



Post University

Annual Report to the CT General Assembly
Higher Education Committee

Pursuant to Public Act 14-11

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I. Introduction

Post University respectfully submits the following annual report to the Connecticut General Assembly Higher Education Committee in accordance with Public Act 14-11. The report includes Post University's 2014-2015 Sexual/Gender-Based Misconduct Policy, as well as all sexual assault prevention and awareness programs offered during the 2014 calendar year. In addition, the report lists the sexual assault, stalking and intimate partner violence incidents on campus in 2014, and the disciplinary cases and outcomes.

II. Policy

SEXUAL MISCONDUCT, INTIMATE PARTNER VIOLENCE and STALKING

Post University Statement of Sexual Values:

Post University is committed to providing a learning, working and living environment that is open, supportive, and safe. As a community, this University will not tolerate sexual/gender-based misconduct of any kind. Post University expressly prohibits the sexual/gender-based misconduct noted below, and students found engaging in it will be subject to University disciplinary action, and may be subject to criminal charges and prosecution under Federal and State laws.

This policy informs the Post University community of our values and outlines violations of a sexual/gender-based nature. This policy identifies a student's rights, options, and resources, and describes actions individuals may take if they experience an incident of sexual misconduct, intimate partner violence, and stalking or are accused of those violations.

Post University recognizes that part of students' development at the University may include learning and understanding themselves as sexual individuals. Post University also respects and upholds the principle that not all students find it necessary to explore their sexual nature or sexuality. Post therefore aims to provide an environment that is comfortable and respectful of all students and their choices regarding sex and their sexuality. Understanding and applying this policy to the behavior and behavioral expectations of all members of the community helps to ensure Post's goal of being a safe, open community regarding sexuality. Failure to comply with this policy may result in a complaint of sexual/gender-based misconduct.

Post University strives to promote an environment where mutual respect, communication, cultural competency, understanding, and awareness are the foundation for any sexual behavior or activity. Mutual respect and communication are keys to maintaining each student's personal integrity when engaging in relational and sexual behavior.

Title IX Statement: Post University must comply with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the University's educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. Post University has designated Title IX/Sexual Misconduct Coordinators to coordinate Post's compliance with and response to inquiries concerning Title IX.

For more information about Title IX, please contact the University's Title IX /Sexual Misconduct Response Coordinator, Ray Lagasse at 203.596.8535 or the Deputy Title IX/Sexual Misconduct Response Coordinator, Karin Mann at 203.596.4669. A person may also file a complaint with

the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 1.800.421.3481.

Sexual/Gender-Based Misconduct Terms and Definitions of Violations:

- 4.1 **Coercion:** Unlike seduction, coercion involves unreasonable and unwanted pressure to engage in sexual activity. Engaging in sexual activity should be the result of a freely given choice. Persons should engage in sexual activity because they want to do so, and not because someone has pressured them into it. Threatening and pressuring someone until they finally say "Okay, just get it over with" does not mean an individual has obtained consent.
- 4.2 **Consent:** Consent is the equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. A person forced to engage in sexual contact by force, threat of force, or coercion has not consented to contact. Lack of mutual consent is the crucial factor in any sexual assault.

A person who knows or should reasonably have known that another person is incapacitated may not engage in sexual activity with that person. Incapacitation means being in a state where a person lacks the capacity to appreciate the fact that the situation is sexual, or cannot appreciate (rationally and reasonably) the nature and/or extent of the situation.

A person's state of incapacity is a subjective determination that will be made after the incident in light of all of the facts available because people reach incapacitation at different points and as a result of different stimuli. They exhibit incapacity in different ways. The following factors bear on incapacity:

- Body weight, height and size
- Tolerance for alcohol and other drugs
- Amount and type of alcohol or other drugs consumed, and the mixture taken
- Amount of food intake prior to consumption
- Voluntariness of consumption
- Vomiting
- Propensity for blacking out (mentally or physically)
- Genetics

Alcohol related incapacity results from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication. It is less severe than alcohol poisoning or overdose, which may lead to coma or death. Evidence of incapacity may be detected from context clues, such as:

- Slurred speech
- Bloodshot eyes

- The smell of alcohol on their breath
- Shaky equilibrium
- Vomiting
- Outrageous or unusual behavior
- Unconsciousness

None of these facts, except for unconsciousness, will constitute – in and of itself – incapacitation.

Indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of another person.

Consent CANNOT be given if a person's ability to consent is substantially impaired because of a mental or physical condition. Examples of such mental or physical conditions include, but are not limited to: unconsciousness, physical force, substantial impairment because of a psychological health condition, substantial impairment because of voluntary intoxication; or substantial impairment because of the deceptive administration of any drug, intoxicant or controlled substance. Mutual intoxication or substance impairment does not exonerate any individual nor lessen the consequences. Consent can NEVER be given by anyone under the age of sixteen.

