



SACRED HEART UNIVERSITY

To: Connecticut General Assembly

From: Leonora P. Campbell, Title IX Coordinator

Re: Annual Report –
Disclosures Pursuant to Public Act 14-11
Calendar Year 2014

- 1) See attached “Sacred Heart University Policy on Sexual Misconduct”
- 2) See attached “SHU Sexual Misconduct Student Resources & Referral Options”
- 3) See attached “A Step-by-Step Guide for Faculty & Staff for Assisting Students”

4) Statistical Information: The following tables include statistical information related to incidents of sexual assault, stalking, or intimate partner violence, regardless of where such incidents occurred. Table 1 includes incidents that were reported to the University in the calendar year 2014. Table 2 includes disciplinary cases that were held and outcomes in the calendar year 2014. These numbers reflect on campus, off-campus and public property as defined by The Clery Act reporting.

TABLE 1: Incidents of Sexual Assault, Stalking, and Intimate Partner Violence

Calendar Year 2014	Sexual Assault	Stalking	Intimate Partner Violence
Number of Incidents reported to the University	3	0	0
Number of confidential or anonymous reports or disclosures to the University	2	0	1
Number of Disciplinary cases at the University	1	0	0

Table 2: Disciplinary Cases and Final Outcomes

Cases Regarding	Respondent Found Responsible	Respondent Found Not Responsible	Expulsion from Campus Housing	Suspension from the University	Expulsion from the University
Sexual Assault	0	1	0	0	0
Stalking	0	0	0	0	0
Intimate Partner Violence	0	0	0	0	0

Sexual Assault Awareness Programs & Policies

It is important that all members of the University community take precautions and act responsibly towards the goal of reducing vulnerability for crime. Should you become the victim of a crime, immediately call the Department of Public Safety at (203) 371-7911 (*Emergency line*).

The great majority of sexual assaults reported to the Department of Public Safety are committed by acquaintances. Victims of sexual assault are urged to report the incident to the Title IX Coordinator and the Department of Public Safety as soon as possible, regardless of where the crime took place, and whether or not the offender is known to the victim. The Title IX Coordinator will work closely with the victim to ensure that the appropriate emergency, medical care, counseling, support services any housing or academic accommodations are made available and will assist the victim in notifying the Department of Public Safety and/or the appropriate local law enforcement agency, if applicable.

Victims of sexual assault are not required to file formal charges, even if they report the incident to the Department of Public Safety. The Title IX Coordinator will present the victim with a full range of options and services available, enabling the victim to choose the most appropriate course of action. Some of the options available to the student victim if sexually assaulted on or off campus are immediate medical attention, counseling, police referral for investigation, immediate relocation to a different residence facility if the offender lives in the same residential facility, and changes in the victim's academic class schedule if the victim wishes and if such a change is reasonably available. (*See Student Handbook pages 100-114 for details*)

Students accused of sexual assault are subject to disciplinary action in accordance with the provisions set forth in the Sexual Misconduct Policy found under the policy section of the Student Handbook, whether or not formal criminal charges are filed by the victim. Both the victim and the accused student are entitled to the same opportunity to have witnesses present during Sexual Misconduct Hearing Panel proceedings, and both are informed of the outcome. A student found to have committed a sexual misconduct violation is subject to disciplinary action, up to and including suspension or expulsion from the University.

Victims are also advised of the importance of preserving any and all physical evidence that may be present for potential use for criminal proceedings (if desired), and not to use the bathroom or shower until after a hospital examination. After reporting the incident to the Title IX Coordinator, victims of sexual assault are strongly encouraged to report the crime to the local police. The Title IX Coordinator and the University Counseling Center will provide assistance to victims who wish to report sex offenses.

On Campus assistance for sexual assault victims includes:

- Title IX Coordinator 203-396-8386
- Public Safety 203-371-7995 (routine) or 203-371-7911 (emergency)
- Counseling Center 203-371-7955 (confidential)
- Campus Ministry 203-371-7840 (confidential)
- Student Health Center 203-371-7838 (confidential)
- Dean of Students Office 203-371-7846
- Office of Residential Life 203-416-3417

Off campus assistance is available at:

- ♦ The Center for Family Justice (203) 334-6154

- ♦ 24Hr Hotline (203) 333-2233
- ♦ Women & Families Center, Sexual Assault Crisis Services in CT
- ♦ 24Hr Hotline 1-888-999-5545
- ♦ V.E.D.A.S. (Español)- 1-888-568-8332
- ♦ CT Domestic Violence Hotline 1-888-774-2900
- ♦ Local Domestic Violence Hotline (203) 384-9559
- ♦ The National Sexual Assault 24 Hour Hotline 1-800-656-HOPE (4673)
- ♦ National Domestic Violence Hotline 1-800-799-SAFE (7233)
- ♦ Bridgeport Hospital (203) 384-3000

University wide – Educational Programming and Training

In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence occurring among its students, the University utilizes a range of campaigns, strategies and initiatives to provide awareness, educational, risk reduction and prevention programming. It is the policy of the University to offer programming to 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.

