



## **Annual Report on Sexual Assault, Stalking, and Intimate Partner Violence**

October 1, 2018

### **Policies Regarding Sexual Assault, Stalking, and Intimate Partner Violence**

In accordance with state and federal regulations, Trinity College has a comprehensive Policy on Sexual Misconduct that governs all students, faculty, and staff. This policy first became effective on August 28, 2015 and remains in effect today. In 2016 we changed the definition of consent from effective consent to affirmative consent. We also changed the response time for the complainant and the respondent to respond to the preliminary and final reports from five business days to five calendar days. The 2016 Trinity College Policy on Sexual Misconduct is attached as Exhibit I.

### **Concise Written Notification**

See Exhibit II

### **Prevention, Awareness, and Risk Reduction Programs**

- Mandated education and prevention workshops, targeting all seniors.
- The following education programs were offered to the campus community:
  - *Voices Raised in Power* - An annual sponsored event that celebrates surviving and thriving after incident(s) of sexual violence, featuring student performances.
  - Eve Ensler play, *A Memory, Monologues, Rant & a Prayer*-student directed and performed.
  - Take Back the Night - Annual campus wide event to educate campus on sexual misconduct and bystander intervention and to support survivors.
  - Walk a Mile in Her Shoes - an annual program featuring male -identified students walking a mile around campus in high-heeled shoes, to call attention to the issues of sexual misconduct and victim blaming.
  - The Vagina Monologues

### Prevention and Awareness Campaigns

- First year students are required to view the video *Not Anymore*. This video is a comprehensive overview and education of all forms of sexual misconduct that also includes active bystander instruction.
- *The Red Flag Campaign*. This is an annual campaign to educate all campus members about the warning signs of abusive and unhealthy relationships and stalking and to provide active bystander tips.
- Mandated education and prevention workshops, targeting all seniors.
- Flyer campaigns: Title IX rights & options; consent definition, etc.
- Sexual harassment prevention and response workshops for faculty and staff.

### 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 College in calendar year **2016**, and Table 2 includes disciplinary cases that were concluded in calendar year **2016**.

	Sexual Assault	Stalking	Intimate Partner Violence
<b>Number of incidents reported to the College*</b>	21	3	6
<b>Number of confidential or anonymous reports or disclosures to the College</b>	8	2	2
<b>Number of disciplinary cases at the College</b>	2	0	0

\*: Above numbers reflect on campus, non-campus and public property as defined in the Clery Act.

**TABLE 2: FINAL OUTCOMES OF DISCIPLINARY CASES**

<i>Cases Regarding</i>	Respondent found responsible	Respondent found not responsible
<b>Sexual Assault</b>	3	0
<b>Stalking</b>	0	0
<b>Intimate Partner Violence</b>	0	0

Outcome sanctions.

Sexual Assault: In one case there was an expulsion and in two cases, a college censure and educational sanctions were imposed.

# Exhibit I

# Trinity College Policy on Sexual Misconduct

## Contents

Introduction.....	2
Scope of the Policy .....	2
Obligation to Report .....	3
Title IX Coordinator .....	3
Definitions of Sexual Misconduct .....	3
Other Definitions .....	9
Available Assistance .....	10
Reporting Protocols and Confidentiality .....	11
Complaint Investigation and Adjudication Process .....	15
Overview .....	15
Filing a Complaint .....	16
Investigation Process .....	17
Investigation.....	19
Determination and Sanction.....	21
Appeals .....	22
Sanctions .....	23
Prevention and Education .....	24
Training.....	24
Appendix A – Contact Information .....	26
Available Assistance for Victims of Alleged Sexual Misconduct.....	26
Title IX Coordinator .....	27
Members of the Sexual Assault Response Team (SART) by Confidentiality Level .....	28
Other Resources .....	29
Appropriate College Officials .....	29

# **Trinity College Policy on Sexual Misconduct**

## **Introduction**

Trinity College prohibits sexual discrimination and harassment, including rape, sexual assault, and all other forms of sexual misconduct. In addition, this policy prohibits intimate partner violence, domestic violence, dating violence, stalking, retaliation, and other forms of prohibited conduct, as defined below. For the purposes of this policy, the term “sexual misconduct” includes all of the preceding categories and all forms of nonconsensual sexual contact prohibited by state and federal law. The College takes allegations of sexual misconduct seriously and has established procedures for the reporting and prompt, fair, and impartial adjudication of sexual misconduct complaints, from the initial investigation to the final result. This policy describes the mechanism for reporting and adjudicating allegations of sexual misconduct in all forms. This policy is Trinity College’s official policy governing sexual misconduct. It supersedes any other existing policy, and to the extent there is a conflict with other policies, this policy shall prevail. The College reserves the right to amend this policy, without advance notice, in order to update important information and to ensure the ongoing compliance with applicable laws.

## **Scope of the Policy**

This policy applies to all College community members, regardless of the sexual orientation, gender expression, or gender identity of the parties involved, including students, faculty, staff, visitors, and independent contractors, as well as those who participate in the College’s programs and activities, whether on or off campus, including study-away programs. Any such individual may make a report under this policy. Vendors, independent contractors, visitors, and others who conduct business with the College or on College property are also expected to comply with this policy; complaints against such College affiliates will be handled in accordance with existing contracts and agreements.

The College will respond promptly and equitably to all allegations of sexual misconduct involving a College community member and will provide resource options for victims of alleged sexual assault. The College will consider any requests for confidentiality within the context of the College’s obligation to provide a safe, nondiscriminatory environment for all community members. Further details on how requests for confidentiality are handled in cases of sexual misconduct may be found in the “Reporting Protocols and Confidentiality” section of this policy.

Pursuant to the requirements of Title IX, the College has an independent responsibility to investigate (apart from any separate criminal investigation by law enforcement) and address sexual violence, even in the absence of a complaint by the alleged victim.

## **Obligation to Report**

In accordance with the mandatory reporting requirements detailed in the “Reporting Protocols and Confidentiality” section below, any Trinity student, faculty member, staff member, or covered third party who has reasonable cause to believe that there has been a violation of this policy should immediately report this information to Campus Safety and to the Title IX Coordinator.

## **Title IX Coordinator**

The College’s Title IX Coordinator may be reached by e-mail [titleix@trincoll.edu](mailto:titleix@trincoll.edu) or phone at (860) 297-5146. The Title IX Coordinator is responsible for ensuring that Trinity establishes and follows a prompt, thorough, and equitable process for addressing allegations of sexual misconduct and discrimination or differential treatment based on sex. The Title IX Coordinator is responsible for providing leadership and centralized support for compliance with all requirements under Title IX of the Education Amendments Act of 1972 (Title IX), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Violence Against Women Act (VAWA), and other federal and state laws and regulations pertaining to sex discrimination, harassment, and sexual violence. The Title IX Coordinator serves as the College resource on Title IX requirements and compliance and provides consultation as needed. The Title IX Coordinator is also responsible for creating and implementing complaint and investigation procedures, as well as training programs related to Title IX compliance. See the “Complaint Investigation and Adjudication Process” section of this policy for the Title IX Coordinator’s specific duties related to complaints of sexual misconduct.

The Title IX Coordinator may designate Deputy Coordinators who will assist in Title IX compliance. Those individuals would have duties and responsibilities similar to the Title IX Coordinator and would report to the Title IX Coordinator. Where the Title IX Coordinator is listed as the designated point of contact for any role in this policy, he or she may designate a Deputy Title IX Coordinator or another qualified member of the College community to assume the role at issue, as necessary and appropriate.

## **Definitions of Sexual Misconduct**

The following are the definitions of conduct prohibited under this policy. If you have any questions about the definition or application of any of these terms, the policy in general, or the resources available to you as a member of the College community, please contact the Title IX Coordinator or a Deputy Title IX Coordinator.

### **Sexual Harassment**

The College prohibits its employees (including faculty and staff), agents, and students from engaging in sexual harassment. Any such person found responsible for sexual harassment is subject to College disciplinary action (up to and including dismissal) as well as personal legal liability. Sexual harassment, whether opposite or same sex, includes but is not limited to: unwelcome sexual advances, unwelcome requests for sexual favors, and other behavior of a

sexual nature or based on a person's sex, whether it occurs on or off campus, when:

- Submission to such conduct is made a condition, explicit or implicit, of an individual's employment or educational opportunities; or
- Submission to or rejection of such conduct is used as a factor in or basis for decisions affecting an individual's employment or educational opportunities; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or educational opportunities by creating an intimidating, hostile, or offensive educational, living, or work environment.
  - o A sex-based hostile environment is created by unwelcome conduct of a sexual nature or based on a person's sex that is subjectively and objectively offensive and that is pervasive, persistent, or severe. The College considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one's employment or educational opportunities. The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. A single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

Forms of Sexual Harassment: In some cases, sexual harassment is obvious and may involve an overt action, threat, or reprisal. In other instances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated. Some examples include the following:

- Sexual harassment can occur between persons of equal power status (e.g., student to student, staff to staff) or between persons of unequal power status (e.g., faculty member to student, coach to student-athlete). Although sexual harassment often occurs in the context of the misuse of power by the individual with the greater power, a person who appears to have less or equal power in a relationship can also commit sexual harassment.
- Sexual harassment can be committed by (or against) an individual or by (or against) an organization or group.
- Sexual harassment can be committed by an acquaintance, a stranger, or people who shared a personal, intimate, or sexual relationship.
- Sexual harassment can occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.

Examples of behavior that might be considered sexual harassment include, but are not limited to:

- Unwanted sexual innuendo, propositions, sexual attention, or suggestive comments and gestures; inappropriate humor about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality, gender, gender identity, sexual orientation, or gender expression; insults and threats based on sex, gender, gender identity, sexual orientation, or gender expression; and other oral, written, or electronic communications of a sexual nature that an individual communicates is unwanted and unwelcome.
- Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; or the circulation, display, or creation of e-mails, text messages, or websites of a sexual nature.
- Display or circulation of written materials or pictures degrading to an individual or gender group where such display is not directly related to academic freedom or to an educational/pedagogical, artistic, or work purpose.
- Unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body.
- Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances.
- Use of a position of power or authority to: (1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (2) promise rewards in return for sexual favors.
- Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

### **Sexual Assault**

Sexual assault is any intentional sexual contact without consent, whether such contact directly touches skin or is through clothing. It includes any intentional sexual contact with the breasts, buttocks, groin, genitals, mouth, or other bodily orifice of another; or touching another with any of these body parts; or making another touch you or himself or herself with or on any of these body parts; or any intentional bodily contact of a sexual nature, whether or not it involves the previously mentioned body parts; or disrobing or exposure of another without that person's consent. Sexual assault also includes attempted nonconsensual sexual intercourse.

### **Rape**

Rape is a form of sexual assault involving sexual penetration without consent. Rape is defined as: (a) any sexual penetration of the vagina or anus, however slight, with any object or body part without consent; or (b) any penetration of the mouth, however slight, by any sex organ or any object used in a sexual manner without consent.



### **Inducing Incapacitation**

Inducing incapacitation includes the provision of alcohol or drugs to an individual, with or without that individual's knowledge, for the purpose of causing harm, impairment or intoxication or taking advantage of that individual's impairment or intoxication.