- 4.3 *Sexual Assault*: Any non-consensual sexual contact with the Complainant's intimate parts is a sexual assault. Physical resistance need not occur to fulfill the definition of sexual assault. Sexual assault includes, but is not limited to the following: rape (e.g. by a friend, classmate, peer, co- worker, partner, etc.), sexual assault with an object, forcible sodomy, forcible oral sex, and forcible fondling. Drug facilitated sexual assault will not be tolerated.
- 4.4 *Sexual Exploitation*: Sexual Exploitation is taking nonconsensual, unjust, or abusive advantage of another in a sexual or intimate context. Sexual exploitation includes, but it is not limited to: sexting, slandering or prostituting another person; engaging in permitting, reproducing, or facilitating nonconsensual viewing, videotaping, photographing, or audio taping of sexual or intimate activity; knowingly infecting another person with a sexually transmitted disease; or secretly giving another person or pushing another person to use drugs or alcohol for the purpose of making the person submit to sexual activity.
- 4.5 *Sexual Harassment*: Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, evaluation of a student's academic performance, or term or condition of participation in student activities or in other events or activities sanctioned by the university;

2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions or other decisions about participation in student activities or other events or activities sanctioned by the university;
 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or educational environment.
- 4.6 *Stalking*: Stalking is repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Stalking can include:

1. Repeated, unwanted, intrusive, and frightening communications by phone, mail, email, text, social media, etc.
2. Following or laying in wait at places such as home, school, work, or recreation place.
3. Repeatedly leaving or sending unwanted items or presents.
4. Making direct or indirect threats of harm against the Complainant, the Complainant's children, relatives, friends, or pets.
5. Damaging or threatening to damage the Complainant's property.
6. Harassing the Complainant through the Internet.
7. Posting information or spreading rumors about the Complainant on the Internet, in a public place, or by word of mouth.
8. Obtaining personal information about the Complainant by accessing public records, using Internet search services, hiring private investigators, going through the Complainant's garbage, following the Complainant, contacting Complainant's friends, family, work, or neighbors, etc.

To an outsider, stalking behavior can appear friendly and unthreatening, such as showering the Complainant with gifts or flattering messages. Complainants may find themselves needing to explain to others just how intrusive and frightening unwanted attention can be. Stalking is sometimes dismissed when it is done via technology (cell phones, computers, networking sites, surveillance equipment, and so on), but the medium is not what matters—it is the pattern of repeated, unwanted communication.

- 4.7 *Intimate Partner Violence*: Intimate partner violence means any abusive behavior against an individual by a current or former person in a dating/romantic relationship. Intimate partner violence can be physical, sexual, emotional, economic, or psychological actions or threats that influence another person. Intimate partner violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner.

Forms of intimate partner violence include:

- Emotional abuse includes words and/or actions, which manipulate or hurt an individual emotionally and psychologically.
- Physical abuse refers to actions that threaten or harm an intimate or romantic partner's physical safety.
- Resource abuse includes words and/or actions, which manipulate the financial or legal situation of an intimate or romantic partner.
- Sexual abuse (see sexual assault).
- Spiritual abuse refers to the utilization of a partner's spiritual or religious beliefs to manipulate and/or hurt a partner. It may also include forcing or preventing a partner to practice certain beliefs.
- Verbal abuse is the use of words or the withholding of conversation to manipulate and/or hurt a romantic or intimate partner.

Examples of intimate partner violence may include, but not be limited to, the following:

- Leaving his/her partner somewhere with no way to get home.
- Pulling hair or pinching skin as a form of punishment.
- Blocking a partner's exit when he/she tries to leave the room.
- Throwing, smashing, or breaking objects.
- Hitting, punching, grabbing, choking or pushing his/her partner.
- Telling his/her partner that he/she is crazy, ugly, stupid, etc.
- Constantly calling or texting his/her partner when they are not together.
- Threatening to "out" the victim if in a same-sex relationship.
- Insisting on always knowing the location his/her partner.
- Refusing to acknowledge a problem that his/her partner feels is important.
- Persuading partner from doing something he/she wants to do.
- Insisting how his/her partner should dress.
- Calling someone degrading names.
- Withholding sex and/or affection as a form of punishment.
- Forcing another faith practice on his/her partner.
- Mocking, ridiculing, or insulting his/her partner's religious or spiritual beliefs.
- Criticizing how his/her partner spends his/her money.

- 4.8 *Attempted Act*: Any attempts to commit sexual/gender-based misconduct are also prohibited under this policy, as is aiding in the acts of sexual/gender-based misconduct as an accomplice.
- 4.9 *Retaliation*: Retaliation against the individual who initiates a sexual/gender-based misconduct complaint, participates in an investigation, or pursues legal action, is prohibited. Independent action may be taken against anyone engaging in retaliation. This includes any witnesses, advisors, or any Sexual Misconduct Board Members.

