



Albertus Magnus College

Report to the General Assembly Education Committee Pursuant
to Public Act 14-11

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SEXUAL MISCONDUCT POLICY

(Editors Note: this is an excerpt of the College's formal Sexual Misconduct Policy. For the complete policy please visit <http://www.albertus.edu/student-life/title-ix>)

NOTICE OF NON-DISCRIMINATION

Albertus Magnus College ("Albertus" or the "College") is committed to preserving the safety and dignity of all members of its community. The College prohibits all forms of sex discrimination including, but not limited to, sexual harassment, sexual assault, intimate partner violence, sexual exploitation, and stalking. The College has a zero-tolerance policy for sexual misconduct: sex discrimination is prohibited under Title IX and will not be tolerated in any form. The College will investigate and address all instances of such behavior thoroughly, effectively, and in a timely manner.

The Policy applies to all members of the College community regardless of sexual orientation or gender identity, as well as to conduct of third parties, such as guests and visitors, directed toward College students, faculty, or staff members. The Policy applies to behavior occurring both on and off campus.

JURISDICTION

The College will investigate incidents of sexual misconduct in the following situations:

- Incidents that occur on or off campus and involve a current College community member
- Incidents in which the alleged violator is a current College community member

Reports of sexual misconduct from an individual outside of the College community and not relating to college conduct may be investigated if the College determines that the conduct described in the complaint constitutes a sufficient threat to the College community to warrant investigation.

All individuals are encouraged to make reports of sexual misconduct in a timely manner. An individual can file a report regarding sexual misconduct at any time to any College official. All individuals are advised to file a report with the local law enforcement authorities.

Sexual Misconduct

Sexual Misconduct is a broad term encompassing any sexual behavior that is committed without effective consent or that has the purpose or effect of threatening, intimidating, or coercing a person. Sexual misconduct may vary in its severity and consists of a range of behaviors that may be grounds for action under Albertus Magnus College policies. In general, any non-consensual physical contact of a sexual nature may constitute sexual misconduct. However, physical contact is not a necessary component. For example, making photographs, videos or recordings of a sexual nature without consent constitutes sexual misconduct, even if the documented activity was consensual.

The sexual orientation and/or gender identity of individuals is not relevant to allegations under this policy.

NOTE: Many of the behaviors and actions that constitute sexual misconduct under this Policy also constitute criminal offenses under state and/or federal laws.

Sexual misconduct offenses include, but are not limited to, sexual harassment, hostile environment, sexual assault, sexual exploitation, intimate partner violence, and stalking.

1. Sexual Harassment

Sexual Harassment is unwelcome verbal or physical conduct that is of a sexual nature when

- submission to such conduct is made, explicitly or implicitly, a condition of employment or educational experience; or
- such conduct is sufficiently severe, persistent or pervasive that it alters the conditions of or substantially interferes with one's work or academic performance by creating an intimidating or hostile academic or work environment.

Sexual harassment includes acts of sexual assault and sexual violence.

Sexual Harassment can involve various relationships within the College community between students, faculty, staff members, vendors, and service providers (e.g., student and student, supervisor and employee, staff member and student, vendors and faculty, et cetera.)

2. Hostile Environment Caused by Sexual Harassment

A "hostile environment" exists when sexual harassment is sufficiently serious to deny or limit the ability to participate in or benefit from the College's activities or programs. A hostile environment can be created by anyone involved in the College's program or activity (e.g., administrators, faculty, students, visitors). To determine whether a hostile environment exists, the College considers a number of factors related to the severity, persistence, or pervasiveness of the harassment, including:

- the type, frequency, and duration of the conduct;
- the identity and relationships of persons involved;
- the number of individuals involved;
- the location of the conduct and the context in which it occurred; and
- the degree to which the conduct affected one or more student's education.

3. Sexual Assault

Sexual assault is actual or attempted sexual contact with another person without that person's consent. It includes, but is not limited to, non-consensual sexual contact and rape.

- Sexual Contact refers to intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any intentional bodily contact in a sexual manner.

- Non-Consensual Sexual Contact is any intentional sexual touching with any object or body part by a man or a woman upon a man or a woman that is without consent and/or by force.
- Non-Consensual Sexual Intercourse includes vaginal or anal penetration by an object or body part and vaginal, anal, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact, by a man or woman upon a man or a woman, without effective consent.