### **Coercion**

Coercion is defined for purposes of this section as the application of unreasonable pressure to take part in sexual activity or in any of the prohibited conduct listed in this document.

Unreasonable pressure can be exerted through physical or emotional force, intimidation, misuse of authority, or outright threats. When someone makes it clear that he or she does not want to engage in sexual activity or does not want to go beyond a certain point of sexual interaction, continued pressure beyond that point may be considered coercive. Ignoring or dismissing the objections of another person may also be a form of coercion.

### **Sexual Exploitation**

Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Recording images (e.g., video, photograph), audio, or otherwise of another person's sexual activity, intimate body parts, or the person in a state of undress;
- Distributing images (e.g., video, photograph), or audio of another person's sexual activity, intimate body parts, or the person in a state of undress; and
- Viewing another person's sexual activity, intimate body parts, or the person in a state of undress in a place where that person would have a reasonable expectation of privacy.

Even if a person consented to sexual activity, consent must also be given to any photographing or recording of sexual activity. In addition, even if a person consented to photographing or recording of sexual activity, consent must also be given for any distribution of that material.

### **Domestic Violence**

Domestic violence is abusive behavior in any relationship that is used by one person to gain or maintain power and control over another person. It includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant (e.g., roommate), or person similarly situated under domestic or family violence law. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.

### **Dating Violence**

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such a relationship will be determined by the length, type, and frequency of the interaction.

### **Intimate Partner Violence**

Intimate partner violence means any physical or sexual harm against an individual by a current or former spouse of, or person in a dating relationship with, such individual that results from any action by such spouse or such person that may be classified as a sexual assault, stalking, or family violence.

### **Stalking**

Stalking involves a course of conduct directed at a specific person that would cause a reasonable person to suffer substantial emotional distress or to fear for that person's own safety or that of another. This includes cyberstalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, texts, or other similar forms of contact are used to pursue, harass, or make unwelcome contact with another person. Stalking and cyberstalking may involve individuals who are known to one another or have an intimate or sexual relationship or may involve individuals not known to one another. For the purposes of this definition:

“Course of conduct” means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

“Reasonable person” means a prudent person who normally exercises due care under similar circumstances.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### **Improper Romantic Relationships**

All relationships that occur in a hierarchical relationship present an imbalance of power. By virtue of his or her position of authority, a supervisor or faculty member is able to influence the terms and conditions of a subordinate's employment or a student's academic standing.

Therefore, Trinity College forbids romantic relationships between an employee (faculty or staff) and any student (including undergraduate, graduate, and IDP) for which that employee (faculty or staff) has responsibility by virtue of any professional supervisory obligations, including teaching, advising, departmental, committee, and coaching. Additionally, the College expects all supervisory staff (whether faculty or staff) and all faculty (whether supervisory or not) to avoid engaging in romantic relationships with individuals (whether students or employees) over whom they exercise or have the potential to exercise power. If an employee feels that such a relationship cannot be avoided, counsel should be sought from an Appropriate College Official, as defined below, to ensure that necessary steps are taken to avoid potential conflict.

### **Retaliation**

Consistent with state and federal laws, this policy prohibits retaliation against a person for: reporting discrimination and harassment; filing a complaint of discrimination or harassment; or participating in the investigation or adjudication of such a complaint. Retaliation is also

prohibited against persons who assist others in bringing a complaint of discrimination or harassment by offering advice and moral support or by giving testimony or documentary evidence in response to a complaint.

Retaliation is defined as conduct that may reasonably be perceived to:

- adversely affect a person's educational, living, or work environment because of his or her good-faith participation in the reporting, investigation, and/or resolution of a report of a violation of this policy; or
- discourage a reasonable person from making a report or participating in an investigation under this policy, any other College policy, or any other local, state, or federal complaint process, e.g., filing a complaint with an entity such as the U.S. Department of Education.

Retaliation includes, but is not limited to, acts or words that constitute intimidation, threats, or coercion intended to pressure any individual to participate, not participate, or provide false or misleading information during any proceeding under this policy. Retaliation may include abuse or violence, other forms of harassment, and/or making false statements about another person in print or verbally with intent to harm their reputation.

Retaliation can be committed by any individual or group of individuals, not just a Responding Party or a Complaining Party. Retaliation constitutes a violation of this policy even when the underlying allegations did not result in a finding of responsibility.

Any person who retaliates against an individual reporting, filing, or participating in the investigation or adjudication of a complaint of discrimination or sexual misconduct as defined in this policy is subject to disciplinary action up to and including expulsion or termination. Retaliation is prohibited even if the underlying complaint is eventually dismissed or is deemed to lack merit.

### **False Accusations**

Intentionally false accusations will not be tolerated. Any person who brings an intentionally false claim of discrimination or harassment is subject to disciplinary action up to and including expulsion or termination; other available sanctions are outlined below. A claim will not be deemed intentionally false merely because there is insufficient evidence to prove a violation of this policy or because it is deemed to be without merit. An intentionally false claim is one made with knowledge beforehand that it is false and with malicious intent toward another person.

*The prohibited conduct listed above is not exhaustive. The College may consider any other conduct that has a sexual or gender-based connotation under this policy.*

## **Other Definitions**

### **Affirmative Consent**

Affirmative consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person. Affirmative consent is informed, freely and actively given, and communicated through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. It is the responsibility of each person to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity and that such consent is sustained throughout the sexual activity. Consent may never be given by minors, mentally disabled persons, those who are incapacitated, and those who are by law unable to give consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard or being asleep or unconscious.

Consent obtained by fraud or force (actual or implied) is not consent, whether that force is physical force, threats, intimidation, or verbal coercion. A lack of verbal or physical resistance alone does not meet the affirmative-consent standard and does not of itself indicate consent. Past consent on its own cannot be construed as current/future consent. Moreover, consent may be withdrawn at any time. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person. Consent to engage in one form of sexual activity does not imply consent to engage in other forms.

References to “consent” in this policy should be construed as meaning “affirmative consent.”

### **Appropriate College Official**

For purposes of this policy, the term Appropriate College Official refers to the Title IX Coordinator or a Deputy Title IX Coordinator; an Associate Dean of Students, the Dean of Students, or the Dean of Campus Life and Vice President for Student Affairs; a Dean of Academic Affairs or the Vice President for Academic Affairs; an Associate Director, or the Director of Human Resources.

### **Reporter**

For the purposes of this policy, the term Reporter refers to anyone who reports an allegation of sexual misconduct to the College. A Reporter can be the victim of alleged sexual misconduct, a bystander, or any other person with reliable information about alleged sexual misconduct. A Reporter need not be a Complainant, as defined below.

### **Complainant**

A Complainant is one who initiates the College’s Sexual Misconduct adjudication process by bringing a complaint of sexual misconduct against a Trinity College student, employee (including staff and faculty), or contractor. A Complainant need not be a member of the College community so long as the College has jurisdiction over the person accused of sexual misconduct.

In cases where the circumstances of an alleged sexual misconduct suggest that the safety of the College community is at risk, the College may choose to act as a Complainant, even in the absence of a complaint by the victim of the alleged sexual misconduct.

### **Respondent**

A Respondent is an individual accused of sexual misconduct in a complaint filed with the College.

### **Party or Parties**

When the Complainant and the Respondent are discussed collectively, they will be referred to as the Parties and may be referred to individually as a Party.

### **Available Assistance**

#### **Accommodations and Interim Measures**

Trinity College will identify appropriate options to determine whether accommodations or interim measures, when requested, are reasonably available in a particular case. It is not necessary for someone affected by sexual misconduct to file a complaint, participate in an adjudication process, or file a criminal complaint in order to request accommodations or interim measures from the College. The College will maintain the confidentiality of any accommodations or interim measures provided, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the accommodations or interim measures. All accommodations and interim measures will be conveyed to and/or coordinated with the Title IX Coordinator.

Accommodations and/or interim measures may include, but are not limited to, the following:

- No-contact orders issued by the College are measures that restrict encounters and communications between the parties.
- Academic accommodations are measures that include deadline extensions, incompletes, course changes or late drops, or other arrangements as appropriate.
- Residential accommodations are measures that include arranging for new housing or providing temporary housing options, as appropriate.
- Transportation or working arrangements may be changed or other employment accommodations made, as appropriate.
- Access to support services will be provided with assistance by the College, including advocacy, academic support, counseling, disability, health or mental health services, visa and immigration assistance, student financial aid services, and legal assistance both on and off campus, as applicable.
- Assistance with reporting a crime to local law enforcement may be requested at any time by an individual involved in an alleged incident of sexual misconduct. Such individuals may request orders of protection, restraining orders, or relief from abuse orders from

courts of appropriate jurisdiction. The College will provide reasonable assistance upon request. The College will also work to respect and implement the requirements of such orders on premises that it owns or controls, as necessary and appropriate.

For a list of available resources and services, including information about medical care and evidence preservation, see “[Appendix A](#).”

### **Reporting Protocols and Confidentiality**

Trinity College strongly encourages individuals to report incidents of sexual misconduct so that any victim of alleged sexual misconduct may gain access to available support and to allow the College to respond appropriately. The College will accept a report of sexual misconduct at any time but strongly encourages prompt reporting, as resolution options narrow over time, especially if the College no longer has disciplinary jurisdiction over the person accused.

This section describes the various reporting and disclosure options available and the associated confidentiality implications. Because of their role at Trinity College, some employees are able to maintain a higher degree of confidentiality, but most employees are required to report all relevant details of an alleged incident to other College officials who may be responsible for initiating, investigating, and adjudicating a complaint. The distinctions between these groups are explained below so that individuals can make informed choices about how and where they seek help and guidance.

In all cases, the College will handle information related to these cases with sensitivity and discretion, and victims can request confidentiality as detailed below. The College will not disclose the identity of the victim or the person accused of sexual misconduct, except as necessary to carry out the investigation and adjudication process or as permitted under state or federal law.

#### **“Confidential” Reports Made to a College Employee**

In most cases, a Complainant or a Reporter may seek assistance, support, and advice from certain designated employees without initiating a College investigation that could reveal the identity of a victim of alleged sexual misconduct or the fact that the Reporter or the victim of alleged sexual misconduct has disclosed the incident. There are two groups of employees to whom a report of sexual misconduct can be made without fear that the identity of the Reporter or the victim of alleged sexual assault will be disclosed to others on campus. The members of these two groups are listed, along with their contact information, in “[Appendix A](#).” The distinctions between the two groups are outlined below.

1. **Professional Counselors and Designated Chaplains:** Privileged Communications  
Members of the Counseling Center with professional licenses, or who are supervised by such a person in a clinical capacity, and designated College chaplains are subject to recognized privileges that ethically prohibit them from disclosing information provided to them in their professional capacities. As such, clinical counselors may not disclose privileged information told to them, in confidence, to anyone unless there is an imminent

threat to life or safety. In cases of sexual misconduct involving adults, designated chaplains may not disclose information shared with them in confidence. These employees are identified in “Appendix A” by the initials **PE**.