IF YOU BELIEVE THAT AN INCIDENT OF SEXUAL/GENDER-BASED MISCONDUCT HAS OCCURRED:

Post University is committed to providing support and services in order to help you through this process. A student who has experienced an incident of sexual misconduct, intimate partner violence, or stalking should seek help, support, and information. There are many sources for information, assistance and support. If you have experienced an incident of sexual assault, sexual harassment, sexual exploitation, intimate partner violence, or stalking, you should consider the following immediate actions:

- Remember, you are not alone and this is not your fault.
- Try to get to a safe place.
- Consider notifying a member of Residence Life, Campus Security, the Counseling Center, Health Services or the Title IX/Sexual Misconduct Response Coordinators. Many of these resources have after-hours and emergency contacts (see chart in the Student Handbook for contact information).
- You have the right to notify law enforcement, file a report, or obtain a court-issued restraining order. You may also have a campus authority make a notification for you.
- If you have been assaulted, try to avoid showering, bathing, douching, urinating, or cleaning up in any way. This will prevent the loss of valuable evidence, though evidence can still be collected even if you do. Do not wash any clothes, towels, or sheets that may contain evidence. Evidence can be preserved and collected for up to five days.
- Preserve all evidence in a paper bag (not plastic) or deliver directly to law enforcement.
- Utilize University and community resources for immediate and long-term assistance.
- Go to Health Services or an area hospital (Waterbury or Saint Mary's Hospital). Individuals are encouraged to seek medical attention as soon as possible after an act of sexual assault. Medical care is important to address any injuries you may have and to protect against sexually transmitted diseases and pregnancy.
- Counseling Services are available to all Post University main campus students. Students may call 203.596.4585 to schedule an appointment. These services are free and confidential.

- Post University's Crisis Hotline Available 24/7: 203.228.8706. This is a limited-confidential resource.

Reporting Sources:

Post University is committed to creating an environment in which students who have experienced an incident of sexual/gender-based misconduct are encouraged to come forward and make a report. Members of the Post community are strongly encouraged to seek support and information from available reporting sources. Reporting may help you to gain some control over the situation and make informed decisions using information provided by the reporting source. Your prompt reporting will not only benefit and support you, but it will also help the University in maintaining a safe community. Ultimately, this is your decision. All sources will provide the reporting student with information about obtaining support, resources, and the process associated with making a report or a formal complaint with the University or with a law enforcement agency.

The Counseling Center and Health Services are fully confidential reporting sources. They do not file reports with the Title IX/Sexual Misconduct Response Coordinator. They will keep your information and name confidential unless it is determined that you and/or the campus are in imminent danger.

Sexual Assault Response Team (SART):

Post University's Sexual Assault Response Team (SART) supports students by providing services and guidance in regards to sexual/gender-based misconduct incidents. The SART Team consists of a diverse group of Post employees and community members that are well versed in the Post University Sexual Misconduct Policy and procedures. SART Team professionals are able to explain what options are available to the student and will guide them in accessing these resources. The Post University SART Team is committed to supporting individual's rights and needs, and respects that all choices are left up to the victim/survivor.

Professionals on campus with a Sexual Misconduct Safe Place sticker (see below) in their office are trained in the University's Sexual Misconduct Policy. These faculty and staff members are able support students who have been involved in a sexual/gender-based misconduct situation. If you have concerns about a friend, roommate, fellow student, or employee in regards to sexual/gender-based misconduct these people are also here to help you. Please seek out these professionals if you need their support. These individuals and SART member are required to report the incident of sexual/gender-based misconduct to the Title IX/Sexual Misconduct Response Coordinator.

Sexual Misconduct Safe Place Sticker



Communication Types:

Limited confidential sources must notify the Title IX/Sexual Misconduct Response Coordinator. Any other report sharing will be limited, based on your safety and the safety of the community. The source will call the police only at the request of the student.

Statement of Confidentiality:

With respect to any report of sexual/gender-based misconduct or any complaint of sexual/gender-based misconduct, Post University will endeavor to maintain the confidentiality of the matter and all individuals involved to the extent permitted by law. Post University will balance the needs of individuals involved with its obligation to protect the safety and well being of the community at large. In all cases, Post University will respect the privacy and dignity of all individuals involved. According to state and federal laws, if an individual under the age of sixteen is involved in an act of sexual/gender-based misconduct, the informed party must report the incident to the local police and the Department of Children and Families.

Confidential: Confidential sources will NOT notify any other personnel unless the student is danger of harming themselves and/or others.

Anonymous: If you wish to file an anonymous complaint, you may do so online at <http://www.post.edu/maincampus/sexualmisconduct.shtml>. This complaint will be sent to the Title IX/Sexual Misconduct Response Coordinators.