These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention (including bystander intervention, and the interactions of sexual assault and substance use), and discuss institutional policies on sexual misconduct as well as Connecticut definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. 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.

Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. The following programs/trainings are planned and presented by the Title IX Coordinator, The Center for Family Justice in conjunction with a number of offices and organizations at Sacred Heart University:

- ♦ Resident Success Assistant and Residence Hall Directors – Staff Training and development
- ♦ Sexual Misconduct Policy, Introduction, Training and awareness.
- ♦ SWEET Peer Educators – programs on bystander and all types of awareness
- ♦ Take Back the Night Event
- ♦ Bystander Intervention Training – Step Up
- ♦ It's on US national Campaign
- ♦ Not Anymore online course for all incoming, transfer, and upper-class and graduate students
- ♦ Sexual Misconduct Prevention Training classes
- ♦ Faculty & Staff trainings and educational information
- ♦ Residence Life/Hall & Classroom Presentations
- ♦ Counseling Department Trainings
- ♦ Greek Life Presentations
- ♦ Athletic Team presentations and awareness programs
- ♦ Sexual Assault Awareness Month – Tables

- ♦ Delta Tau Delta White Ribbon Campaign
- ♦ Walk a Mile in her shoes – Center for Family Justice
- ♦ Support Groups through the Counseling Center
- ♦ Various Legal Issues Panels through our Colloquia Series of Programs

In the event that sexual misconduct, gender-based violence or the crimes of sexual assault, stalking, dating violence or domestic violence does occur, Sacred Heart University takes the matter very seriously. The University employs interim protection measures such as no contact orders in any case where a student's behavior represents a risk of violence, threat, pattern or predation. If a student is accused of sexual misconduct, other gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, s/he is subject to action in accordance with the Sexual Misconduct Policy in the student handbook.

A student wishing to officially report such an incident may do so by contacting the Title IX Coordinator, Leonora P. Campbell at campbell@sacredheart.edu or 203-396-8386. Anyone with knowledge about sexual misconduct or gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence is encouraged to report it immediately.

Violence Against Women Act

The Violence against Women Act (VAWA) is a federal law enacted in 1994 to improve the criminal justice and community-based responses to domestic violence, dating violence, sexual assault, and stalking. The reauthorization of VAWA (2000, 2005, and 2013), along with the Campus Safe Act and the Jeanne Clery Act, have worked together to improve the safety of college campuses and enhance the outlook for abuse victims.

Sacred Heart University is committed to maintaining a safe and secure work and academic environment, free of any form of sexual misconduct, including domestic violence, dating violence, sexual assault, stalking, and sexual harassment. A violation of the Violence against Women Act shall constitute grounds for disciplinary action, up to and including dismissal from the University.

Sacred Heart University Policy on Sexual Misconduct

I. Introduction

Sacred Heart University is firmly committed to maintaining a learning, living, and working environment for the University community free of sexual misconduct. The Sexual Misconduct policy describes the University's policy toward Sexual Misconduct and zero tolerance policy towards sexual violence. It also provides guidance for those who have been involved in an incident of sexual misconduct, outlines the University's disciplinary response to alleged incidents of sexual misconduct, and identifies the relevant organizations within the University responsible for managing the policy and programs associated with it. Sacred Heart University's policy is intended to comply with relevant state and federal statutes and it applies to faculty, staff and students.

Policy Statement

Sacred Heart University is committed to an environment that promotes a spirit of responsibility, dignity, and respect in matters of sexual misconduct. All students and employees are entitled to pursue their work and education free of sexual misconduct or sexual violence in any form, including assault, acquaintance or date rape. When sexual misconduct or sexual violence occurs at Sacred Heart University, the standards of the University, as well as the criminal laws of the state of Connecticut, are violated. Sacred Heart University is dedicated to preventing sexual misconduct by providing information and resources to the Sacred Heart University community about the risks and myths that contribute to sexual misconduct; providing assistance, support and procedures to a person who has experienced or been involved in an incident of sexual misconduct; and by providing a process for investigation and adjudication that includes appropriate disciplinary sanctions for those who commit sexual misconduct violations.

All complaints or reports of Sexual Misconduct will be investigated. Sexual misconduct committed by students, whether on or off campus, is prohibited and will not be tolerated. This applies to academic, educational, co-curricular, athletic, study abroad, residential and off-campus conduct, and other University programs. Sacred Heart University urges individuals who have been involved in an incident of sexual misconduct, to pursue criminal charges against the person or persons they believe to have committed the sexual misconduct. A person who has experienced a sexual misconduct involving a member of the campus community is also urged to make a complaint to the University. A criminal charge and an internal complaint may be pursued at the same time. Retaliation against an individual who brings a complaint, participates in an investigation or pursues legal action is prohibited, will not be tolerated and will result in disciplinary action.