2. **Non-licensed Counselors and Advocates:** Confidential Communications  
The nonstudent employees of the Women & Gender Resource Action Center (WGRAC) and the Health Center are confidential employees. They are not required to report information that identifies a victim of alleged sexual misconduct but are required to report general, non-personally identifying information about an alleged incident to the Title IX Coordinator. **This means that these employees will provide to the College general details, such as the nature, date, time, and general location of the alleged incident, but they will not disclose the names of those involved or other details that may reveal the identity of such individuals.** Before reporting any information to the Title IX Coordinator, these employees will first consult with the Reporter to ensure that the general report does not contain any personally identifying details. These employees are identified in “Appendix A” by the initials **CE**.

**Note: When required by law or by court order, or when required to avert a serious threat of danger to a person or property, any of the above employees (whether designated as privileged or confidential) may reveal otherwise confidential information, including the identities of Reporters and victims of alleged sexual misconduct.** An individual who speaks to any of the employees described above must understand that if a Reporter or a victim of alleged sexual misconduct wants to maintain confidentiality, the College may be unable to conduct an investigation into the particular incident or pursue disciplinary action against the person accused of sexual misconduct. However, privileged and confidential employees can provide information about and assist individuals in requesting other support and services, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working, or transportation arrangements. A victim of alleged sexual misconduct who at first requests confidentiality may later decide to file a complaint with College officials and/or with law enforcement and will be assisted by privileged and confidential employees in doing so.

Connecticut state law specifically requires individuals to report incidents to law enforcement or to the appropriate state officials when the victim of alleged sexual misconduct is under the age of 18 or has an intellectual disability. The College should also be notified of any such report. If a report of sexual misconduct indicates a serious or ongoing threat to the College community, the College may be required to issue a timely warning to the community. The warning would not include any information that identifies the Reporter or a victim of alleged sexual misconduct.

### **Responsible Employees – Non-Confidential Communications**

Other than those few employees who are subject to a recognized privilege or expressly designated as confidential employees, as described above, all College employees, including faculty, staff, and Resident Assistants (RAs) are Responsible Employees who are required to

report incidents of sexual misconduct to the Title IX Coordinator or Deputy Coordinator. Responsible Employees are identified in “Appendix A” by the initials **RE**.

A disclosure to a Responsible Employee constitutes a report to the College and obligates the College to take immediate and appropriate steps to investigate the report, resolve the matter promptly and equitably, and remedy the effects of the reported sexual misconduct. As such, Responsible Employees are required to report to the Title IX Coordinator all relevant details about the incident, such as the name(s) of the victim(s) of the alleged sexual misconduct and person(s) accused of sexual misconduct, any witnesses, and the date, time, and specific location of the alleged incident. To the extent possible, this information will be shared only with people responsible for handling the College’s response and in accordance with state and federal law. Examples include College employees or agents who are responsible for processing, investigating, adjudicating, and responding to sexual misconduct reports, deans, program directors, supervisors, human resources staff, and Department of Campus Safety or other campus security personnel who are responsible for reporting campus crime statistics and issuing timely warnings under the Clery Act.

Absent a court order, a Responsible Employee should not share information with law enforcement without the consent of the victim of alleged sexual misconduct or unless that person has also reported the incident to law enforcement. Before a Reporter discloses any information to a Responsible Employee, the employee should explain the reporting obligations and direct the Reporter to privileged or confidential resources should that person wish to maintain confidentiality. A Reporter can still request confidentiality when discussing an incident with a Responsible Employee, but the employee and the College may not be able to honor that request, described below.

#### **Requests to a Responsible Employee for Confidentiality**

When a Complainant and/or a Reporter discloses an incident of sexual misconduct to a Responsible Employee, the Complainant and/or Reporter may request that the information be kept confidential or request that the College not take action on the report. The Responsible Employee is still required to report the same information to the Title IX Coordinator but will also include the Complainant and/or Reporter’s request to maintain confidentiality. In such a case, the Title IX Coordinator will weigh the request for confidentiality against the College’s obligation to provide a safe, nondiscriminatory environment for all College community members, including any victim of alleged sexual misconduct. In evaluating the request for confidentiality, the Title IX Coordinator may consult with other College officials or law enforcement agencies, as appropriate, and may consider a range of factors, such as:

- whether it is likely that the person accused of sexual misconduct will commit additional acts of sexual or other misconduct, which will be informed by additional factors, such as:
  - o whether there have been other sexual misconduct complaints about the same person; o whether the person accused of sexual misconduct has a history of arrests or records



- indicating a history of violence;
- o whether the person accused of sexual misconduct threatened further sexual misconduct or other violence against the victim of the alleged sexual misconduct or others;
- whether the alleged sexual misconduct was committed by multiple perpetrators;
- whether the alleged sexual misconduct involved use of a weapon;
- whether the victim of alleged sexual misconduct is a minor;
- whether the College possesses other means to obtain relevant evidence of the alleged sexual misconduct (e.g., security cameras, information known to College personnel, or physical evidence);
- whether the report of sexual misconduct reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action, even in the absence of a complaint by a victim of the alleged sexual misconduct. If none of these factors is present, the College may respect a request for confidentiality; however, because it may limit the College's ability to commence disciplinary proceedings, the College will weigh this question carefully.

Regardless of whether the College can honor the request for confidentiality, the College will take action as necessary to assist and support any victim of alleged sexual misconduct to the extent possible, including the measures listed in "Available Assistance," when such measures are requested and reasonably available.

If the College determines that it cannot honor a request for confidentiality, the College will inform a victim of alleged sexual misconduct prior to starting an investigation and will, to the extent possible, only share information with College officials with a need to know. The College will not compel a victim of alleged sexual misconduct to participate in a sexual misconduct investigation or disciplinary proceeding. In a case where the victim of alleged sexual misconduct does not wish to file a complaint and the College has sufficient information to indicate a potential threat to the safety of the community, the College will initiate the investigation and adjudication process as the Complainant in the case.

Because the College is under a continuing obligation to address sexual misconduct campus wide, reports of sexual misconduct (including anonymous and third-party reports in which names are

not mentioned) will also prompt the College to consider broader remedial action — such as increased monitoring, supervision, or security at locations where the reported sexual misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

### **Anonymous Reporting**

Although the College encourages victims of alleged sexual misconduct or persons with information regarding sexual misconduct to talk to someone, the College provides an online form, accessible from the Campus Safety and SART websites (<http://www.trincoll.edu/cs> and click on “Anonymous Reporting”), for anonymous reporting to the Title IX Coordinator and Campus Safety officials. If the report includes personally identifying information, it may serve as notice to the College for the purpose of initiating an investigation and/or timely warning notice to the College community in order to alert the community to a perceived serious or ongoing threat to public safety.

### **Exception for Disclosures During Certain Public Awareness Events**

Public awareness events, such as “Take Back the Night,” vigils, protests, or other forums in which disclosures of incidents of sexual misconduct occur, are not considered notice to the College of sexual misconduct for purposes of its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about Title IX resources at these events.

## **Complaint Investigation and Adjudication Process**

### **Overview**

The information in the sections below, except as noted, applies to Trinity College employees and students, as well as third parties who wish to file a complaint of sexual misconduct involving a Trinity employee (staff or faculty) or student through the College’s processes.

All Trinity students, faculty members, staff members, and covered third parties have the right to pursue complaints of sexual misconduct outside of Trinity College’s disciplinary processes and are encouraged to consult local, state, or federal law enforcement agencies, including the local police or the Department of Education’s Office for Civil Rights, regardless of whether they file a complaint with the College. See “Appendix A” for information on how to file an external complaint.

Trinity will not wait for the conclusion of a criminal investigation or proceeding to begin its own investigation and resolve complaints under this policy. The College will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, the College may need to delay temporarily an investigation under this policy while law enforcement investigates. Once law enforcement has completed gathering evidence, the College will promptly resume and complete its investigation. The College may also take interim measures to promote the safety and well-being of the victim of alleged sexual misconduct and the school community while law enforcement is gathering evidence.

The College’s procedures for handling complaints of sexual misconduct will be prompt, fair, and impartial from the initial investigation to the final result in that they will be:

- Completed within reasonably prompt time frames as designated in this policy, which time frames may be extended for good cause and/or due to extenuating circumstances, with written notice to the Complainant and the Respondent of the delay and the reason for the delay;
- Conducted in a manner that is consistent with the College's policies and transparent to the Complainant and the Respondent, including timely notice of meetings at which the Complainant or Respondent may be present, and providing the Complainant, the Respondent, and Appropriate College Officials with any information that will be used during the process; and
- Conducted by officials who are trained annually in issues relating to sexual misconduct and related retaliation and who do not have a conflict of interest or bias for or against the Complainant or the Respondent.

### **Filing a Complaint**

A report of Prohibited Conduct may be made verbally or in writing but will ultimately need to be recorded in written form to initiate the complaint process. A complaint may be filed by contacting any Appropriate College Official. See "[Appendix A](#)" for contact information.

When an Appropriate College Official receives actual notice, i.e., a written complaint of alleged misconduct that may constitute a violation of this policy, Trinity will initiate the following process:

1. The Appropriate College Official will promptly notify the Title IX Coordinator, who will determine the appropriate course of action.
2. Prior to an investigation or adjudication, the Title IX Coordinator or a Deputy Title IX Coordinator will consider the Complainant's request for confidentiality, if any, in accordance with the "[Reporting Protocols and Confidentiality](#)" section of this policy.
3. Upon receiving the complaint, and at any point during the investigation and adjudication process, the Title IX Coordinator or a Deputy Title IX Coordinator may determine that a complaint of sexual misconduct or related retaliation also contains allegations that, if proven, could constitute other forms of harassment or discrimination as defined by the College's policy on discrimination and harassment ([click here for policy](#)). If so, the Title IX Coordinator or Deputy Title IX Coordinator will consult with an Appropriate College Official to determine whether and how the other allegations of harassment or discrimination may be investigated and adjudicated. In all cases, the parties will receive written notification of any additional allegations of harassment or discrimination that will be investigated and adjudicated.
4. In cases where the Title IX Coordinator or a Deputy Title IX Coordinator believes that the allegations, if proven, would not constitute a violation of this policy, the Complainant will be advised of other judicial and support options as appropriate, and no further investigation will be pursued under this policy. If new information is subsequently

provided to the Title IX Coordinator or a Deputy Title IX Coordinator, a decision not to investigate further may be reevaluated.

### **Investigation and Adjudication Process**

The College recognizes the interests of both parties to have the investigation and adjudication process completed in the most expeditious manner possible; however, the College expressly states that it must balance this with the need to ensure that a thorough investigation, full participation, and adequate response time is afforded all parties.