4. Intimate Partner Violence

Intimate partner violence (IPV) occurs when a former or current intimate partner uses or threatens physical violence, coercion, threats, intimidation, stalking, or other forms of emotional, sexual, or economic abuse. Such violence can be a single act or a pattern of behavior. Intimate partner relationships are defined as short- or long-term relationships (current or former) between persons intended to provide some emotional and/or romantic physical intimacy.

- Dating violence may constitute a form of IPV. Dating violence includes violence by a person who has been in a social relationship of a romantic or intimate nature with the complaining party. The existence of such a relationship is determined by its length, its type, and the frequency of interaction of persons involved in the relationship.
- Domestic violence may constitute a form of IPV. Domestic violence includes violent misdemeanor or felony offenses committed by the complaining party's current or former spouse, cohabitant, or a person with whom he or she shares a child.

5. Sexual Exploitation

Sexual exploitation occurs when a person takes sexual advantage of another for the benefit of anyone other than that person without his/her consent. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy
- Prostituting another person
- Non-consensual recording of sexual activity
- Distributing images or audio of another person's sexual activity or body, if the individual distributing the images or audio knew or should have known that the person depicted did not consent to such disclosure
- Going beyond the boundaries of consent (such as letting other people hide in the closet to watch you having consensual sex)
- Engaging in voyeurism

- Knowingly transmitting a sexually transmitted infection, sexually transmitted disease, or other infectious and/or communicable diseases or serious health conditions (e.g., HIV/AIDS) to another person
- Exposing one's genitals in non-consensual circumstances, inducing another to expose their genitals
- Sexually-based stalking and/or bullying

6. Stalking

Stalking is conduct directed at a specific person that would cause a reasonable person to fear for his, her, or others' safety, or to suffer substantial emotional distress.

- Stalking may include, but is not limited to, pursuit, following, harassment, monitoring, pursuing contact.
- Stalking may occur in person or through communications such as letters, e-mails, texting, and phone calls.

Consent

Sexual activity requires consent, which is defined as an active, unambiguous, knowing, and voluntary agreement to engage in a particular sexual activity throughout a sexual encounter. Consent must be freely and actively given. Consent may be given by words or actions; however, silence, a lack of resistance, or the absence of "no" does not imply consent.

- Consent to one form of sexual activity does not imply consent to further sexual activity.
- Past consensual sexual activity does not imply consent to future sexual activity.
- Consent to sexual activity with one person does not imply consent to sexual activity with another person.
- A current relationship does not imply consent to sexual activity.
- Consent must be ongoing throughout a sexual encounter and can be revoked at any time.
- Consent to sexual activity can be withdrawn at any time verbally, through physical resistance, or by loss of consciousness. Once consent is withdrawn, all sexual activity must cease and any further sexual contact constitutes sexual misconduct.
- Consent cannot be obtained by intimidation, force, or coercion.
 - Intimidation is the act of using coercion, instilling fear, or making threats to induce submission, compliance, or acquiescence from another.
 - Force includes the use of physical violence and/or imposing on someone physically to gain sexual access, as well as threats, intimidation or implied threats, and coercion to overcome resistance or produce consent (e.g., "Have sex with me or I will ... you." "Okay, don't ...me, I will do what you want.").
 - Coercion is unreasonable pressure for sexual activity. When someone makes clear to a person that s/he does not want sex, that s/he wants to stop, or that s/he does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

- There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced. The presence of force is not demonstrated by the absence of resistance.

Legal age of consent - In order to give consent, a person must be of the legal age of consent. In the state of Connecticut, the legal age of consent is sixteen. Engaging in sexual activity with a person who has not given consent or who legally cannot give consent is an act of sexual violence and also may be a criminal offense under state and/or federal law.

Incapacitation - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). Indications of consent are irrelevant if the initiator knows or should have reasonably known of the incapacity of another person. Sexual activity with someone whom you know to be - or based on the circumstances should reasonably have known to be - mentally or physically incapacitated (e.g. by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this policy.