Students, faculty members, and staff members should understand that consensual sexual relationships, particularly those between individuals of unequal status, may be or become a violation of this policy. Anyone who engages in a sexual relationship with a person over whom the individual has any degree of formal power or authority must understand that the validity of the consent involved can and may be questioned. The University does not condone sexual relationships between staff or faculty members and students, and between supervisors and their employees.

Members of the University community are encouraged to contribute to the prevention of, intervention in, and effective response to student sexual misconduct. All members of the community may play a role in building a safe and just educational environment.

The University is committed to:

- Educating students about the implications and consequences of their behavior.
- Providing proper support and resources to aid any students harmed by sexual misconduct
- Encouraging students to take responsibility for their behavior
- Providing a process for investigation and adjudication that includes appropriate disciplinary sanctions.
- Modeling healthy and respectful behavior in personal and professional relationships;
- Increasing personal awareness of what constitutes sexual misconduct;
- Speaking out against behavior that encourages sexual misconduct or discourages reporting;
- Developing the necessary skills to be an effective and supportive ally to survivors of sexual misconduct;
- Intervening in situations that can lead to sexual misconduct and related misbehavior; and
- Interrupting an incident of sexual misconduct if it is safe to do so.

The University has created or identified resources, both across campus and in the larger community, to reduce, eliminate, and address the effects of sexual misconduct involving students. Many programs or units serve to ensure a safe campus, educate about and prevent sexual misconduct, assist and advocate for survivors of sexual misconduct, and ensure a fair process when sexual misconduct is reported.

The University creates, supports, and evaluates education and support programs aimed at the eradication of sexual misconduct involving members of the Sacred Heart University student community. To support these programs the Title IX Coordinator will coordinate sexual misconduct education and prevention programs. As necessary and appropriate, funds will be allocated to this program each year to advance the goals of this policy and educate the University community.

The Title IX Coordinator in conjunction with the Dean of Students shall provide a yearly orientation for new students and shall make known to all students:

- The existence of the sexual misconduct policy and the University's commitment to enforce it.
- The process and responsibility of reporting sexual misconduct offenses to the Title IX Coordinator, Deputy Title IX Coordinators, Public Safety Office and the Dean of Students On-going wellness promotion programs that address issues including, but not limited to, sexual health and wellness, drug and alcohol education in collaboration with the University Counseling Center.
- Through Bystander awareness programs, students will become knowledgeable and supportive of efforts to identify and prevent incidents of sexual misconduct.

II. Definitions

For purposes of this policy, the following terms have the definitions provided below. Please note that some of these terms may also be used in other contexts.

Complainant - An individual who reportedly experienced sexual misconduct, regardless of whether that individual participates in the disclosure or review of that report by the University at any point.

Consent - Sexual activity requires consent, which is defined as positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent cannot be inferred from the absence of a "no"; a clear "yes," verbal or otherwise, is necessary. Lack of protest does not imply consent. Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply present, continued or future consent. Consent must be ongoing throughout a sexual

encounter and can be revoked at any time.

Consent cannot be obtained by physical force, threats, intimidation, or coercion. Agreement under such circumstances does not constitute consent.

Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. If at any time during a sexual interaction any confusion or ambiguity should arise on the issue of consent, it is incumbent upon each individual involved in the activity to stop and clarify the other's willingness to continue. Engaging in sexual activity with a person whom you know – or reasonably should know – to be incapacitated constitutes sexual misconduct.

Guidance regarding Sexual Consent - Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. Presumptions based upon factors (such as but not limited to: clothing, alcohol consumption, or inappropriate bodily gestures) are unwarranted, and should not be considered as evidence for consent. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent, and you are thus urged to seek consent in verbal form. Talking with sexual partners about desires and limits may seem awkward, but serves as the basis for positive sexual experiences shaped by mutual respect and willingness.

Incapacitation - This term is defined as lacking the physical and/or mental ability to make informed and rational decisions or judgments. This term includes, but is not limited, to the following: persons, who are intoxicated, passed out, or asleep. Use of alcohol or drugs shall not diminish one's responsibility to obtain consent and does not excuse conduct that constitutes sexual misconduct under this policy.

Investigator - An appropriately trained individual who may be a University employee, who reviews and investigates reports of sexual misconduct under this policy.

Reporter - This is an individual who reports to the University a concern regarding a possible sexual misconduct. The Reporter need not be a Complainant. Without a statement from the actual Complainant, an investigation may be limited in its scope.

Respondent - A university student or participant in a University program, who is reported to have allegedly engaged in some form of sexual misconduct and/or has been charged with a violation of the sexual misconduct policy.

Sexual Misconduct - Umbrella term used to encompass unwanted or unwelcome conduct of a Sexual nature that is committed without valid consent, including sexual misconduct and sexual harassment. Sexual misconduct may occur between people of the same sex or between people of different sexes. Sexual misconduct can include both intentional conduct and conduct that result in negative effects, even if those negative effects were unintended. Sexual misconduct can also include retaliation in connection with a Complainant's or Reporter's allegations under this policy.