**IMPORTANT PHONE NUMBERS AND RESOURCES
FOR ALL EMERGENCIES—DIAL 9 1 1**

Resource	Location	Hours	Type of Communication	Services Provided
Sexual Misconduct Board Chair: Sandra Wilson	Library- Lower Level	9:00am-5:00pm	Limited Confidential	Hearing board official. Provides students with guidance on procedures and trained advisors. 203.596.4664
Campus Safety *	Security Kiosk	24/7	Limited Confidential	Special confidentiality rules apply regarding sexual assaults. 203.596.4502
Counseling Center * Lisa Antel George Hayes	Leever- First Floor	9:00am-5:00pm	Confidential	Licensed counselors available for students and staff. Services are free. 203.596.4585
Dean of Students: Erica Peryga *	East Annex	9:00am-5:00pm	Limited Confidential	Provides support, referrals for students, and guidance with procedures and protocol. 203.596.8527
Health Services *	East Annex	M-TR: 10 am-4 pm F: 10 am – 2 pm	Confidential	Medical assistance and referral for students. 203-596.4503
Title IX/Sexual Misconduct Response Coordinators *		9:00am-5:00pm	Limited Confidential	Informs a student of their rights, as well as support services.
Ray Lagasse	Hess 107			203.596.8535
Karin Mann, Deputy	Drubner			203.596.4669
National 24 hour Sexual Assault hotline	Off campus	24/7	Confidential	Rape, Abuse and Incest National Network hotline 1.800.656.HOPE (4673)
Post's Crisis Hotline	On campus	24/7	Limited Confidential	Connects directly to the Resident Director On duty 203.228.8706
Residence Life Staff*	Lower Level Leever	24/7	Limited Confidential	Will provide support and resources, and assist Complainants at residence halls.

				203.596.4540
Safe Haven's Sexual Assault Program *	29 Central Ave. Waterbury, CT	24/7	Confidential	Provides support services, including medical and legal advocacy, for Complainants and survivors of sexual assault and domestic violence. 203.753.3613
St. Mary's Hospital	43 Cole St. Waterbury, CT	24/7	Confidential	Emergency care, including sexual trauma care. 203.709.6004
Statewide 24 hour toll free hotline	Off campus	24/7	Confidential	Connecticut Sexual Assault Crisis Services hotline 1.888.999.5545
Waterbury Hospital	64 Robbins St. Waterbury, CT	24/7	Confidential	Emergency care, including sexual trauma care. 203.573.6500
Waterbury Police *	255 E Main St. Waterbury, CT	24/7	Limited Confidential	Emergency- Call 911. Non-emergency call 203.574.6911
Anonymous Reporting Form	post.edu/maincampus/sexualmisconduct.shtml	24/7	Anonymous	Your anonymous report will be sent to the /Sexual Misconduct Response Coordinator

***Sexual Assault Response Team (SART) Members**

Significant Threat to the Community:

In cases where the Accused poses a significant risk to the general safety of the campus community, the Title IX/Sexual Misconduct Response Coordinator will contact the Dean of Students or designee. If the Dean of Students or designee concludes that a significant threat exists, the Dean or designee will take necessary action to protect the community while preserving the Complainant's privacy, which includes, but is not limited to issuing a temporary ban from Post University's campus.

Reporting to Law Enforcement:

Because sexual misconduct, intimate partner violence, and stalking may constitute both a violation of University policy and criminal activity, the University encourages students to report alleged incidents promptly to local law enforcement agencies. However, it is your decision whether or not to file a criminal report. We encourage you to seek out the support system that feels most appropriate and helpful. Criminal investigations may be useful in the gathering relevant evidence, particularly forensic evidence. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of University Policy, criminal investigations or reports are not determinative of whether sexual/gender-based misconduct, for purposes of this Policy, has occurred. In other words, conduct may constitute sexual/gender-based misconduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute.

The filing of a complaint of sexual/gender-based misconduct under this Policy is independent of any criminal investigation or proceeding, and the University will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and take interim measure to protect the Complainant and the University community, if necessary.

Law Enforcement Process:

When the police arrive, they will take a statement and ensure that you are physically safe. The police will also interview you about what happened. This may be difficult, but it is very important in order to complete a police report. The interview is conducted in private, but you can request to have a friend or another supportive person accompany you if you wish. The police will get as much information as possible about the incident and investigate the case further.

Once an investigation is completed, the police refer the case to the District Attorney's office. The District Attorney's office decides whether or not your case will be prosecuted by considering factors such as the amount of evidence available to prove the charge(s) in court.

STUDENT CONDUCT PROCESS FOR SEXUAL/GENDER-BASED MISCONDUCT:

Definitions of Participants:

Complainant:

The person filing a formal complaint of a violation of the Sexual Misconduct Policy by another student, employee, or civilian.

Accused:

The student accused of violating the Sexual Misconduct Policy.

Trained Sexual Misconduct Support Person for the Complainant (Support Person):

The Support Person is a Post Community staff or faculty member appointed by the Sexual Misconduct Board Chair who is trained to support the Complainant and to provide information regarding the University's Sexual Misconduct Policy and the Campus Conduct process.

- Support Persons are available at the request of the Complainant.
- Complainants may choose from a diverse list of potential Support Persons and may switch at any point should they choose.
- While students can elect not to use a Support Person, students are strongly encouraged to choose and to work with a Support Person.
- The Support Person may assist the Complainant throughout the Campus Conduct Process, including being present at the conduct hearing. Support Persons may not speak at the conduct hearing.