- A person who is incapacitated by alcohol and/or drugs, including “rape drugs”, whether voluntarily or involuntarily consumed, cannot give consent. Possession, use, and/or distribution of any of these “rape drug” substances, including but not limited to Rohypnol, Ketamine, GHB, Burundanga, et cetera, is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>
- This policy covers a person whose incapacity results from any condition, including but not limited to mental disability, sleep, and/or involuntary physical restraint.
- Evidence of incapacity may be detected by physical cues, such as slurred speech, bloodshot eyes, the odor of alcohol on a person’s breath or clothing, inability to maintain balance, vomiting, unusual or irrational behavior, and unconsciousness. Any of these particular cues alone does not necessarily indicate incapacity. Context is important in helping to determine incapacitation. People can reach incapacitation at different points and as a result of different stimuli.

REPORTING POLICIES

The College encourages victims of sexual misconduct to talk to somebody about what happened as soon as possible so that they can get the support and assistance they need, and so the College can respond appropriately. Everyone is encouraged to make formal reports of incidents. Only people who have a need to know about the incident will be informed, and information will be shared only as necessary with investigators, witnesses, and the accused person.

There are several different resources available for reporting. When choosing a reporting resource, the following information should be considered:

- All reports of sexual misconduct, including sexual harassment, sexual assault, and intimate partner violence will be treated seriously and with dignity by the institution.
- Those who have been assaulted have the right to take both legal action (criminal and/or civil action) and action through the College against the individual allegedly responsible. Members of the College community may notify local law enforcement of sexual misconduct. The non-emergency contact information for the New Haven Police Department is (203) 946-6316. The New Haven Police Department is located at 1 Union Avenue in New Haven.

Anonymous Reporting Option

Any member of the College community may anonymously report an alleged violation of the College's Title IX policy by calling the Falcon Tip Line at 203-672-6795 or by completing the Falcon Tip form www.albertus.edu/falcontips. These reports will be directed to the Title IX Coordinator for review and appropriate action. Please note that the College's response to such anonymous reports may be limited due to lack of information.

Student Rights

Both the Complainant and the Respondent have rights in an investigation. These rights include the following:

- The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct, gender-based discrimination, and/or harassment made in good faith to the College;
- The right to be treated with respect by College staff throughout the process;
- The right to be notified of available counseling, mental and physical health services for victims of sexual misconduct, gender-based discrimination and/or harassment on campus and off campus;
- The right to identify witnesses and other parties, and to request the Deputy Coordinator contact those individuals as part of the investigation;
- The right to have a support person present during the investigation and hearing;
- The right to report the incident to off-campus authorities and/or law enforcement and to be assisted by College staff in doing so;

- The right to have a committee of mixed genders, to know the members of the Hearing Panel ahead of time, and to address concerns of bias and/or conflict of interest in regards to Hearing Panel members;
- The right to review all documents and reports produced by the investigation, subject to limitations provided by law, as well as the names of all witnesses who may be called to provide statements to the committee, at least 24 Hours prior to the hearing;
- The right to challenge information and documents prior to the hearing;
- The right to have the College request attendance and accommodate individuals called as witnesses for a hearing;
- The right to be present and participate in the board hearing;
- The right to make an impact statement to the Hearing Panel, should the board find the accused student responsible for violating this policy;
- The right to be informed of the outcome and sanction of any board hearing within 24 hours of a decision being rendered, and to receive that decision in writing;
- The right to appeal the finding and sanction of the board, in accordance with the appeal guidelines established in this policy;
- The right to privacy, and the assurance that information regarding the complaint will be shared only with those necessary;
- The right to report the incident to off-campus authorities and/or law enforcement and to be assisted by College staff in doing so;
- The right to know what provisions of the Student Code of Conduct the accused student is charged with violating;
- The right to have a copy of the board hearing script at least 48 hours prior to the hearing;
- The right to participate in board hearings by means other than being in the same room with the accused student
- The right to have the Title IX grievance process fully explained, and to receive written notice of all Student Conduct Code charges at least 48 hours before a committee hearing

ADJUDICATION PROCEDURES

The College will address allegations of sexual misconduct promptly and equitably. The process for addressing alleged sexual misconduct by a student is set forth below. The individuals involved in the adjudication process will include trained College staff members who will determine whether the

sexual misconduct occurred and the appropriate sanctions. Either the complainant or the respondent may raise issues regarding potential conflicts of interest of such individuals.

