Procedures detailing the investigation and resolution processes of CVIU will be maintained by Thomas Hopper and available to the complainant. The Title IX Coordinator is ultimately responsible for assuring in all cases that the behavior is brought to an end, CVIU acts to reasonably prevent its recurrence, and the effects on the Complainant and the community are remedied.

All parties are entitled to a process which:

- Is prompt, fair, and impartial from initial investigation to final result, including being:
 - Completed within reasonably prompt timeframes, including allowing for the extension of timeframes for good cause with written notice to the parties of the delay and the reason for the delay;
 - Conducted in a manner that is consistent with the institution's policies and transparent to the parties;
 - Given timely notice of meetings at which the parties (one or all) may be present;
 - Given timely provision to the parties and any appropriate officials of equal access to any information that will be used during informal and formal disciplinary meetings and hearings; and is
 - Conducted by officials who do not have a conflict of interest or bias for or against the any of the parties

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- Allows all parties the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.
- Does not limit the choice of advisor or presence for any party in any meeting or institutional disciplinary proceeding; however, the institution may establish regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to all parties
- Provides for simultaneous written notification to all parties of:
 - The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
 - The institution's procedures for the parties to appeal the result of the institutional disciplinary proceeding, if such procedures are available;
 - Any change to the result; and
 - When such results become final
- Prohibits retaliation
- Every complainant will have the right to present his or her case, which includes the right to an adequate, reliable, and impartial investigation of the complaint. Complainant has the option for a live hearing. At the live hearing, the decision-maker(s) will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice.

Process Outcomes

For offenses including sex or gender-based discrimination, harassment, and violence, which typically include the crimes of domestic violence, dating violence, sexual assault, and stalking, sanctions range from warning to expulsion.

Serious and violent incidents and acts of sexual assault usually result in suspension, expulsion, or termination of employment.

Knowingly providing false or misleading information to investigators can result in additional consequences under CVIU Code of Student Conduct (see page 12 of CVIU Student Handbook).

Recordkeeping and Privacy

CVIU records of investigations and resolutions are maintained in privacy in accordance with the institution's record retention policy for a minimum of seven years. Information is shared internally between administrators who need to know in order to complete their job duties.

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When information must be shared to permit the investigation to move forward, the parties will be informed. The privacy of the records specific to the investigation is maintained in accordance with Alabama law and the federal FERPA statute. Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of Complainant or information that could easily lead to a Complainant's identification.

Additionally, CVIU maintains privacy in relation to any supportive measures afforded to a Complainant, except to the extent necessary to provide the supportive measures. Typically, if faculty members or administrators are asked to provide supportive measures for a specific student, they are told that such measures are necessary under Title IX or the Clery Act, but they are not given any details of the incident, or what kind of incident it is.

Irrespective of state law or public records access provisions, information about Complainants is maintained privately in accordance with Title IX and FERPA.

In any complaint of sex or gender-based discrimination, harassment, or violence covered under Title IX and/or the Clery Act, the Complainant and Respondent are entitled to the same opportunities for a support person of their choice throughout and to fully participate in the process, including any meeting, conference, hearing, appeal, or other procedural action.

The parties will receive written notification of the allegations as well as any hearing outcome; they will also be afforded opportunities to review and respond to the investigation report before it is finalized and again before a hearing.

Delivery of written notifications to the parties will occur simultaneously (without undue delay between notifications). All parties will be informed of CVIU's appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing and will be notified when the results of the resolution process become final.

Retaliation

Both Title IX and the Clery Act provide protections for whistleblowers who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators.

CVIU does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of the campus Title IX Coordinator, Thomas Hopper, President and/or to officials of the U.S. Department of Education.

STATISTICAL REPORTING UNDER THE CLERY ACT

Reporting of statistics under the Clery Act uses federal offense definitions that allow comparability across campuses/locations, regardless of the state/location in which the campus is located. These definitions are as follows:

SEXUAL ASSAULT, defined as:

Sex Offenses, Forcible – Any sexual act directed against another person, without the consent of the Complainant including instances where the Complainant is incapable of giving consent.

- Forcible Rape – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
- Forcible Sodomy – Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Sexual Assault with An Object – To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Forcible Fondling – The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sex Offenses, Nonforcible – Nonforcible sexual intercourse.

- Incest – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Alabama law.
- Statutory Rape – Nonforcible sexual intercourse with a person who is under the statutory age of consent of 16 in the state of Alabama.

DATING VIOLENCE, defined as: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition –

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- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

DOMESTIC VIOLENCE, defined as: a felony or misdemeanor crime of violence committed –

- By a current or former spouse or intimate partner of the Complainant;
- By a person with whom the Complainant shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- By a person similarly situated to the spouse of the Complainant under the domestic or family violence laws of Alabama.
- By any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Alabama.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

STALKING, defined as: engaging in a course of conduct directed at a specific person that would cause a reasonable person to –

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition –

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.