- In consultation with other University officials or faculty members where appropriate, a Support Person may assist in arranging accommodations which may include:
 - Change of on-campus student housing to different on-campus location
 - Exam (paper, assignment) rescheduling
 - Taking an incomplete in a class
 - Transferring of sections
 - Alternative course completion options
 - Change of work arrangements
 - Change of campus transportation options
 - No contact orders

Trained Sexual Misconduct Support Person for the Accused (Support Person):

The Support Person is a Post Community staff or faculty member appointed by the Sexual Misconduct Board Chair who is trained to support the Accused and to provide information regarding the University's Sexual Misconduct Policy and the Campus Conduct process.

- Support Persons are available at the request of the Accused.
- The Accused may choose from a diverse list of potential Support Persons and may switch Support Persons at any point should they choose.
- While students can elect not to use a Support Person, students are strongly encouraged to choose and to work with a Support Person.
- The Support Person is trained to help the student understand the nature of the formal complaint and to discuss the Sexual Misconduct Policy and all processes involved.
- The Support Person assists the Accused to understand the alleged violation of the Sexual Misconduct Policy, the severity of the accusations against them, the process, and all possible sanctions.
- The Support Person may assist the Accused throughout the Campus Conduct Process, including being present at the conduct hearing. Support Persons may not speak at the conduct hearing.

- In consultation with other University officials or faculty members where appropriate, a Support Person may assist in arranging accommodations which may include:
 - Change of on-campus student housing to different on-campus location
 - Exam (paper, assignment) rescheduling
 - Taking an incomplete in a class
 - Transferring of sections
 - Alternative course completion options
 - Change of work arrangements
 - Change of campus transportation options
 - No contact orders

Advisor:

The Complainant and the Accused may each bring an Advisor to the Hearing. The Advisor is an ally who provides comfort and helps the Complainant or Accused. The Advisor may be any member of the Post University community (student, faculty, or staff) or an outside party. The Advisor may be an attorney. The selected Advisor must meet with the Sexual Misconduct Board Chair prior to the Hearing. The selected Advisor may not participate in the Hearing.

Sexual Misconduct Board:

The Sexual Misconduct Board consists of five trained Post University faculty and/or staff members in addition to the Sexual Misconduct Board Chair. All Sexual Misconduct Board Members receive annual training regarding the dynamics of sexual misconduct, the factors relevant to a determination of credibility, the appropriate manner in which to receive and evaluate sensitive information, the manner of deliberation, and the application of the preponderance of the evidence standard, as well as the University's policies and procedures.

Title IX/Sexual Misconduct Response Coordinator:

The Title IX/Sexual Misconduct Response Coordinator (herein Coordinator) manages the day-to-day responsibilities associated with the University's Title IX compliance, the Violence Against Women Act, and Connecticut State Statutes regarding gender-based misconduct. The Coordinator ensures that students are aware of their rights as well as support services in regard to gender-based misconduct. The Coordinator also collects the relevant facts related to the reported incident, and assesses whether a further review or investigation is necessary in order to ensure the safety of the impacted student and the

community. If the Complainant decides to file a formal complaint, the Coordinator, as a neutral party, will investigate the incident; notify and interview the Complainant, the Accused, and witnesses; obtain and review relevant documents; and present these findings and at the Sexual Misconduct Board Hearing.

Informal Procedure:

Informal complaints will be treated confidentially consistent with applicable legal requirements. Use of the informal procedure by a Complainant does not preclude the Complainant from filing a formal complaint at a later date. If a person reports to a University administrator, department head, faculty member or staff member that she or he has been sexually assaulted, that person will be referred to the Title IX/Sexual Misconduct Response Coordinator.

If the student is filing an informal complaint, the Title IX/Sexual Misconduct Response Coordinator will neither investigate nor adjudicate complaints of sexual assault unless there is a threat to the community. In the event of a sexual assault complaint, the Title IX/Sexual Misconduct Response Coordinator ensures appropriate services are made available. This includes:

- Crisis counseling to the Complainant/survivor.
- Appropriate medical referral.
- Optional referral to Safe Haven Sexual Assault programs.
- Referral to the Counseling Center's free and confidential services to meet with a counselor who will provide additional emotional support and assist Complainants in sorting out feelings associated with the assault. .
- Optional creation of No Contact Orders and/or making changes to academic, housing, campus transportation, or working arrangements.
- Provide information regarding the University's sexual misconduct policies and procedures regarding disciplinary action.
- Make every effort to contact Complainants within 24 hours and, while respecting whatever decision they have made, encourage them to get some type of assistance.

Formal Filing Procedure:

If the Accused is a currently enrolled student, any person who has experienced an incident of sexual/gender-based misconduct may file a formal complaint with the Title IX/Sexual Misconduct Response Coordinator, Ray Lagasse (203-596-8535). Incident Reports can be found in Human Resources, Residence Life, the Counseling Center, Academic Affairs, and in the Drubner Center. The complaint shall contain a concise statement of the alleged

violations of the Sexual Misconduct Policy and a detailed statement of the facts supporting the alleged violations. Although there is no time limit on the filing of a formal complaint with the University, the University strongly encourages a prompt filing so that a more satisfactory and complete investigation can be conducted.