1. The Title IX Coordinator or a Deputy Title IX Coordinator will provide a copy of this policy to the Complainant and Respondent and will inform both parties in writing that the College is investigating an allegation that the Respondent engaged in sexual misconduct and/or related retaliation. This will include notification of any additional possible policy violations being investigated in relation to the incident.
2. In the event a Respondent who has been notified of an investigation/adjudication fails to cooperate with the investigator, the investigation may proceed, a finding reached, and a sanction imposed based solely on the other information available. Furthermore, the Respondent may be subject to disciplinary action for failing to cooperate.
3. Although the College does not condone any other violations of College policy, a report of sexual misconduct and related retaliation is taken very seriously. Accordingly, where appropriate, the College will offer leniency with respect to other policy violations (e.g., minor drug or alcohol violations) that may be revealed as a result of a report of sexual misconduct. The nature and scope of the leniency will depend on the particular circumstances involved. The Appropriate College Official and/or other supervisory authority, as appropriate, will have sole discretion in determining the appropriate course of action.
4. The investigation will not include any inquiry into the Complainant's sexual history other than with the Respondent and as relevant to the allegations at hand.
5. The Complainant and Respondent will be afforded the same rights and opportunities throughout the investigation and adjudication process, including the opportunity to present evidence and witnesses on their behalf.
6. Duties of Participants:
  - i. Duty of Honesty - All Parties and witnesses are obligated to be completely honest during the course of the entire process set forth in this policy. Any person who knowingly makes a false statement — either explicitly or by omission — in connection with any part of the process may be subject to separate College disciplinary action.
  - ii. Duty of Cooperation - All Parties and witnesses are obligated to cooperate with the Title IX Coordinator and any persons charged with implementing this policy. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under this policy may be subject to separate College disciplinary action.
  - iii. Duty of Confidentiality – All Parties and witnesses are obligated to maintain

the confidentiality of all information and materials they become aware of or possess as a result of their participation in the investigation or adjudication procedures set forth in this policy. Parties may share confidential information only with their identified adviser of choice. The Duty of Confidentiality continues beyond the conclusion of the case.

7. Complainants and Respondents are entitled to the same opportunities to have an adviser or support person of their choice (who may be an attorney or someone with legal training) present at any meetings or proceedings related to the investigation and adjudication process under this policy, provided the adviser's involvement does not result in the undue disruption, postponement, or delay of such meetings or proceedings. Advisers may provide guidance, support, or advice to the Complainant or Respondent privately but may not act as speaking advocates at a meeting or proceeding. An investigator or other College representative may bar an adviser from further participation if the adviser becomes disruptive or does not comply with these requirements and may thereafter proceed to complete an investigation or adjudication without the adviser. Please note, the College does not cover costs associated with a party's choice of adviser.
8. If a Complainant or Respondent is concerned that any College official involved in the investigation or adjudication may be biased or have a conflict of interest, including the assigned investigator, the concerned party should inform the Title IX Coordinator, a Deputy Title IX Coordinator, or an Appropriate College Official immediately. If this concern involves the Appropriate College Official, the Title IX Coordinator, or a Deputy Title IX Coordinator, the Complainant or Respondent may report the conflict to any one of these individuals who is not implicated in the conflict. The Appropriate College Official or Title IX Coordinator, as applicable, will consider the reported conflict and inform the parties of whether and how the conflict may be resolved.

Conflict of Interest: As soon as possible, but no later than three (3) calendar days after receiving notice of the identity of the investigator(s) and/or adjudicator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected investigator(s) and/or adjudicator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as investigator(s) and/or adjudicator(s). The Title IX Coordinator's decision regarding any conflicts is final.

9. Students will play no role as investigators or panelists in the investigation and adjudication process.

### **Special Situations in the Investigation Process**

The College retains the right to determine, in its sole discretion, if it will address a report of conduct that falls under this policy administratively and outside of the process described herein when the safety of the College community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving either of the Parties, or if the Title IX Coordinator, in consultation with appropriate administrators, determines it is in the best interest of the College

and/or the community to do so.

Regardless of whether a complaint is made, the College may investigate health, safety, or welfare concerns involving Trinity College students, employees, programs or activities, including concerns about sexual violence or harassment. The scope of such investigations will be determined on a case-by-case basis by the College's administration in consultation with legal counsel and may include outside investigators or consultants. Depending on the purpose of the investigation, disclosure of the results may be limited. Faculty, staff, and students are expected to cooperate fully with any investigation authorized by the College.

### **Investigation**

1. If it is determined that an investigation and adjudication should proceed under this policy, the Title IX Coordinator or a Deputy Title IX Coordinator will assign one or more investigators to the case.
2. At the discretion of the Title IX Coordinator or Deputy Title IX Coordinator, the assigned investigator may be an employee of Trinity College and/or may be an external investigator hired by the College. The investigator also may be an attorney or someone with legal training. This decision will be informed by the complexity of the case, the availability of internal resources at the time of the investigation, and other reasonable considerations. In either case, the investigator will have appropriate training in investigating cases of alleged sexual misconduct, consistent with federal and state regulation.
3. Trinity's investigation and adjudication process does not require or permit the Complainant and Respondent to interact or communicate directly or indirectly with each other at any time during the investigation and/or disciplinary proceedings.
4. The investigator is authorized to contact any and all individuals with potentially relevant information and may interview such individuals on more than one occasion if necessary. The nature and scope of the investigation is within the discretion of the Title IX Coordinator or Deputy Title IX Coordinator.
5. The Title IX Coordinator or designee may also at any time take appropriate steps, including by way of example only, issuance of no-contact orders and/or no-trespass notices, temporary changes in assignment of duties or housing, changes in class schedules or class requirements, transportation accommodations, or other accommodations, if requested and reasonably available, to protect reporting or complaining parties on an interim basis. These measures can be taken, regardless of whether a victim of alleged sexual misconduct pursues a complaint under this policy.
6. The Complainant and Respondent will be asked to identify all relevant evidence they would like the investigator to review, as well as witnesses they would like the investigator to interview. Both parties may provide, if they wish, a list of questions they would like the investigator to ask of particular witnesses or of each other. The investigator will exercise reasonable discretion in deciding which questions should be excluded.
7. All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information. They may also be expected to sign statements or other documents memorializing the information they provided and will be asked to keep the

substance of the interview confidential. Failure to cooperate fully with the investigator may subject the individual to the full range of disciplinary actions, or dismissal of a complaint, as applicable.

8. Formal rules of evidence do not apply in the process described herein. In cases where an evidentiary or procedural question arises in connection with the investigation or adjudication process, the Title IX Coordinator or designated Deputy Title IX Coordinator will decide the question.
9. The investigator will compile the results of the fact-finding process into a preliminary report and provide this report to the Title IX Coordinator or a designated Deputy Title IX Coordinator, who will assess the adequacy and thoroughness of the preliminary report and request further investigation, if warranted. The preliminary report will not include the investigator's conclusions regarding whether the allegations are substantiated.
10. Once complete, the Title IX Coordinator or Deputy Title IX Coordinator will provide the preliminary report, including all relevant documentation, in writing, to the Complainant and Respondent simultaneously, in separate communications.
11. The Complainant and Respondent are encouraged to carefully and thoroughly review the preliminary report. Both parties may submit a written Response to the preliminary report to the Title IX Coordinator or Deputy Title IX Coordinator within five (5) calendar days of receiving the investigator's preliminary report. The Title IX Coordinator or Deputy Title IX Coordinator may extend this deadline based on extenuating circumstances; however, both Complainant and Respondent will be provided the same duration of time in which to submit a written response.
12. The Complainant and Respondent will be provided the other party's written Response and will have five (5) calendar days thereafter to provide a Reply, in writing, to the Title IX Coordinator or Deputy Title IX Coordinator.
13. The investigator and/or Title IX Coordinator or Deputy Title IX Coordinator may, based on the parties' written Responses, Replies or other relevant information, determine that further investigation is required. In such cases, a secondary report will be provided in writing to the Complainant and Respondent simultaneously, and both will have the opportunity to provide written Responses and Replies, as stated in subsections 11 and 12 above. This opportunity is limited to one secondary report. The investigator will create and submit to the Title IX Coordinator or Deputy Title IX Coordinator a final report based on the preliminary or secondary report. The final report will include all investigation materials deemed permissible, the Complainant's and Respondent's written responses and replies, the investigator's finding of whether the allegations of the Complainant are substantiated, and the investigator's rationale including relevant credibility assessments of all witnesses. This recommendation will be determined by a "preponderance of the evidence" standard, i.e., whether it is more likely than not that the allegations of the complaint are proven.
14. The Title IX Coordinator or Deputy Title IX Coordinator will provide the final report simultaneously in writing to both parties. If the allegations are substantiated, each party will then be provided five (5) calendar days to submit their Final Statement on the report. Such final statements will be provided to the other party, who will in turn be provided five (5) calendar days to submit a Rebuttal of the other party's statement one final time. All time periods in this section run concurrently.

15. If at any point a Respondent chooses not to contest the complaint, the Title IX Coordinator or a deputy Title IX Coordinator will convene an Administrative Panel as described below.

### **Determination and Sanction**

1. If the investigator finds that the allegations are substantiated, the Title IX Coordinator or Deputy Title IX Coordinator will convene and charge an Administrative Panel of three College employees, in a closed session, to determine whether the findings, as presented in the investigative report, violate College policy. This panel will also apply the “preponderance of the evidence” standard described above. The panel will forward its decision to the Title IX Coordinator or Deputy Title IX Coordinator.
2. The Title IX Coordinator or Deputy Title IX Coordinator may terminate the adjudication if the investigator finds that the facts alleged, by a preponderance of the evidence, are not substantiated by the evidence, information and findings.
3. The Administrative Panel will be drawn from a pool of College employees trained to adjudicate matters under this policy. The pool will not include the Vice President for Academic Affairs, the Vice President for Finance and Operations, nor the Dean of Campus Life and Vice President for Student Affairs, who must remain available for appeals.
4. The Title IX Coordinator or Deputy Title IX Coordinator will inform the Complainant and the Respondent simultaneously of the Administrative Panel’s decision, in writing, no later than one (1) business day following the decision. If the Administrative Panel finds that College policy has been violated, both parties may submit Impact Statements to the Title IX Coordinator or Deputy Title IX Coordinator within five (5) business days. Impact Statements will present the parties with the opportunity to share any information they would like the Administrative Panel to consider when assigning a sanction.
5. The Title IX Coordinator or Deputy Title IX Coordinator will reconvene the Administrative Panel and provide it with the Impact Statements and judicial/disciplinary history summary (date, charge, and disciplinary action) of the respondent, if applicable, along with any available precedents, i.e., sanctions imposed in similar cases.
6. The Administrative Panel will consider all of the documents and information provided in determining the appropriate sanction.
7. To the extent permitted by law, the Complainant and Respondent will be informed simultaneously, in writing, no later than one (1) business day following the conclusion of the disciplinary proceeding, of (a) the determination and the outcome of any disciplinary or other action arising out of an allegation of sexual misconduct and/or related retaliation; (b) the rationale for the result and any sanction(s); and (c) Trinity’s procedures for appealing the outcome.
8. Sanctions will be imposed by the Appropriate College Official. Sanctions against a faculty member are subject to the procedure outlined in “Appendix B.9” of the *Faculty Manual*. Both parties to the case will be notified in writing of the final decision simultaneously.