Sexual Misconduct can include but is not limited to:

Sexual Assault - Is defined as any type of sexual contact or behavior that occurs without explicit consent. Falling under the definition of sexual assault are sexual activities such as forced sexual

intercourse, unwanted or unwelcome touching of a sexual nature, including hugging, kissing, fondling, oral sex, anal or vaginal intercourse, or other physical sexual activity that occurs without valid consent.

Some examples of sexual assault, but are not limited to:

- Someone had sex/inappropriate sexual contact with you while you were incapacitated from alcohol or drugs. You may have been asleep, passed out, too intoxicated to know what was happening, or have the ability to stop their actions.
- You agreed through words or actions to do one thing, but were forced to do more.
- You were kissing someone, and the physical intimacy escalated. You said no, but the other person continued. You did not willingly participate. The other person had sex with you anyway.
- An individual forced you to have sex when you did not want to.
- An individual refused to use a condom even though clearly communicated to use one.

Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature if: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, living environment, employment, or participation in a University-related activity or University Program; (2) submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual's education, living environment, employment, or participation in a University-related activity; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual's education, living environment, employment, or participation in a University-related activity.

Examples may include, but are not limited to, the following: unwanted sexual statements; unwanted personal attention including stalking and cyber-stalking; unwanted physical or sexual advances that would constitute sexual assault, as defined in this policy; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without the knowledge and consent of all parties involved; touching oneself sexually for others to view; and voyeurism (spying on others who are in intimate or sexual situations).

Some examples of sexual harassment may include, but are not limited to:

- Unwelcome jokes, comments, erotic material, language, flirtation, advances or propositions that are frequent and may occur within the classroom, workplace, residence/ room and on/off campus.
- An individual won't stop calling, texting, following you or showing up at your residence/room, place of work, or any location on/off campus, even after you have asked them to stop.
- Your Professor, Supervisor or an individual of authority makes frequent sexual jokes, comments, stares at you, inappropriate touching or insinuates that you will receive a better grade or other reward if you develop a special relationship.
- An individual/neighbor in your residence/room places sexually graphic material and/or verbiage on your door/personal residence and/or personal property.

Domestic Violence - Includes violent offenses committed by the complainant's current or former spouse or significant other, current or former roommate/cohabitant, person similarly situated or protected under domestic or family violence law.

Dating/Relationship Violence - This term is defined as the use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse used to control a partner in an intimate relationship constitute intimate partner violence. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Intimate partner violence can be a single act or a pattern of behavior in relationships. Intimate partner relationships are defined as short or long-term relationships (current or former) between persons intended to provide some emotional/romantic and/or physical intimacy.

Stalking - This term is defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for her or his safety, for the safety of a third person, or to feel extreme emotional distress, bodily injury or death. Stalking behaviors include, but are not limited to: non-consensual communication by any means, collecting information by any means, use of surveillance in person or via electronic means (telephone, mail, email, text, social networking or any other like method), collecting information about a person's routine, friends, family, or coworkers, uninvited visits to a residence, workplace, classroom, worship location, or other locations where an individual is commonly found.

1. 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, surveys, threatens, or communicates to or about a person, or interferes with a person's property.
2. Emotional distress - means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
3. Reasonable person - means a reasonable person in the victim's circumstances.

Support Person - An individual chosen by a Complainant, Respondent or Reporter, to provide support during the review of a report and/or during the hearing process of possible sexual misconduct. The person(s) chosen may not already be directly involved in the investigative process (for example, a witness, or Reporter) and may not speak on behalf of the person they are supporting, but instead may be present only to assist or advise the individual they are supporting, in a non-advocacy role.

Title IX - Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. § 1681 et seq.; 34 C.F.R. Part 106) (as amended) is a federal law that prohibits sex based discrimination, including sexual harassment and sexual misconduct, in education programs that receive federal financial assistance.

Title IX Coordinator and Deputy Title IX Coordinators - The University officials charged with ensuring the University's overall compliance with Title IX and related University policy.

III. Policy Coverage/Jurisdiction

Sacred Heart University will adjudicate incidents of sexual misconduct in the following situations:

- Incidents that occur on or off campus;
- The alleged violator is a current student;

Reports of sexual misconduct from an individual outside of the University community and not relating to University conduct may be investigated if Sacred Heart University determines the described conduct described in the complaint constitutes a sufficient threat to the University community to warrant

investigation. The Complainant can file a report as long as the Respondent is still a student at Sacred Heart University. If the Respondent is not a student, individuals are advised to file a report with the local law enforcement authorities. Students are advised that a delay in reporting could have a negative impact on evidence.

IV. Confidentiality of Information

Sacred Heart University will preserve student confidentiality to the extent possible and allowed by law. The degree, to which confidentiality can be protected, however, depends upon whether or not the individual is legally protected to withhold this information. The person being consulted should make these limits clear before any disclosure of facts. An individual can speak confidentially with certain persons in legally protected roles at Sacred Heart University, including counseling, advocacy, health, mental health, or sexual-assault-related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers).