In its discretion, the College may determine that allegations of sexual misconduct in a particular instance will be addressed outside the procedures in this policy. In no event will mediation be used to adjudicate a sexual misconduct case. In determining the outcome of a complaint of sexual misconduct, the College will apply the standard burden of proof as defined in the United States Board of Education 2011 Dear Colleague Letter as a Preponderance of Evidence ("more likely than not").

Sanctions

- Any member of the College community found responsible for violating the sexual misconduct policy is subject to action up to and including dismissal.
- Any student found responsible for violating the policy on Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*
- Any student found responsible for violating the policy on Non-Consensual Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.*

The number and type of Sexual Assault, Stalking and intimate partner violence prevention and awareness campaigns or programs 2015.

- Fall/ Spring Residential Life Staff Training- Supported by the local Sexual Assault Crisis Center through the Women & Families Center the Residential Life Staff received training on Sexual Assault Awareness and Prevention.
- First Year Student Orientation/ All Residential Students- Sex Signals - A two-person team of highly-trained educators provides an interactive, relevant, and often-hilarious exploration of beliefs, behaviors, and gender stereotypes related to dating and sexual interaction. Then, through several semi-improvisational scenes, and one that depicts a rapist describing a rape, the program reaches out to students who have mislabeled coercion as consent, with the hope of changing behaviors and encouraging bystander intervention.
- Pamphlets/Flyers etc- The College distributed several educational pamphlets on sexual assault. These items included a "pocket pal" titled "What you need to know about Sexual Assault", as well as information regarding myths and facts about sexual assault. These items were distributed in student orientation packets as well as key locations throughout campus including, the health center, residence halls, and student services. Additional materials and

resource pamphlets from the Women and Families center Sexual Assault Crisis services; including those from the Umbrella Center for Domestic Violence Services.

- Student Health 101 –Digital Magazine. Monthly digital magazine that covers a wide range of topics including, Sexual Assault, Stalking and Intimate partner violence. This is published each month and is promoted to the student population through the use of social media, digital signs and flyers. Articles issued in 2015 include: Why is everyone talking about sexual assault on campus?; What to do when your male friend is sexually assaulted; What if everyday choices were treated like sexual consent?
- BH Care- The Umbrella Center for Domestic Violence Services - Community Education Presentation on Stalking and Intimate Partner Violence in Fall 2015.
- Professional Staff Training on Title IX- 2 day training at CCSU, July 15-16, 2016 - Civil Rights Investigator Level Two Certification Course hosted by Central Connecticut State University. Presenter was Sandra K. Schuster, J.D.
- Healthy Relationships Program- presented by Michele McGraw, Curry College. An evening discussing relationships, sex, and the importance of communication. interactive program to provide the key ingredients to happy and healthy relationships.
- Campus Clarity- Online Substance Abuse and Sexual Assault Prevention program for students- *Think About It: Turning Points* uses an engaging, thoughtful approach to provide students with the tools they need to navigate the risks of life in college before they ever set foot on campus.

The number of incidents of Sexual Assault, Stalking and Intimate Partner Violence on Campus

- Albertus Magnus College had 1 reported incidents of Sexual Assault in 2015
- Albertus Magnus College had 0 reported incidents of Stalking in 2015
- Albertus Magnus College had 1 reported incidents of Intimate Partner Violence in 2015

The number of confidential or anonymous reports or disclosures of Sexual Assault, Stalking and Intimate Partner Violence on Campus

Reports made to confidential resources at Albertus Magnus College (counseling services, health center staff, and campus ministry) are not reported to the College administration in recognition of the confidential nature of those reports. Albertus Magnus College offers an anonymous reporting option and there were 0 anonymous reports for 2015.

The number of disciplinary cases related to Sexual Assault, Stalking, and Intimate Partner Violence

- Albertus Magnus College had 0 disciplinary cases related to Sexual Assault in 2015
- Albertus Magnus College had 0 disciplinary cases related to Stalking in 2015
- Albertus Magnus College had 1 disciplinary case related to Intimate Partner Violence in 2015

The final outcome of the disciplinary case regarding Intimate Partner Violence ended with suspension from housing and probation for one semester.