## **Appeals**

The Complainant and Respondent may appeal the outcome, subject to the limitations set forth below. The Title IX Coordinator or Deputy Title IX Coordinator will provide written notification to the Complainant and the Respondent of any applicable appeal procedures at the time the Complainant and Respondent receive notice of the outcome decision. The purpose of an appeal is to allow the College to review and correct material errors in the adjudication process.

## **Grounds**

Appeals must satisfy one or more of the following bases for appeal:

1. Discovery of new factual information that was not known or available at the time of the adjudication and the presentation of which would have affected the original outcome. Omission of factual information that was known and available to the appealing party is not a valid ground for an appeal;
2. Material procedural error that rendered the process fundamentally unfair;
3. Abuse of discretion in the issuance of a sanction, meaning that the Administrative Panel imposed a sanction that was significantly disproportionate to the offense; or
4. Evidence of bias in the process.

The right of appeal is only available to a Respondent or Complainant.

## **Procedures**

An appeal must be made in writing. An appeal in which the Respondent is a faculty employee must be directed to the Vice President for Academic Affairs; an appeal in which the Respondent is a student must be directed to the Dean of Campus Life and Vice President for Student Affairs; and an appeal in which the Respondent is a staff employee must be directed to the Vice President for Finance and Operations. Any of these individuals may assign the appeal to a designee, so long as that person is appropriately trained and does not have a conflict of interest.

Appeals must be made within five (5) business days of receipt of the determination or within five (5) business days of receipt of the decision regarding sanctions and/or other actions and must include the grounds for appeal and an outline of any supporting evidence. Appeals transmitted via e-mail will be considered to be “in writing” for the purposes of this section.

The appellate official may deny the appeal if it does not satisfy at least one of the four grounds for appeal described above. In cases in which one or more of the appeal grounds have been met, the substance of the appeal will be weighed carefully. If the appellate official determines that there are sufficient grounds to alter the prior decision, it is the responsibility of the appellate official to determine the scope of a new review and to award one of the following two forms of relief:

- Return the case to the Title IX Coordinator or Deputy Title IX Coordinator, with

instructions for further investigation, if applicable, and consideration by the same or a different Administrative Panel; the decision about the composition of the panel, which shall be at the sole discretion of the appellate official; or

- Return the case to the Title IX Coordinator or Deputy Title IX Coordinator with instructions to appoint a different Administrative Panel to review the case.

Absent extenuating circumstances, the appellate official will notify the Complainant and Respondent of the appeal decision (i.e., whether the grounds for appeal have been adequately established) simultaneously in writing within fifteen (15) business days of receiving the appeal and will notify the Title IX Coordinator or Deputy Title IX Coordinator in writing of instructions for any further action.

All decisions by the appellate official following a second review of the case are final. Absent extenuating circumstances, both parties will be notified of the final decision concurrently in writing within fifteen (15) business days of the deadline for the Complainant's or Respondent's response to the appeal but no later than one (1) business day following the decision, to the extent permitted by law.

## **Sanctions**

### **Students**

Disciplinary action for students may include suspension or expulsion from any or all College program(s) and activities in which the student is enrolled or participating (including club or intercollegiate athletics); residential reassignment; admonition; confiscation of property; censure; educational sanctions; referral for alcohol/drug education, assessment, or counseling; restitution; fines; restriction; prohibition against participation; or any combination of these sanctions or those listed in the *Student Handbook*. It may also include other action as deemed appropriate under the circumstances (e.g., remedies applied to the Respondent to address the needs of the Complainant, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of no- contact orders to favor the Complainant, and other actions to preserve the rights of the Complainant to a safe environment). Although sanctions for violation(s) of this policy can include any form of discipline as stated in this section, students found to have committed sexual assault will most likely receive a sanction of suspension or expulsion.

### **Staff**

Disciplinary action for staff employees is governed by existing policies in the *Employee Handbook* and/or collective bargaining agreements, as applicable, and may include verbal warnings, written warnings, written reprimands, suspension, termination of employment, or other action as deemed appropriate under the circumstances.

## **Faculty**

Disciplinary action for faculty employees includes:

1. **Treatment**: Medical or psychological treatment may be indicated. The matter may be considered closed when the faculty member is verified by a competent professional to be able to resume his or her duties, or this action may be coupled with admonition, censure, or suspension.
2. **Admonition**: This sanction is a letter of admonition that will be sent to the Respondent by the Dean. In addition, a copy of the letter of admonition will be placed in the Respondent's official personnel file.
3. **Censure**: This sanction is a letter of admonition that will be sent to the Respondent by the Dean. In addition, the fact of the admonition will be published in the faculty minutes and a copy of the letter of admonition will be placed in the Respondent's personnel file.
4. **Suspension**: This penalty is a temporary separation from the College. The conditions for the return of the faculty member to the College will be stipulated as part of the sanction. Notice of this penalty will be placed in the Respondent's personnel file.
5. **Dismissal**: This sanction is a permanent separation from the College. Notice of this sanction will be placed in the Respondent's personnel file.

## **No Contact Orders**

No Contact Orders are available as an interim measure and may remain effective permanently regardless of the final case outcome. No Contact Orders will be updated as necessary and remain in effect until revoked in writing by the appropriate College official.

## **Prevention and Education**

The College offers prevention and education programs designed reduce and eliminate sexual harassment, including sexual violence, in the campus community. These programs are available to faculty, staff, students, and covered third parties. Education programs include, but are not limited to, bystander intervention, social event management, and programs around consent. More information is available on the College website.

## **Training**

Individuals conducting investigations and adjudications under this policy will receive training annually on the issues related to sexual misconduct, domestic violence, dating violence, stalking, and related retaliation and on how to conduct a prompt, fair, and impartial investigation and/or adjudication process that protects the safety of Complainants and promotes accountability. Further, the Title IX Coordinator, Deputy Title IX Coordinators, and Campus Safety will be educated in awareness and prevention of sexual assault, stalking, and intimate partner violence

and in trauma-informed response.

## Appendix A – Contact Information

### Available Assistance for Victims of Alleged Sexual Misconduct

#### **Immediate Assistance**

An individual who has been subject to an incident of alleged sexual misconduct, has observed an incident, or is otherwise involved should seek immediate assistance as provided below.

- **Hartford Police Department: Emergency, call 911 Non-emergency, call (860) 757-4000**
- A victim of an alleged incident of sexual misconduct may also access the following off-campus, confidential advocates, support, and resources at any time (24/7):
  - Statewide Sexual Violence Hotline: (888) 999-5545
  - Statewide Sexual Violence Spanish Hotline: (888) 568-8332
  - Statewide Domestic Violence Hotline: (888) 774-2900
  - Statewide Domestic Violence Spanish Hotline: (844) 831-9200
- **Trinity College Campus Safety: (860) 297-2222, 76 Vernon Street. Campus Safety may, in turn contact the Administrator-on-Call (AOC).**
  - The Administrator-on-Call is a College administrator who is available 24 hours per day, every day. Campus Safety personnel and AOCs are considered Responsible Employees as defined in this policy (see the “Reporting Protocols and Confidentiality” section) and are therefore required to report incidents of sexual misconduct to the Title IX Coordinator. The AOC can assist the victim of alleged sexual misconduct with contacting confidential campus resources. The College’s immediate response to an incident of alleged sexual misconduct will include consideration of the victim of alleged sexual misconduct’s request for confidentiality in accordance with this policy and may also include the implementation of safety measures as deemed necessary.
- **Employee Assistance Program, for faculty and staff:** [www.HigherEdEAP.com](http://www.HigherEdEAP.com) or (800) 225- 2527.

#### **Medical Care and Evidence Preservation**

Any individual who may be experiencing or has experienced sexual misconduct, domestic violence, dating violence, stalking, or related retaliation is encouraged to immediately seek any necessary medical care and to seek help from an appropriate College official, law enforcement, and/or medical personnel, even if the individual is uncertain about whether to ultimately pursue a complaint, to file criminal charges, or to seek other legal remedies. *It is important for individuals to preserve all possible evidence in case they decide at some point to engage the legal process or to file a complaint with the College.* Therefore, if at all possible, victims of alleged sexual misconduct should refrain from changing clothes, showering, or otherwise changing their physical state after an incident until after consulting with medical personnel. The individual should also preserve any available physical evidence, documents, or electronic

evidence ( e.g., text messages, photographs, social media posts, etc.). Such evidence may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order.

A victim of alleged sexual misconduct may seek medical care, including treatment for injuries, preventive treatment for sexually transmitted diseases, pregnancy tests and contraception, and other health services, plus evidence preservation through a medical exam (i.e., evidence collection kit), at the local facilities listed below. Campus Safety will facilitate transportation as needed and may be reached at (860) 297- 2222.

- Hartford Hospital: SANE (Sexual Assault Nurse Examiner) available: 80 Seymour Street, Hartford: (860) 545-5000
- St. Francis Hospital, Hartford: SANE available: 114 Woodland Street: (860) 714-4000
- Hospital of Central Connecticut: SANE available: 100 Grand Street, New Britain: (860) 224-5011

An individual seeking medical attention as described in this policy may be accompanied by an advocate. YWCA Sexual Assault Crisis Services (SACS) offers 24/7 trained volunteer advocates who will accompany a person to the hospital, explain the process, provide advocacy, and stay with the person, if they wish, for the duration of the exam and time at the hospital. An advocate may be reached by calling:

Statewide Sexual Violence 24-Hour Toll-Free Hotline: (888) 999-5545  
Statewide Sexual Violence 24-Hour Toll-Free Spanish Hotline: (888)  
568-8332

Trinity College's Sexual Assault Response Team (SART) members (see below) are available during business hours to accompany a person to the Trinity College Health Center or other facility.

### **Ongoing Assistance**

A victim of alleged sexual misconduct may receive ongoing assistance from on-campus resources as needed. The service locations and contact information for these resources are detailed below.

### **Title IX Coordinator**

Timothy Dunn

(860) 297-5146

[titleix@trincoll.edu](mailto:titleix@trincoll.edu)

Vernon Place 112

Trinity College maintains a Sexual Assault Response Team (SART). SART members offer support, guidance, referrals, and information. SART members are trained to provide a prompt and thorough response to victims of all forms of alleged sexual misconduct. See below for detailed information on SART members and their individual ability to maintain confidentiality. [www.trincoll.edu/cs/SART](http://www.trincoll.edu/cs/SART).

## **Members of the Sexual Assault Response Team (SART) by Confidentiality Level**

### **Privileged Employees (PE)**

#### **Spiritual and Religious Life:** Chapel

The Reverend Allison Read: (860) 297-2013

Chaplain John Selders: (860) 297-2012

#### **Counseling Center**, 135 Allen Street, (860) 297-

2415 Randolph M. Lee, Ph.D., Director

Kristine Kennan, Psy.D., Assistant Director

Katheryne (Kate) Marinchak, Psy. D.,  
Psychologist

(After business hours: An available counselor's phone number may be obtained by calling the office number).