As required by law, all disclosures to Sacred Heart University employees of an on-campus sexual misconduct are tabulated for statistical purposes by the Public Safety Department, without personal identifying information. In compliance with federal law, these statistics and other mandated crime statistics are reported annually. The Title IX officer will also be notified, in writing, that a sexual misconduct complaint has been filed.

The Family Educational Rights and Privacy Act (FERPA) prohibits the disclosure of conduct records to any third party without written permission from the student(s) involved. Requests from parents, family members, and concerned students for information about the Complainant and/or the Respondent will not be honored without written permission from the student(s) involved.

HIPAA Health Insurance Portability and Accountability Act- HIPAA provides for the protection of individually identifiable health information that is transmitted or maintained in any form or medium. Any release and/or transfer of healthcare information is only permitted with written permission.

V. Filing a report of Sexual Misconduct

The University strongly encourages the prompt reporting of a sexual misconduct. The report may be made by:

- A person who believes they experienced sexual misconduct (a "Complainant"); or
- A person who has information that a sexual misconduct may have been committed by either a University student or a participant in a University Program (a "Reporter").

If the Reporter or Complainant chooses not to participate in the University review of the report, the University may, as described below, pursue the report without that person's participation.

The student will be informed of their right to file a criminal complaint with local law enforcement authorities. The University reserves the right to initiate an investigation on its own if it perceives an imminent and/or on-going threat to the University community.

File a Report with the Public Safety and Police Department

For a sexual misconduct that took place on-campus or in a Sacred Heart University facility, students can contact Public Safety at (203-371-7999) and/or call the respective (Fairfield or Bridgeport) Police

Departments directly at 911 to file a report with the police. Campus authorities can assist in notifying the local police if the student chooses.

File a Report with the Title IX Coordinator and/or Deputy Title IX Coordinators

Whether a student elects to report a sexual misconduct to the police, he or she is urged to make an official report directly to the Title IX Coordinator and/or Deputy Title IX Coordinators. Public Safety can also assist in this process, particularly if the misconduct is being filed after business hours. Public Safety can be reached at (203-371-7999). A report should be filed with the Title IX Coordinator or the Deputy Title IX Coordinators.

False Reports

An allegation that is both intentionally false and malicious maybe a violation of the Sacred Heart University Student Conduct Code and will be investigated and adjudicated accordingly.

VI. University Response to Investigating an Allegation of Sexual Misconduct

Services

Sacred Heart University encourages students who have been involved in a sexual misconduct incident to file an official report. Students are also advised to seek medical attention as soon as possible and within 72 hours of a sexual misconduct. Students can choose one of a combination of options to create the most appropriate plan for them.

The Dean of Students Office will first suggest that the student attend to any medical needs immediately. The student will receive information on hospital procedures and resources available. Accompaniment to the hospital will be provided if desired by the student.

Obtain Medical and Counseling Attention Medical - Legal Evidence Collection

A person who has experienced sexual misconduct is encouraged to request of medical-legal evidence. Collection of evidence entails interaction with police and medical professionals. Prompt collection of physical/medical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action. The sooner a sexual misconduct incident is reported, the more likely physical/medical evidence will still be present.

Medical Treatment - A person who has experienced a sexual misconduct is urged to seek appropriate medical evaluation as promptly as possible, ideally within 72 hours of the incident.

Support and Counseling - Counselors at a variety of agencies both on- and off-campus can help a person decide what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling, and reporting to authorities. Information, support and advice are available for anyone who wishes to discuss issues related to sexual misconduct. In the event a sexual misconduct incident has or has not occurred, and whether or not the person seeking information is a complainant, respondent or is a third party will be provided.

Students May Consult

Sacred Heart University Counseling Center (203-371-7955)
Sacred Heart University Health Services (203-371- 7838)
Dean of Students Office (203-371-7916)
Office of Campus Ministry (203-371-7840)
Title IX Coordinator, (203-365-7633)
The Center for Family Justice, 203-334-6154
Hotline Information Domestic Violence Local Hotline: (203)384-9559
Domestic Violence CT Hotline: 1(888) 774-2900
Domestic Violence National Hotline: 1(800) 799-SAFE
Rape Crisis Services Hotline: (203) 333-2233
V.E.D.A.S. Hotline (Español): 1(888) 568-8332

Interim Interventions

Students who have been involved in an alleged incident of sexual misconduct will have access to other available assistance in changing academic and living situations. If requested by the student and if such changes are reasonably available no formal complaint, or investigation, campus or criminal need occur before this option is available.

Accommodations may include:

- Change of an on-campus student's housing to a different on-campus location;
- Assistance from University support staff in completing the relocation;
- Arranging to dissolve a housing contract and pro-rating a refund;
- Exam (paper, assignment) rescheduling;
- Taking an incomplete in a class;
- Transferring class sections';
- Temporary withdrawal;
- Alternative course completion options.