Filing a formal complaint launches an investigation into the sexual/gender-based misconduct violation. The Sexual Misconduct Board will hear the case and make a determination

Responding to a Formal Complaint:

The Accused shall receive written notification of the filing of a formal complaint, along with a copy of the formal complaint, after the Title IX/Sexual Misconduct Response Coordinator has received the complaint. The Accused must arrange and meet with the specified Sexual Misconduct Board Chair or designee within 3 business days after receiving the complaint in order to discuss the nature of the complaint, the rights and responsibilities of the Accused, and the Hearing process. The Accused shall receive a written copy of this policy at that time.

A Trained Sexual Misconduct Support Person and/or Advisor may accompany the Accused to the meeting with the Sexual Misconduct Board Chair. If the Accused fails to arrange and meet with the Sexual Misconduct Board Chair, the complaint will be determined by the Board for adjudication.

Prehearing Process:

- The University reserves the right to extend any time periods identified in this policy in accordance with the law.
- Once the Accused has been notified of the formal written complaint, the Complainant and Accused will be kept informed of all developments and will be advised of the procedures that will guide the resolution of the complaint.
- All relevant reports and documents are to be made available to the Accused and Complainant once they are prepared and no later than 3 business days prior to the Hearing.
- The Accused and Complainant have the right to petition that any member of the Sexual Misconduct Board be removed on the basis of bias at least 3 days prior to the Hearing.
- Each Board Member must indicate to the Sexual Misconduct Board Chair within 3 days prior to the Hearing whether they have knowledge of the participants in the case that may impair – or may be perceived to impair – their ability to hear and determine a case impartially, and to recuse them if their participation might compromise the integrity of the Hearing process.

- One week prior to the Hearing, the Accused and Complainant will be informed in writing of the date and time of the Hearing.
- The Accused and Complainant shall have the opportunity to make a request to the Sexual Misconduct Board Chair for witnesses to testify on their behalf. The Sexual Misconduct Board Chair shall determine which witnesses shall testify based on the relevance of their testimony.
- The Accused and Complainant must notify the Sexual Misconduct Board Chair of any advisors, support people, and witnesses attending the Hearing 5 business days prior to the Hearing.
- Any additional scheduling requests must be directed to the Sexual Misconduct Board Chair to be determined.
- If a sexual misconduct case is also being heard by a civil or criminal court, the University retains the right to hear the case before, after, or during the same time as the civil or criminal case, and to implement appropriate actions (such as No Contact Orders, removal from campus residence facilities, removing a student from a class or classes or Interim Suspension, and changing campus transportation and/or working arrangements) to maintain the safety of the campus.
- The Campus Conduct Process shall be confidential to the extent possible and as allowed by law.
- The University will attempt to schedule a hearing within 15 business days after the Accused has received the formal complaint.

Rights of the Complainant:

- The right to be assisted by a Trained Sexual Misconduct Support Person and/or Advisor throughout the Campus Conduct Process.
- The Sexual Misconduct Board Chair is available to inform the Complainant of legal and other appropriate off-campus resources.
- The right to seek outside remedies, such as local law enforcement agencies and Safe Haven.
- The right to provide a written Impact Statement to be read by the Board at the conclusion of the Hearing provided the Accused was found to have violated the Sexual Misconduct Policy, and to have that statement considered by the Board in determining its sanctions.
- For Complainants, alternative testimony options will be provided. Options include, placing a privacy screen in the Hearing room, digital conferencing, or other options that provide a safe space for participation while not depriving the Accused of their rights in the process.

Rights of the Accused:

- The right to be assisted by a Trained Sexual Misconduct Support and/or Advisor throughout the Campus Conduct Process.
- The Sexual Misconduct Board Chair is available to inform the Accused of legal and other appropriate off-campus resources.
- The right to provide a written Impact Statement to be read by the Board at the conclusion of the Hearing provided the Accused was found to have violated the Sexual Misconduct Policy, and to have that statement considered by the Board in determining its sanctions.

Rights of Both the Complainant and Accused:

- All parties involved in a sexual misconduct complaint process have the right to a prompt, fair, and impartial investigation and resolution of the complaint.
- The right to have a hearing.
- The right to have a Trained Support Person and/or Advisor present during the Hearing, provided that these parties do not cause the meeting to be delayed or postponed. The Support Person and/or Advisor may not take part directly in the Hearing itself, though the student may request reasonable breaks to confer with their respective Support Person and/or Advisor.
- The right to request a No Contact Order against a student who has engaged in or threatens to engage in an act of sexual misconduct which presents a danger to the welfare of the Complainant or others.
- The right to request that disciplinary procedures begin promptly and are conducted by a University Official trained in issues related to sexual/gender-based misconduct.
- The right to have a hearing.
- The right to receive written notice of the outcome and sanction(s) of the Sexual Misconduct Board Hearing.
- The right to appeal the finding and sanction of the Sexual Misconduct Board in accordance with the provisions of this policy.
- The right to petition that any member of the Sexual Misconduct Board be removed on the basis of bias.