### **Confidential Employees (CE)**

#### **The Health Center**, Wheaton Hall, (860) 297-2018

Martha Burke O'Brien, Director

Health Center Staff, with the exception of front desk staff

#### **Women & Gender Resource Action Center (WGRAC)**, Mather Hall, second

floor: Laura Lockwood, Director: (860) 297-2408

Training and Program Coordinator: (860) 297-4131

### **Responsible Employees (RE)**

All employees who are not listed above should be considered Responsible Employees. In particular, the following members of SART are Responsible Employees:

#### **Campus Safety:** (860) 297-2222

Director Brian Heavren

Lieutenant Ramon Rosario

Officer Martin Torres

#### **Dean of Students Office:** (860) 297-2156

Joe DiChristina, Dean of Campus Life and Vice President for Student  
Affairs Christopher Card, Dean of Students

Ann Reuman, Senior Associate Dean of Students

Robert Lukaskiewicz, Associate Dean of Students

**Residential Life:** (860) 297-2305, Hamlin/Cook

Area Coordinators: Jennifer Douglas, Christina Knight, Joel Copperthite, Daniel Levy

**Multicultural Affairs:** (860) 297-2562, Hamlin/Cook

Program Coordinator Patti Maisch

**Trinity College Hillel:** (860) 297-4195, 74 Vernon

Street Director Lisa Kassow

**Queer Resource Center (QRC):** (860) 987-6273, 114 Crescent Street

Coordinator Crystal Nieves

**Ferris Athletic Center:** (860) 297-5279

Assistant Coach Candace Greene,  
Coach Lori Shulman

**Student Activities, Involvement and Leadership (SAIL):** (860) 297-2049, Mather Hall

Assistant Director Romulus Perez

### **Other Resources**

The U.S. Department of Education's Office for Civil Rights ("OCR") is responsible for enforcing Title IX, as well as other federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial aid. Inquiries and complaints may also be directed to OCR at (800) 421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov).

### **Appropriate College Officials**

Timothy Dunn, Title IX Coordinator

Kristen Noone, Deputy Title IX Coordinator, Assistant Director, Athletics

Wendy Vaillancourt, Deputy Title IX Coordinator, Associate Director of Human Resources

Joe DiChristina, Dean of Campus Life and Vice President for Student Affairs

Christopher Card, Dean of Students

Ann Reuman, Senior Associate Dean of

Students Robert Lukaskiewicz, Associate

Dean of Students

Timothy Cresswell, Vice President for

Academic Affairs Sonia Cardenas, Dean of

Academic Affairs Melanie Stein, Dean of

Academic Affairs



Dan Hitchell, Vice President of Finance and Chief Financial Officer  
Beth Iacampo, Director of Human Resources  
Venice Ross, Associate Director of Human Resources  
Donna Ciarfella, Associate Director of Human Resources

# Exhibit II

**Trinity College:  
Committed to Addressing  
the Issue of Sexual Misconduct**

# ***YOUR RIGHTS— YOUR OPTIONS***

**SEXUAL VIOLENCE**  
**SEXUAL HARASSMENT**  
**DATING/DOMESTIC/  
RELATIONSHIP  
VIOLENCE**  
**STALKING**



*Take Back the Night, April 2015,  
sponsored by Students Encouraging  
Consensual Sex (SECS)*

**Trinity College**  
HARTFORD CONNECTICUT

**Trinity College's Policy on Sexual  
Misconduct prohibits sexual discrimination  
and harassment, including sexual violence,  
intimate partner violence, domestic violence,  
dating violence, stalking, and related retaliation.**

**This booklet explains what rights and options are available if you or a friend is a victim of sexual misconduct, which includes sexual assault; rape; dating, domestic, or relationship violence; sexual harassment; and stalking. Victims can be male, female, and/or of any sexual orientation, gender identity and/or expression.**

**It explains the available on- and off-campus resources for support**, offers guidance for understanding your rights and options, and explains the levels of confidentiality of campus staff, faculty, and certain student staff. The College will help and support you through any steps you decide to take while doing its best to protect your privacy.

To view the entire policy on sexual misconduct, please refer to the College's *Student Handbook* at [www.trincoll.edu/SiteCollectionDocuments/StudentHandbook.pdf](http://www.trincoll.edu/SiteCollectionDocuments/StudentHandbook.pdf) and the SART (Sexual Assault Response Team) website at [www.trincoll.edu/cs/SART/Pages/Policy.aspx](http://www.trincoll.edu/cs/SART/Pages/Policy.aspx). The SART website also provides photos and contact information for the Title IX Coordinator, deans, Campus Safety, and SART members; a link to the Anonymous Reporting Form; information on alcohol and other drugs; prevention tips for all students; and bystander intervention guidelines.

**The College's Title IX Coordinator is Timothy Dunn, J.D.**, who may be contacted by e-mail at [titleix@trincoll.edu](mailto:titleix@trincoll.edu) or by phone at (860) 297-5146. The Title IX Coordinator is responsible for ensuring that Trinity establishes and follows a prompt, thorough, and equitable process for addressing allegations of sexual misconduct and discrimination or differential treatment based on sex. The Title IX Coordinator is responsible for providing leadership and centralized support for compliance with all requirements under Title IX of the Education Amendments Act of 1972 (Title IX), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Violence Against Women Act (VAWA), and other federal and state laws and regulations pertaining to sex discrimination, harassment, and sexual violence.

**The College's Deputy Title IX Coordinators are:**

- Kristen Noone, Assistant Athletic Director; [kristen.noone@trincoll.edu](mailto:kristen.noone@trincoll.edu), (860) 297-2059
- Wendy Vaillancourt, Associate Director of Human Resources; [wendy.vaillancourt@trincoll.edu](mailto:wendy.vaillancourt@trincoll.edu), (860) 207-2275

# WHAT ASSISTANCE IS AVAILABLE FOR VICTIMS?

## Immediate Assistance

If you have been subject to an incident of sexual misconduct, you should seek immediate assistance as listed below:

- 1. Hartford Police Department: Emergency, call 911; non-emergency, call (860) 757-4000**
- 2. Trinity College Campus Safety: (860) 297-2222, 76 Vernon Street.** Campus Safety may, in turn, contact the Administrator-on-Call (AOC), a College administrator who is available 24/7. Campus Safety personnel and AOCs are considered Responsible Employees who are required to report incidents of sexual misconduct to the Title IX Coordinator. The AOC can assist the victim with contacting privileged and confidential campus resources.
- 3. Off-campus advocates available to you 24/7:**
  - a. Statewide Sexual Violence Hotline: (888) 999-5545**
  - b. Statewide Sexual Violence Spanish Hotline: (888) 568-8332**
  - c. Statewide Domestic Violence Hotline : (888) 774-2900**
  - d. Statewide Domestic Violence Spanish Hotline: (844) 831-9200**
- 4. Trinity College maintains a Sexual Assault Response Team (SART):**  
**[www.trincoll.edu/cs/SART/Pages.Default.aspx](http://www.trincoll.edu/cs/SART/Pages.Default.aspx).**
  - a. SART members offer support, guidance, referrals, information, and services.
  - b. Some SART members are Responsible Employees. Please see page 7 for a list of members and their confidentiality levels.
- 5. Employee Assistance Program, for faculty and staff:** [www.HigherEdEAP.com](http://www.HigherEdEAP.com) or **(800) 225-2527**

## Medical Care and Evidence Preservation

If you have experienced or are experiencing sexual misconduct, including domestic or dating violence, stalking, rape or sexual assault, or retaliation, you are *strongly* encouraged to immediately seek medical care or an exam at a local hospital emergency room or at the Trinity College Health Center. It is important for you to preserve all possible evidence in case you decide at some point to engage the legal process or to file a complaint with the College. If at all possible, you should refrain from changing clothes, showering, or changing your physical state after an incident until after consulting with medical personnel. We encourage you to also preserve physical evidence, documents, or electronic evidence such as texts, photos, social media posts, etc. You need to have a medical exam performed within 120 hours (five days) but are encouraged to have it done as soon as possible following the incident.

For evidence preservation through a medical exam (evidence collection kit) and for medical care, including treatment for injuries, preventative treatment for STIs, STI and drug testing (drugs that may have been slipped into your drink), pregnancy tests, and contraception, you can go to:

- 1. Hartford Hospital: Sexual Assault Nurse Examiner (SANE ) available: 80 Seymour Street, Hartford: (860) 545-5000**
- 2. St. Francis Hospital, Hartford: SANE available: 114 Woodland Street: (860) 714-4000**
- 3. Hospital of Central Connecticut: SANE available: 100 Grand Street, New Britain: (860) 224-5011**

Campus Safety will facilitate transportation as needed: (860) 297-2222, 76 Vernon Street

The SANE program automatically contacts the YWCA Sexual Assault Crisis Services (SACS) to send a trained volunteer advocate to the Emergency Room. If you wish this advocate will stay with you through the emergency room waiting period and the medical exam, answering any questions you may have and acting as your advocate.

SART members may be available during business hours to accompany a person to the hospital or to the Trinity College Health Center (below).

### **4. Trinity College Health Center (860) 297-2018; Wheaton Hall, first floor**

- The Health Center offers medical exams as well as emergency contraception and STI/drug testing. Toxicity tests, whether performed at the hospital or at the Health Center, need to be administered as soon after the incident as possible, preferably within 24-48 hours but up to 72 hours.
- Campus Safety also offers confidential toxicity tests.



# WHAT ARE MY RIGHTS?

## Confidentiality, Academic Accommodations, and Interim Measures

### 1. You have the right to request confidentiality.

You have the right to request confidentiality even if the person taking the report/disclosure is mandated to report a disclosure. If you make a disclosure or file a report and want to request confidentiality, you may do so in writing and submit it to and discuss it with the Title IX Coordinator. The Title IX Coordinator may consult an appropriate College officer to make a decision based on the available information.

### 2. You have the right to contact law enforcement.

You have the right to contact law enforcement – the Hartford Police Department or Campus Safety – at any time, as well as the right to decline to notify either department. The College will not contact the Hartford Police Department unless requested or unless a threat of imminent danger exists. For their contact information, please see page 7.

### 3. You have the right to notice of and access to available services: support services, information, referrals, medical assistance, and a sexual assault counselor or advocate.

Access to support services will be provided with assistance by the College, including advocacy, academic support, counseling, disability, health or mental health services, visa and immigration assistance, student financial aid services, and legal assistance both on and off campus, as applicable.

### 4. You have the right to accommodations regardless of whether you file a complaint with the College requesting an investigation, participate in an adjudication process, or file a criminal complaint.

- a. **No-contact orders** are measures that restrict encounters and communications between the parties. Information is also provided to you regarding your right to pursue a restraining or protective order from the court system.
- b. **Academic accommodations** are measures that include arranging for new housing or providing temporary housing options, as appropriate.
- c. **Transportation or working arrangements** may be changed or other employment accommodations made, as appropriate.
- d. **Residential accommodations** are measures that include arranging for new housing or providing temporary housing, as appropriate.

### 5. Assistance with reporting a crime to local law enforcement may be requested at any time by an individual involved in an incident of sexual misconduct. Such individuals may request orders of protection, restraining orders, or relief from abuse orders from courts of appropriate jurisdiction upon request. The College also will work to respect and implement the requirements of such orders on premises that it owns or controls, as necessary and appropriate.