No Contact Letter - The Dean of Students will issue no contact letters upon receipt of a report of sexual misconduct in which the respondent and complainant are Sacred Heart University students. Students may also request a no contact letter towards students who have engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student or others.

Decision to Proceed with Investigation - The Title IX Coordinator will supervise an investigation into the incident. The Title IX Coordinator will determine the most effective method of reviewing the concerns raised by the reported sexual misconduct. In all cases, the University will respond to the report in a prompt, thorough, procedurally fair, and effective manner. Upon receipt of a report, the University will strive to complete its review within sixty (60) calendar days.

Immediate Response - The Title IX Coordinator in coordination with the Dean of Students will initiate an immediate response to separate the Complainant and Respondent from engaging each other in common areas, residence halls, campus buildings, and student activities; and will outline options to

change the Complainant's or Respondent's academic and/or living situations if those changes are requested by the Complainant or Respondent and are reasonably available.

The Title IX Coordinator and the Dean of Students have the discretion to remove the Complainant or Respondent from a hostile living situation. All Incident Reports and directions to the Respondent and Complainant will be forwarded to the Director of Public Safety.

The Title IX Coordinator or designee will meet with the Complainant to review the details of the allegation and to explain the subsequent steps involved in a sexual misconduct investigation.

The Title IX Coordinator has the discretion to consult with and/or refer the Complainant to Public Safety which will assist the Complainant to write the Incident Report. The completed Incident Report will be promptly forwarded to the Title IX Coordinator. The Complainant may also directly submit the Incident Report to the Title IX Coordinator. Nothing herein shall preclude an immediate suspension in order to preserve the safety of the campus community.

Preliminary Investigation

Both parties will be informed of the respective time and place of the interviews and that contact between the parties will be limited to necessity. During this stage of investigation, the Complainant and Respondent have the right to be accompanied by a support person.

The Title IX Coordinator will investigate the incident by separately questioning the Complainant, Respondent, and any identified witnesses. The purpose of the preliminary questioning is to ascertain to reasonable suspicion if there may have been a violation of Sacred Heart University's Sexual Misconduct Policy and what immediate responses need to occur. Should this questioning not produce a reasonable suspicion, the hearing will not proceed. However, Complainants may still seek options such as filing a no contact letter and reporting the incident to the local police department. At the conclusion of the interviews, a preliminary report of the findings of the investigation will be prepared for presentation to the Hearing Panel as well as the Complainant and Respondent. It's important at this stage that all members of the University Community respect the role of the Title IX Coordinator and the Dean of Students and not engage in behavior that compromises the process. During any stage of the investigation, if the Title IX Coordinator or the Dean of Students reasonably suspects that the Respondent poses an imminent threat of harm or disruption to the campus community, he or she may immediately be removed from campus housing and/or be restricted from movement on campus.

Standard of Proof

The Investigator's findings will be made using the "preponderance of the evidence" standard. This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard, individuals are presumed not to have engaged in sexual misconduct unless a preponderance of the evidence supports a finding that sexual misconduct occurred.

Hearing Panel

The Title IX Coordinator will appoint a permanent hearing panel comprised of three (3) individuals chosen as follows: Each Vice President (Student Affairs, Academic Affairs, and Human Resources) shall choose one (1) individual to serve as a hearing officer. The Academic Affairs representative shall be a full-time faculty member.

The Title IX Coordinator will provide training for hearing officers initially and within 30 days of the appointment of new members to the hearing panel. The panel will hear the facts of the case from both parties and shall determine by a preponderance of the information gathered whether the Respondent has violated the specific charge under the Sexual Misconduct Policy. Ordinarily, no information will be permitted concerning the sexual history of the Complainant or Respondent except in those instances where there was a prior sexual relationship between the parties and the testimony may be relevant to the issue of consent. The hearing will be closed to the public, and a support person may accompany either party. Either party may make a request for accommodations during the hearing procedures such as indirect questioning, special seating arrangements in the hearing room, or speaking to the panel without the other party and the corresponding advocate present in the hearing room provided the other party has audible access to the testimony. The panel will select a chair from among its membership. Panel members will deliberate in private and the chair will issue the panel's decision to the Title IX coordinator regarding whether the Respondent is found to be responsible or not responsible for the charges. The deliberations of the panel will not be recorded.

Disciplinary Sanctions

Sanctions against a student who has violated the Sexual Misconduct Policy will vary depending on the severity of the violation. The Hearing Panel will recommend sanctions to the Dean of Students, who has final approval. Action against a student found to have violated the policy may include but are not limited to one or more of the following:

1. Expulsion from campus housing
2. Mandated brief intervention, and/or may include censure Suspension from the University
3. Expulsion from the University

Both the Complainant and Respondent must be informed of the outcome of a sexual misconduct proceeding within three (3) business days of the panel's decision. To assist the Title IX Coordinator in formulating appropriate sanctions, the Complainant may make a statement of the impact of the misconduct.

Appeal Process

Any disciplinary action against a student who has violated the Sexual Misconduct Policy may be appealed to the Senior Vice President of Enrollment Planning and Student Affairs of the University whose decision shall be final.