- The right to bring a Trained Support Person and/or Advisor to all phases of the investigation and hearing.
- The right to present relevant witnesses to the Sexual Misconduct Board, including expert witnesses.
- The rights to have the University compel the presence of student, faculty and staff witnesses.
- The right to be present for all testimony given and evidence presented before the Sexual Misconduct Board.
- The right to be free from retaliation.
- The Complainant and Accused have the right to consult with an attorney at their own expense. Attorneys can participate in the sexual misconduct campus conduct process, in an advisory capacity, except during the Sexual Misconduct Board Hearing. Attorneys may be present at the Hearings; however, they may not participate in the Hearing. If a party wishes to consult with their attorney during the Hearing, they may do so upon request to the Board Chair and if the request is granted, such consultation must occur outside the Hearing room(s).
- The Complainant and the Accused are entitled to be informed in writing of the results of the disciplinary proceeding no later than 1 business day after it concludes and have their identities kept confidential, except as necessary to carry out a disciplinary proceeding or as permitted under state or federal law.
- Post University shall not disclose the identity of the Complainant or the Accused, except as necessary to carry out a disciplinary proceeding or as permitted under state and federal law.

Special Procedures:

A. False Reports

The University will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

B. Leniency

For the Complainant:

The University encourages reporting of incidents of sexual misconduct. Sometimes, Complainants are hesitant to make reports because they fear that they may be charged with violations of the Student Code of Conduct, such as underage drinking at the time of the incident. To encourage reporting of sexual misconduct incidents, the University will exercise leniency towards a Complainant with respect to taking action for other violations of the Student Code of Conduct.

For the Good Samaritan:

The welfare of students in our community is paramount. At times, students on and off campus may need assistance. The University encourages students to offer help and

assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to assist another student who experienced an incident of sexual misconduct.) The University will exercise leniency towards the Good Samaritan with respect to taking action for other violations of the Student Code of Conduct.

C. Notification of Determination

The determination made after a hearing is part of the education record of the Accused, and is protected from disclosure under federal law. However, there are two exceptions as follows:

- Complainants shall be informed of the formal complaint against the Accused, the determination made after a hearing, and any sanctions imposed.
- Students who bring any sort of sexual misconduct complaint against faculty or staff will be informed of the determinations made and sanction imposed.

D. Past Sexual History/Character

1. The past sexual history or sexual character of a student will not be admissible in a Sexual Misconduct hearing.
2. If, in the past, an Accused was found to have violated the Sexual Misconduct Policy ("Past Violation"), the information related to the Past Violation may be considered by the Hearing Board if:
 - The previous violation was substantially similar to the present complaint; and
 - The previous violation indicates a pattern of behavior and substantial conformity with that pattern by the Accused.

The Hearing:

- The Sexual Misconduct Board Chair shall assemble a Board of five trained members of Post's administration and/or faculty to hear sexual conduct cases. Each Board shall be composed of representatives of both genders.
- All hearings shall be closed to the public.
- All hearings will be audio-recorded. A digital file will be made available to the Complainant and/or Accused in the event a request for an appeal is filed.
- With the exception of the official audio recording of the Hearing, cell phones and electronic devices are prohibited from the Hearing room.
- Board Members shall be provided with access to written information and evidence at least 72 hours prior to the Hearing.
- The Accused and Complainant may be accompanied by their Support Person and/or Advisor. The Support Person and Advisor are present to act as counselors and to

support the Accused and Complainant, and to provide advice on procedural matters. The Support Person and Advisor do not have speaking privileges during the Hearing. A hearing will not be cancelled or postponed in the event a scheduled Support Person or Advisor does not attend. If the scheduled Support Person or Advisor is not able to attend, the Complainant/Accused should arrange for a substitute.

- If the Accused or Complainant fails to appear at the Hearing, the matter will be resolved in their absence.
- Witnesses may be present at the Hearing only at the time they are called to testify. A hearing will not be canceled or postponed if a scheduled witness does not attend.
- Individuals testifying before the Board may not communicate with each other during the Hearing process.
- The Board if approved by the Chair shall consider written and notarized statements of witnesses not in attendance due to extraordinary circumstances.
- In making its determination the Board shall consider only the evidence admitted at the Hearing and the admission of evidence shall be within the discretion of the Board.
- At the start of the Hearing, the Chair shall ask the Accused if they have received the formal complaint, and if they understand the nature of the formal complaint.
- The Title IX/Sexual Misconduct Response Coordinator will present the formal complaint along with the information obtained through the investigative process to the Sexual Misconduct Board. The Hearing Board shall consider only the information and evidence related to the alleged violations set forth in the formal complaint.