### 6. You have the right to a fair and impartial internal disciplinary process.

- a. If you file a complaint with the College and ask that the incident/s be investigated, or if the College undertakes an investigation based on other circumstances, you have the right to a fair and impartial investigation.
- b. The Title IX Coordinator will ensure both the complainant and the respondent receive due process. Both parties are entitled to have an adviser of their choosing during any and all meetings related to the investigation. The adviser may be an attorney. The College will help either party, if requested, in the search for affordable counsel.
- c. The College officials who will conduct the investigation and who participate on the Administrative Panel will receive annual training to ensure due process, safety, and accountability.

# DEFINITIONS

**Definitions related to sexual misconduct, as listed in Trinity College's Interim Policy on Sexual Misconduct, include the following:**

## AFFIRMATIVE CONSENT

Affirmative consent means an active, clear, and voluntary agreement by a person to engage in sexual activity with another person. Affirmative consent is informed, freely and actively given, and communicated through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. It is the responsibility of each person to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity and that such consent is sustained throughout the sexual activity. Consent may never be given by minors, mentally disabled persons, those who are incapacitated, and those who are by law unable to give consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard or being asleep or unconscious.

Consent obtained by fraud or force (actual or implied) is not consent, whether that force is physical force, threats, intimidation, or verbal coercion. A lack of verbal or physical resistance alone does not meet the affirmative-consent standard and does not of itself indicate consent. Past consent on its own cannot be construed as current/future consent. Moreover, consent may be withdrawn at any time. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person. Consent to engage in one form of sexual activity does not imply consent to engage in other forms.

References to "consent" in this policy should be construed as meaning "affirmative consent."

*Example: Alexa invites Omar over to her room to study. After studying, Omar asks Alexa if he can kiss her. Alexa answers yes. He asks if it's OK that he move his hand up her shirt, under her bra. She says yes. After some mutually enjoyable time, he asks her if he can get a condom. She says no. He doesn't, and they continue kissing.*

## SEXUAL HARASSMENT

The College prohibits its employees (including faculty and staff), agents, and students from engaging in sexual harassment. Any such person found responsible for sexual harassment is subject to College disciplinary action (up to and including dismissal) as well as personal legal liability. Sexual harassment, whether opposite or same sex, includes but is not limited to: unwelcome sexual advances, unwelcome requests for sexual favors, and other behavior of a sexual nature or based on a person's sex, whether it occurs on or off campus, when:

- Submission to such conduct is made a condition, explicit or implicit, of an individual's employment or educational opportunities (*quid pro quo*); or
- Submission to or rejection of such conduct is used as a factor in or basis for decisions affecting an individual's employment or educational opportunities (*quid pro quo*); or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or educational opportunities by creating an intimidating,

hostile, or offensive educational, living, or work environment.

A sex-based hostile environment is created by unwelcome conduct of a sexual nature or based on a person's sex that is subjectively and objectively offensive and that is pervasive, persistent, or severe.

*Sexual harassment/quid pro quo example: Curt is a TA. His professor invites him to dinner at his house several times to discuss a rubric she would like his help designing. The professor has leaned against him several times in class and touched his hair when they were grading papers. Curt feels his professor may have alternative motives so he suggests they meet in her office instead. After Curt's fourth refusal to meet in her home, Curt's professor tells him she's considering replacing Curt. Curt continues to decline the invitations and is let go two weeks later.*

*Sexual harassment/hostile environment example: When Ann, a new employee, enters a back office, she is often met with unwelcome stares, sexual innuendos, sexual gestures, and off-color sexual jokes. A few co-workers text and e-mail unwanted pornographic images to her. These co-workers also leave notes in her mailbox saying women should only be seen and not heard, with pornographic notes requesting sex. Ann is unable to do her work but fears worse treatment if she reports the behavior.*

## SEXUAL ASSAULT

Sexual assault is any intentional sexual contact without consent, whether such contact directly touches skin or is through clothing. It includes any intentional sexual contact with the breasts, buttocks, groin, genitals, mouth, or other bodily orifice of another; or touching another with any of these body parts; or making another touch you or himself or herself with or on any of these body parts; or any intentional bodily contact of a sexual nature, whether or not it involves the previously mentioned body parts.

*Example: As Katie walks to class one morning, her friend Lucy surprises her from behind and slaps her hard on her butt. At first, Katie is simply shocked and caught off guard. After seeing it's Lucy, however, Katie feels uneasy given some of the unwanted attention Lucy has been paying her over the past month.*

## RAPE

Rape is a form of sexual assault involving sexual penetration without consent. Rape is defined as: (a) any sexual penetration of the vagina or anus, however slight, with any object or body part without consent; or (b) any penetration of the mouth, however slight, by any sex organ or any object used in a sexual manner without consent.

*Example: Amaya and Craig have been hitting it off all night. At around 2:30 a.m., Amaya tells Craig she's had enough to drink and is ready to head back to her apartment on Allen. Craig offers to walk her back, and she accepts. When they arrive at Amaya's apartment, she invites Craig in for a bit. Craig helps Amaya into bed, where they begin to kiss. Amaya says she's tired and wants him to leave. Craig says, "I walked you back, so now you owe me." He refuses to leave until she performs oral sex. She says no. He replies, "Do it. I'm not leaving." She is scared and wants him to leave. She complies against her will.*

## SEXUAL EXPLOITATION

Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and,
- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

*Example: Alex and Cassie have been hooking up for about a month. After going back to Alex's room after a party, they take pictures of each other in their bras, and then naked. Cassie asks Alex to delete the pictures but Alex refuses. Alex threatens to send pictures to Cassie's sister – who doesn't know Cassie is bi – if she tells anyone they have been hooking up.*

## INDUCING INCAPACITATION

Inducing incapacitation includes the provision of alcohol or drugs to an individual, with or without that individual's knowledge, for the purpose of causing impairment or intoxication or taking advantage of that individual's impairment or intoxication.

## DOMESTIC VIOLENCE

Domestic violence is abusive behavior in any relationship that is used by one person to gain or maintain power and control over another person. It includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant (e.g., roommate), or person similarly situated under domestic or family violence law. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.

*Example: Luke and Tina have been together for almost a year. For the last two months, Luke has gone into fits of jealous rage every time Tina hangs out with her best friend, Jayden. During his most recent episode, Luke shoves Tina against the wall and threatens to leave her. He calls later to apologize and promises to never push her again.*

## DATING VIOLENCE

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such a relationship will be determined by the length, type, and frequency of the interaction.

## INTIMATE PARTNER VIOLENCE

Intimate partner violence means any physical or sexual harm against an individual by a current or former spouse of, or person in a dating relationship with, such individual that results from any action by such spouse or such person that may be classified as a sexual assault, stalking, or family violence.

## STALKING

Stalking involves a course of conduct directed at a specific person that would cause a reasonable person to suffer substantial emotional distress or to fear for that person's own safety or that of another.

*Example: Pete breaks up with his boyfriend, Jamie. For the next week, Jamie calls him hourly and sends threatening texts, saying he will out Pete to his friends and parents if he doesn't continue the relationship. He also threatens to harm Pete's dog. Pete is scared and confused.*

## ROMANTIC RELATIONSHIPS

Trinity College forbids romantic relationships between an employee (faculty or staff) and any student (including undergraduate, graduate, and IDP) for which that employee (faculty or staff) has responsibility by virtue of any professional supervisory obligations, including teaching, advising, departmental, committee, and coaching. Additionally, the College expects all supervisory staff (whether faculty or staff) and all faculty (whether supervisory or not) to avoid engaging in romantic relationships with individuals (whether students or employees) over whom they exercise or have the potential to exercise power. If an employee feels that such a relationship cannot be avoided, counsel should be sought from the appropriate College representative to ensure that necessary steps are taken to avoid potential conflict.

## RETALIATION

Consistent with state and federal laws, Trinity College prohibits retaliation against a person for: reporting discrimination or harassment; filing a complaint of discrimination or harassment; or participating in the investigation or adjudication of such a complaint. Any person who retaliates against an individual reporting, filing, or participating in the investigation or adjudication of a complaint of discrimination or sexual misconduct is subject to disciplinary action up to and including expulsion or termination. Retaliation is prohibited even if the underlying complaint is eventually dismissed or is deemed to lack merit.

## FALSE ACCUSATION

Intentionally false accusations will not be tolerated. Any person who brings an intentionally false claim of discrimination or harassment is subject to disciplinary action up to and including expulsion or termination, the same range applied to those who violate other provisions of the Interim Policy on Sexual Misconduct.



# TO WHOM CAN I TALK?

## REPORTING PROTOCOLS AND CONFIDENTIALITY LEVELS

Trinity College strongly encourages individuals to report incidents of sexual misconduct so that any victim of alleged sexual misconduct may gain access to available support and to allow the College to respond appropriately. The College will accept a report of sexual misconduct at any time but strongly encourages prompt reporting, as resolution options narrow over time, especially if the College no longer has disciplinary jurisdiction over the person accused.

The options of disclosing and reporting incidents of sexual misconduct are listed below, as well as Trinity employee confidentiality levels.

### 1. PROFESSIONAL COUNSELORS and DESIGNATED CHAPLAINS: Privileged Employees (PE)

- a. **Counseling Center** licensed staff or staff supervised by licensed psychologists
- b. **Spiritual and Religious Life** Designated Chaplains
- c. Designated Chaplains and Professional Counselors of the Counseling Center may not reveal anything that is told to them in confidence.
- d. See page 7 for names and contact information.

### 2. NON-LICENSED COUNSELORS and ADVOCATES: Confidential Employees (CE)

- a. **Women & Gender Resource Action Center (WGRAC):** Non-student staff
- b. **Health Center:** All staff
- c. Those designated as Confidential Employees (CEs) are required to report an incident disclosed or reported to them but without the name of Reporter – the person disclosing the incident – or the alleged offender, unless there is imminent danger to the Reporter or the campus.
- d. Before reporting an incident to the Title IX Coordinator and Campus Safety Director, these employees will first consult with the Reporter to ensure that the general report does not contain any personally identifying details.
- e. See page 7 for names and contact information.

*Note:* When required by law or by court order, or when required to avert a serious threat of danger to a person or property, the Confidential Employees listed above may reveal confidential information, including name/s. Connecticut state law specifically requires the College to report incidents to law enforcement or appropriate state officials when a victim is under 18 or has an intellectual disability.