Retaliation

1. Both Title IX and Sacred Heart University prohibit retaliation against any person for using this reporting system, or for participating in investigations or subsequent proceedings. The University will take steps to prevent retaliation and take strong responsive action if it occurs.
2. Retaliation is defined as any action by any person what is perceived as: intimidating, hostile, harassing, retribution, or violent that occurred in connection to the making and investigation of

the report.

3. Complainants or Respondents should report any subsequent problems of harassment or retaliation. The Title IX Coordinator or a designee will follow up with complainants periodically to determine whether any retaliation or new incidents of harassment have occurred, and handle such reports accordingly.

VII. Institutional Responsibilities

Recording Investigative Materials and Reports - The permanent disciplinary record of a student who violates the Sexual Misconduct Policy will reflect this violation if and only if the allegations of the Complainant are found to be true. However, a separate file including the incident report, findings of the hearing panel, and the Title IX Coordinator's final report will be maintained for at least seven (7) years from the date of the final report.

Disciplinary Action for Faculty and Staff - A violation of this policy will be addressed according to applicable faculty and staff personnel policies. For a proven violation, possible sanctions range from censure to separation from the University.

Legal Options - In addition to University disciplinary actions, a person who engages in a sexual misconduct may be the subject of criminal prosecution and/or civil litigation. A police report must be made for criminal prosecution to be considered by the state's prosecuting authority. The chances of successful prosecution are greater if the report is timely and is supported by the collection of medical legal evidence.

Managing the Interests of the Alleged Respondent - It must be recognized that the alleged Respondent in a University investigation has legal and other rights, and that complaints in which each of the parties are members of the campus community are the most ethically and legally complex. A presumption of guilt should not be made as the result of any allegations.

Insofar as it is possible, the University shall act to protect the identity of the Respondent until such time as allegations against the individual are confirmed through the procedures outlined in this policy.

In the event that a student is accused of sexual misconduct against another individual and a formal complaint is lodged with the Title IX Coordinator, the Respondent shall be encouraged to seek advice from a member of the University community on the following;

- A copy of any relevant documentation about conduct proceedings depending on the nature of the allegation, the Respondent should consider seeking qualified legal advice should criminal or civil action result; and the student's capacity to access confidential counseling from someone with no contact with the Complainant.
- The Respondent has a right to select a support person within the guidelines of this policy. Counseling and/or support can only be offered to a Respondent who is a Sacred Heart University student.
- When the parties are members of the University community, arrangements will be made limiting or ceasing any on-going contact during the investigation phase. This will occur in conjunction with Public Safety and the Dean of Students or designee.

Public Notification of Incidents - As required by state and federal law, the University collects and reports annually statistical information concerning sexual misconduct incidents occurring in its

jurisdiction. To promote overall public safety, the department of Public Safety will also alert the campus community to incidents and trends of immediate concern.

Sexual Harassment Policy

It is the policy of Sacred Heart University that any practice or behavior that constitutes sexual harassment will not be tolerated, and the University is committed to providing and preserving an atmosphere free from harassment in any form. Sexual harassment is illegal and is prohibited by the Connecticut Discriminatory Employment Practices Act (Section 46a-60(a) (8) of the Connecticut General Statutes) and Title VII of the Civil Rights Act of 1964 (42 United States Code Section 2000e *et. seq.*) The University condemns any offensive or inappropriate sexual behavior at work and within the academic community of the institution. More specifically, the faculty, staff and students of the University will not condone nor be subject to actions and words that constitute sexual harassment, gender discrimination or any other unreasonable interference with their performance based on an individual's gender. Individuals who engage in sexual harassment will be severely disciplined up to and including discharge.

Any employee who feels that he/she is being sexually harassed by anyone including supervisors, co-workers, faculty, students or vendors should immediately report the incident to Human Resources.

Some examples of prohibited conduct are:

- Demanding sexual favors in exchange for favorable reviews, assignments, promotions, continued employment or other promises.
- Continued or repeated sexual jokes, language, flirtation, advances or propositions.
- Verbal abuse of a sexual nature.
- Graphic verbal commentary about an individual's body, sexual prowess or sexual deficiencies.
- Sexually degrading or vulgar words to describe an individual.
- Leering, whistling, touching, pinching, brushing the body, assault or suggestive, insulting or obscene comments or gestures.
- Name calling, gossip, comments or jokes that may be derogatory towards a particular sex.

The University will investigate every reported incident as soon as possible. Any employee, supervisor or agent of the University who has been found to have sexually harassed an employee will be subject to appropriate disciplinary action, up to and including termination.

Investigations will be conducted as thoroughly, discreetly and confidentially as possible. The University recognizes that every investigation requires a determination based on all the facts in the matter.

The employee who has reported the complaint and any employee involved in the investigation has the University's assurance that no retaliation will be taken as a result of the harassment complaint. It is our policy to encourage discussion of the matter to help protect others from being subject to inappropriate behavior.