The remainder of the Hearing shall customarily proceed in the following order:

1. Opening statement from Complainant.
 2. Opening statement from Accused.
 3. Board questioning of Complainant and Accused.
 4. Board questioning of witnesses (each witness will be questioned separately).
 5. Complainant and Accused questioning of witnesses (each witness will be questioned separately then excused).
 6. The chair will facilitate questions by the Complainant and Accused.
 7. Final questions from the Board.
 8. Complainant's closing statement.
 9. Accused's closing statement.
- The Board will deliberate in private and make an appropriate determination based on the information and evidence presented during the Hearing.
 - The Board, by majority decision, will determine whether or not the Accused violated the Sexual Misconduct Policy as alleged in the formal complaint by finding either: "Did violate" or "Did not violate" the Sexual Misconduct Policy. The Board's determination shall be based on a "Preponderance of the Evidence" standard that means, "It is More Likely than Not" that a violation of the Sexual Misconduct Policy occurred.

- If the Board renders a determination of “Did violate”, the Board will review the Impact Statements provided by the Complainant and Accused and will recommend a sanction consistent with those specified in the Post University Code of Conduct.
- The Board shall have one business day to render a decision.
- The Sexual Misconduct Board Chair will notify both the Complainant and Accused in writing of the Board’s decision.

Appeals:

- Both the Complainant and the Accused may file a written appeal of the Board’s decision. The appeal must be based on one or more of the following:
 - New information directly related to the case that was unavailable during the investigation period or during the Hearing itself.
 - Procedural error that might have affected the decision.
 - Sanction imposed is disproportionate to the violation.
- The purpose of the appeal is not to rehear the underlying case; rather, it is to determine if there is sufficient information presented to allow reconsideration of the Hearing Board’s decision.
- Appeals must be made, in writing, to the Dean of Students within 5 business days of the notification of the decision.
- The Dean of Students may decide the appeal or ask the original Hearing Board to reconsider the case based on new information presented that was unavailable prior to the Hearing.
- The Dean of Students will review the appeal and render its decision within 5 business days after receiving the notice of appeal.
- The decision of the Dean of Students is final.

Official University Sanctions:

Formal Verbal Warning – A verbal statement to a student about his/her violation of University policies.

Disciplinary Warning – A written notice to a student indicating that specific behavior or activity is in violation of University policies.

Campus Restrictions – Loss of designated campus privilege(s).

Community Service – Mandated service hours on campus or with off-campus businesses organizations.

Education – Mandated educational course with professional staff for a period determined by the University's designee.

Disciplinary Probation – A designated period in which a student is formally put on notice for his/her behavior, while not severe enough to warrant expulsion, was severe enough to warrant a serious course of action. While on Disciplinary Probation, a student may be subject to expulsion should additional infractions occur. Disciplinary Probation is a status that may include periodic reporting sessions with an appropriate administrator, loss of privilege to represent the University or attend University activities.

Residence Hall Reassignment – Mandatory reassignment from one residence hall to another for inappropriate behavior. Loss of visiting privileges in the former building may accompany this sanction.

Residence Hall Suspension – The University reserves the right to suspend a student's Housing Contract for any specified period. This period may range from one day to one semester or more.

Residence Hall Dismissal/Ban – Dismissal and/or ban from the University residence halls. Students must apply for re-entry to the Dean of Students or designee.

Institutional Suspension – Disciplinary suspension of a student's registration for a specific period. Residential students' Housing Contracts are also suspended during this time. Students removed from the University for conduct that presented a threat to themselves, other persons, or property may not re-enter without prior approval from the Dean of Students.

Institutional Dismissal – Attendance at the University is terminated, constituting the maximum disciplinary penalty. Students are banned from all campus facilities, grounds and events. Only the President or his/her designee may grant re-admission.

III. Prevention and Awareness Programs

Post University educates the student community about sexual misconduct through first year student orientations and the programs listed below. Literature on Sexual Misconduct is available through the Office of Residence Life, Health Services, Counseling Center, Human Resources and across the campus. Post University also trained faculty, staff and administration on Sexual Harassment and Sexual Misconduct through outside the University trainers.

New Student Orientation: Sexual Misconduct Overview- Prevention, Awareness and Bystander Intervention

Student Leader Bystander Training

Student Leader Sexual Misconduct Policy Overview

Student Leader Title IX and VAWA Overview with Victim Rights Law Center

Uploaded Sexual Misconduct Policy on Blackboard

Circle of Six Safety App - Prevention/Policy Distribution

Sexual Assault/Dating Violence training (Women Only) – Awareness, Prevention, Bystander Intervention and policy distribution

Dating Violence training (Men only) – Awareness, Prevention and Bystander Intervention

IV. Sexual Assault, Stalking and Intimate Partner Violence Incidents on Campus

The number of sexual assaults, stalking incidents and intimate partner violence reported to Post University in 2014:

- 6 reports of sexual assault.
- 0 reports of stalking.
- 12 reports of intimate partner violence.

V. Disciplinary Cases and Outcomes

The number of disciplinary cases related to sexual assault, stalking and intimate partner violence in 2014:

- 0 disciplinary cases related to sexual assault.
- 0 disciplinary cases related to stalking.
- 0 disciplinary cases related to intimate partner violence.