### 3. ALL OTHER STAFF, FACULTY, and RAs: Responsible Employees (RE)

- a. **All College employees, other than those listed above and including Resident Assistants (RAs),** are required to report incidents with all known information, including names, to the Title IX Coordinator and the Director of Campus Safety.
- b. A disclosure to a Responsible Employee constitutes a report to the College and obligates the College to take immediate and appropriate steps to investigate the report, to resolve the matter promptly and equitably, and remedy the effects of the reported sexual misconduct.
- c. Requests for Confidentiality:
  - i. When you disclose or report an incident, you may request that the information be kept confidential or request that the College not take action on the report. This request needs to be made in writing to the Title IX Coordinator. The RE is still required to report the same information to the Title IX Coordinator but will include the request to maintain confidentiality. The College will honor such a request unless the College is legally compelled not to do so. In evaluating the request for confidentiality, the Title IX Coordinator may consult with other College officials or law enforcement agencies, as appropriate, and will consider a range of factors, such as:
    1. whether it is likely that the person accused of sexual misconduct will commit additional acts of sexual or other misconduct, which will be informed by additional factors, such as:
      - a. whether there have been other sexual misconduct complaints about the same person;

- b. whether the person accused of sexual misconduct has a history of arrests or records indicating a history of violence;
- c. whether the person accused of sexual misconduct threatened further sexual misconduct or other violence against the victim of the alleged sexual misconduct or others;
- d. whether the alleged sexual misconduct was committed by multiple perpetrators;
- e. whether the alleged misconduct involved use of a weapon;
- f. whether the victim of alleged sexual misconduct is a minor;
- g. whether the College possesses other means to obtain relevant evidence of the alleged sexual misconduct (e.g., security cameras, information known to College personnel, or physical evidence); and
- h. whether the report of sexual misconduct reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

If the College determines that it cannot honor a request for confidentiality, the College will inform a victim of alleged sexual misconduct prior to starting an investigation and will, to the extent possible, only share information with College officials with a need to know.

#### **4. ANONYMOUS REPORTING**

**a. You can report anonymously using an online form accessible from these websites:**

- i. Campus Safety: [www.trincoll.edu/cs/Pages/Default.aspx](http://www.trincoll.edu/cs/Pages/Default.aspx); click on “Anonymous Reporting”
- ii. SART: [www.trincoll.edu/cs/SART/Pages/Default.aspx](http://www.trincoll.edu/cs/SART/Pages/Default.aspx); click on “Anonymous Reporting”

**b.** The form is sent to the Campus Safety Director and the Title IX Coordinator.

**c.** If the form includes personally identifying information, it may serve as notice to the College for the purpose of initiating an investigation and/or timely warning notice to the College community to alert the community to a perceived serious or ongoing public safety threat.

#### **5. OFF-CAMPUS RESOURCES: PRIVILEGED COMMUNICATION**

a. Off-campus advocates/certified counselors will generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form.

- Statewide Sexual Violence 24-Hour Toll-Free Hotline: (888) 999-5545
- Statewide Sexual Violence 24-Hour Toll-Free Spanish Hotline: (888) 568-8332
- Statewide Domestic Violence 24-Hour Toll-Free Hotline: (888) 774-2900
- Statewide Domestic Violence Spanish Hotline: (844) 831-9200

# RESOURCES BY LOCATION AND CONFIDENTIALITY LEVEL

## On-Campus Resources

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

#### **Campus Safety - RE**

(860) 297-2222, 76 Vernon Street

Brian Heavren, Director: (860) 297-2279

Ramon Rosario, Lieutenant: (860) 297-2111

Martin Torres, Officer: (860) 297-2222

#### **Counseling Center - PE**

(860) 297-2415, 135 Allen Place

Randy Lee, Ph.D., Director

Kristine Kennen, Ph.D., Assistant Director

Kathryne Marinchak, Psy.D.

#### **Women & Gender Resource Action Center (WGRAC) - CE**

Mather Hall, second floor

Laura Lockwood, Director and SART Coordinator,

(860) 297-2408

Training and Program Coordinator,

(860) 297-4131

#### **Health Center - CE**

(860) 297-2018, Wheaton Hall, first floor

Martha Burke O'Brien, Director

#### **Spiritual and Religious Life - PE**

The Reverend Allison Read, College Chaplain,

(860) 297-2013, cell: (860) 993-3566

The Reverend John Selders, Associate Chaplain,

(860) 297-2012, cell: (860) 402-7884

#### **Trinity College Hillel - RE**

(860) 297-4195, 74 Vernon Street

Lisa Kassow, Director

#### **Dean of Students Office - RE**

(860) 297-2156, Hamlin/Cook

Joe DiChristina, Dean of Campus Life and

Vice President for Student Affairs

Christopher Card, Dean of Students

Ann Reuman, Sr. Associate Dean of Students

Robert Lukaskiewicz, Associate Dean of Students

Romulus Perez, Assistant Director, S.A.I.L.

Kathryn Wojcik, Director of Campus Life Initiatives  
and Social Houses

#### **Office of Multicultural Affairs - RE**

(860) 297-2562, Hamlin/Cook, second floor

Patti Maisch, Program Coordinator,

Multicultural Affairs

#### **Ferris Athletic Center - RE**

(860) 297-5279

Lori Shulman, Coach

Candace Greene, Assistant Coach

#### **Queer Resource Center - RE**

(860) 987-6273, 114 Crescent Street

Crystal Nieves '08, Coordinator

#### **Office of Residential Life - RE**

(860) 297-2305, Hamlin Hall

All Resident Assistants (RAs)

Joel Copperthite, Area Coordinator

Jennifer Douglas, Area Coordinator

Christina Knight, Area Coordinator

Daniel Levy, Area Coordinator

**RE – Responsible Employee**

**PE – Privileged Employee**

**CE – Confidential Employee**

(see page 5 for descriptions)

## Hartford Area Resources

**Hartford Police Department: Emergency, 911; non-emergency, (860) 757-4000**

**YWCA of New Britain/Hartford Sexual Assault Crisis Services (SACS): (860) 225-4681, x211**

YWCA SACS provides immediate counseling/advocacy services to victims of all types of sexual abuse. Assistance is provided to both women and men. All services are free and confidential. Hospital accompaniment is available.

- State Sexual Violence 24-Hour Toll-Free Hotline: (888) 999-5545
- State Sexual Violence 24-Hour Toll-Free Spanish Hotline: (888) 568-8332
- Domestic Violence 24-Hour Toll-Free Hotline: (888) 774-2900
- Statewide Domestic Violence Spanish Hotline: (844) 831-9200

## Other Resources

**The United States Department of Education's Office for Civil Rights ("OCR")** is responsible for enforcing Title IX, as well as other federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial aid. Inquiries and complaints may also be directed to OCR at (800) 421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov).

## When an incident of sexual misconduct occurs...

you have the option to choose any, or none, of the following

**Speak with someone at Trinity.**

Employees fall into 3 categories for reporting incidents of sexual misconduct. See page 5 for an explanation of each category:

- **Privileged Employees** do not disclose information told to them.
- **Confidential Employees** report only general, non-personally identifying information to the Title IX Coordinator and Campus Safety Director.
- **Responsible Employees** are required to report all information including names to the Title IX Coordinator and Campus Safety Director.

**Upon receiving a report** the Title IX Coordinator works with the complainant to determine whether the report moves forward and initiates an investigation.

Speak with no one, but file an anonymous report with the College.

Although Trinity encourages victims of sexual misconduct or persons with information regarding sexual misconduct to talk to someone, the College provides an online form for **anonymous reporting** to the Title IX Coordinator and Campus Safety Director.

**Anonymous Sexual Misconduct Reporting Form:** (accessed via: <http://www.trincoll.edu/cs/SART/Pages/default.aspx>)

Speak with no one.

**Should you reconsider and want to explore your options:**

**YOU** get to determine if, and when, you will move forward with reporting and accessing services. When you're ready, there are resources available to help!

Be unsure about speaking with someone.

**Speak with someone outside of Trinity.**

**Law Enforcement**  
**Hartford Police Department:**  
911, (860) 757-4000

### Hospitals:

**Hartford Hospital:**  
80 Seymour Street, Hartford, CT 06102  
(860) 545-5000

**St. Francis Hospital:**  
114 Woodland Street, Hartford, CT 06105  
(860) 714-4000

### CT 24-Hour Hotlines:

**Domestic Violence Hotline**

English: (888) 774-2900

Spanish: (844) 831-9200

**Sexual Violence Hotline**

English: (888) 999-5545

Spanish: (888) 568-8332

*The following on-campus resources are available for support, advocacy, and services.*

**Campus Safety:** (860) 297-2222 • **Responsible Employees**

**Chaplain's Office:** (860) 297-2013 • **Privileged Employees**

**Counseling Center:** (860) 297-2415 • **Privileged Employees**

**Health Center:** (860) 297-2018 • **Confidential Employees**

**Women & Gender Resource Action Center:** (860) 297-4131 • **Confidential Employees**

**Title IX Coordinator:** Timothy Dunn, J.D. (860) 297-5146

Responsible for ensuring Trinity establishes and follows a prompt, thorough, and equitable process for addressing allegations of sexual misconduct and discrimination of differential treatment based on sex.

# BYSTANDER INTERVENTION AND SEXUAL ASSAULT PREVENTION

**Everyone at Trinity has a role to play in preventing sexual misconduct and stalking. Bystander intervention is the most effective means of preventing an incident of sexual assault on campus.**

**Bystander intervention** involves developing the awareness, skills, and courage needed to intervene in a situation when another individual needs help. Bystander intervention allows individuals to send powerful messages about what is acceptable and expected behavior in our community.

## When are you more likely to intervene?

- You are alone in witnessing the situation or with only a few others: the more people present, the lesser the likelihood of a bystander intervening, i.e. someone else will do it.
- You know how to intervene or what to do.
- You are aware there is a problem and recognize the potential negative impact.
- You have something in common with the potential victim: gender, age, ethnicity, or a similar situation has happened to you.
- You can intervene safely, without harm to yourself or others.
- You have witnessed active bystander intervention behavior in the past or were helped by an active bystander.

## Questions to ask during the situation:

- What are my available options?
- How can I intervene safely?
- Are there others I can call upon for help?
- What are the benefits/costs of taking action?

## Tips and ABCs:

- Intervene at the earliest point possible.
- Look for early warning signs of trouble.
- Intervening does not necessarily mean confronting.
- Ask for help.
- **A**ssess for safety. **B**e with others. **C**are for the potential victim.

## How do I intervene safely?

- The 3 D's:
  - **Direct**
  - **Distract**
  - **Delegate**

## Definitions and examples:

- **Direct: Tell someone directly to halt an action.**

*"Don't leave (the party) with her. She can't stand up. My friends and I will walk her back to her room."*

*"Stop hitting him. Now."*

*"Stop disrespecting her. That's harassment."*

- **Distract: Take someone out of the situation. Engage the person in another situation.**

*"Don't I know you from psych class? Can we talk about that exam?"*

*"Isn't that Rihanna playing? Let's go dance!"*

*"My car is out back. Can I give you a ride home?"*

- **Delegate: Find others to intervene with you or for you.**

*Talk to the social host or bartender and enlist his or her help.*

*Find friends of those involved in the situation, and ask them for their help.*

*Call Campus Safety for their help or to notify the Administrator-on-Call (AOC).*

*Call the Hartford Police Department if the situation merits.*

## Take individual responsibility:

- Get consent for every step of a sexual interaction.
- Take care of yourself as well as others.
- Keep an eye out for your friends.
- Respect yourself and your body.
- Drink responsibly. Know your limits. Drinking increases aggression, decreases comprehension, and decreases inhibition. It decreases enjoyable sex. It increases the likelihood of nonconsensual sex or rape.
- Speak up and step in safely if the actions or words of a friend, teammate, or Greek brother or sister are harmful.
- Don't blame or shame victims – it is never their fault.



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