The University cannot resolve a sexual harassment issue unless it is communicated to Human Resources. It is the employee's responsibility to bring any incidents to the attention of Sacred Heart University so that we can take whatever measures necessary to correct the situation.

All supervisors, managers and exempt employees will receive sexual harassment training. Employees who are interested in attending a refresher session should contact Human Resources.

Campus Sex Crimes Prevention Act

34 CFR 668.46 (b)(12) and CGS 10a-55c (b)

The Federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community of where information concerning registered sex offenders may be obtained. In Connecticut, this information is accessible from the Connecticut State Police at the following website: <http://www.ct.gov/dps>. You can find a link to this website on the Public Safety web page: <http://www.sacredheart.edu/publicsafety.cfm>.

Sacred Heart University has a written policy concerning sexual harassment and new employees receive training from the Department of Human Resources. Sexual Harassment is also a violation of the student code of conduct. Sexual harassment means with respect to an individual, any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature by an agent or an employee of an institution of higher education.



SACRED HEART UNIVERSITY

SEXUAL MISCONDUCT ON CAMPUS

RESPONDING TO STUDENTS

A STEP-BY-STEP GUIDE FOR FACULTY & STAFF FOR ASSISTING STUDENTS

If a student should disclose a sexual misconduct situation to you:

STEP 1

Listen & Care

- ◆ Be sure to create a safe environment for the student by actively *listening* and *caring* in a non-judgmental and supportive manner.
- ◆ Ensure and assess the student's immediate physical and mental safety. If student appears to be in danger or crisis, contact Public Safety 203-371-7995 or 911 or Counseling Services, 203-371-7955.
- ◆ Remind the student that the only confidential sources on campus are Wellness & Counseling Services and Campus Ministry.
- ◆ Do not ask questions or try to make a judgment about the incident. You are there to *listen* and *care* not investigate.

STEP 2

Provide & Connect

- ◆ Continue to ensure the student's safety and wellbeing by *providing* the student with resources on and off campus, as well as their reporting options.
- ◆ Students should receive and if feasible review a copy of Sacred Heart University's Sexual Misconduct Student Resources & Referral Options flyer. This flyer will provide them with resources both on and off campus. Do your best to *connect* students with Counseling Services or another confidential source if they so choose.

STEP 3

Contact

- ◆ To continue to ensure the student's safety, you are required to report the disclosure and make *contact*:

SHU's Title IX Coordinator:
Leonora P. Campbell
203-396-8386
campbelll@sacredheart.edu

- ◆ Title IX requires you to provide all information you were given about the incident, including identifying all information of any students involved. If the student has requested confidentiality, you may include that in your report.

Sacred Heart University is firmly committed to maintaining a learning, living, and working environment for the University community free of sexual misconduct. **The Sexual Misconduct Policy** describes the University's policy toward sexual misconduct of any kind including sexual assault, sexual harassment, dating/relationship violence (intimate partner), domestic violence, stalking, and zero tolerance towards any sexual violence. It also provides guidance for those who have been involved in an incident of sexual misconduct, outlines the University's disciplinary response to alleged incidents, and identifies campus and community resources within the University responsible for managing the policy and programs associated with it. Sacred Heart University's policy is intended to comply with relevant state and federal statutes and it applies to faculty, staff and students.

SEXUAL MISCONDUCT ON CAMPUS: RESPONDING TO STUDENTS RESOURCES & REFERRAL OPTIONS FOR STUDENTS

In the event that a student discloses sexual misconduct information to you,
please provide them with the following resources and options:

EMERGENCY SERVICES

On-Campus

SHU Public Safety

203-371-7911

203-371-7995

Off-Campus

Fairfield Police

203-254-4800

Bridgeport Police

203-576-7671

Trumbull Police

203-261-3665

SUPPORT SERVICES

On-Campus

SHU Counseling Services

(Confidential)

203-371-7955

Campus Ministry

(Confidential)

203-371-7841

Off-Campus

Victim Advocate Support

The Center for Family Justice

203-334-6154

Sexual Assault Hotline

203-333-2233

National Domestic Violence Hotline

1-800-799-SAFE(7233)

Right to pursue University conduct action and/or Legal proceedings

The University encourages all those who have experienced any form of sexual misconduct to report the incident promptly; to seek out all available campus and community resources; and pursue University conduct action and/or legal proceedings against the offender.

MEDICAL ASSISTANCE

On-Campus

SHU Health Services

203-371-7838

Off-Campus

St. Vincent's Hospital

Emergency Department

2800 Main Street

Bridgeport, CT

203-576-6000

Bridgeport Hospital

267 Grant Street

Bridgeport, CT

203-384-3000

HOUSING or ACADEMIC

ACCOMODATIONS

On-Campus

Title IX Coordinator

Leonora P. Campbell

203-396-8386

Dean of Students Office

Larry Wielk

203-371-7916

Office of Residential Life

Joel Quintong

203-416-3417

Retaliation

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