



# **2017 Annual Uniform Campus Crime Report**

**CT Public Act 14-11**

Table of Contents

<b>Student Code of Conduct – Student Handbook</b>	<b>1</b>
<b>Student Handbook – Purpose</b>	<b>1</b>
<b>Commonly Used Terms</b>	<b>1</b>
<b>Rights and Responsibilities</b>	<b>3</b>
<b>Community Standards and Policies</b>	<b>4</b>
<b>Sexual Violence Defined</b>	<b>6</b>
<b>Consent</b>	<b>6</b>
<b>Sexual Violence on Campus</b>	<b>6</b>
<b>Conduct Action</b>	<b>7</b>
<b>Sanctions</b>	<b>7</b>
<b>Resources</b>	<b>8</b>
 <b>Prevention and Awareness Initiatives</b>	 <b>9</b>
<b>New Student Orientation</b>	<b>9</b>
<b>Student Leader Sexual Misconduct Training</b>	<b>9</b>
<b>Sexual Misconduct Task Force</b>	<b>9</b>
<b>Grant Application</b>	<b>9</b>
 <b>Sexual Offenses on Campus</b>	 <b>12</b>

## **Student Code of Conduct – Student Handbook**

### **Purpose of the Handbook**

Mitchell College is a national leader in learning engagement within a student-centered community that maximizes each student's ability to succeed. The College's handbook enables all students to live and learn in an environment which promotes academic achievement by setting core principles, rules and values. The Office of the Vice President for Student Affairs/Dean of Students serves as the primary administrator of student conduct and has the responsibility of holding students accountable for the Mitchell College Code of Conduct. All students who are enrolled at Mitchell College agree to adhere to these policies and procedures.

### **Code of Conduct Introduction**

The Code of Conduct is a set of behavioral standards that students and members of the community are expected to abide by and may be held accountable for maintaining. The Code of Conduct promotes Mitchell College's mission statement by setting forth policies which enable each student to maximize his or her ability to succeed in a student-centered environment. These policies put an emphasis on allowing each student the right to learn in an environment which promotes their success, education, safety, respect, diversity and growth. Students are subject to Mitchell College policies and procedures in addition to all federal and state laws while enrolled at the College. In addition, the College reserves the right to update or change any material listed in the Code, including policies and procedures, at any time. Students would be notified of such changes and responsible for following all policies and procedures.

### **Commonly Used Terms and Definitions**

**Advocate:** Any student who has a conduct hearing has the right to have an advocate present. An advocate is a member of the Mitchell College faculty or staff who is not an attorney. An advocate acts as an unbiased resource for a student and helps clarify questions or statements and provides advice to a student at a hearing. An advocate does not participate in a conduct hearing except to speak directly to a student.

**Appeal:** All students have the right to request an appeal of a decision of a conduct hearing. An appeal is a request for a review of the case by a different hearing officer to ensure the conduct process was followed properly and appropriate sanctions were applied.

**Disciplinary Probation:** A form of sanction. While on disciplinary probation, students are expected to conduct themselves in an appropriate manner following the Code of Conduct. Students that violate additional policies in the Code of Conduct while on disciplinary probation should expect more severe sanctions, possibly resulting in his/her suspension or expulsion from the College.

**Dismissal:** A form of sanction. A dismissal results in a permanent separation from the College. Notation of dismissal would be recorded on the student's academic transcript.

**Due Process:** a grounds for appeal if not followed. Due process is the College's responsibility to follow the Conduct Process as described in the Code of Conduct. If not followed, it is a grounds for an appeal of a hearing officer's decision.

**Hearing:** Often referred to as a conduct hearing. A hearing is a student's opportunity to meet with a hearing officer or the College's Conduct Board and to discuss the Code of Conduct violation(s) the student is alleged to have violated.

**Hearing Officer:** Hearing officers are usually professional Student Affairs staff members. Hearing officers oversee a case and determine the policy violations students incur for alleged violations of the Code of Conduct. Hearing officers will then schedule a conduct hearing with the student and review all information. After the hearing takes place the hearing officer will make a decision and notify the student.

**Interim Suspension:** Interim suspension is when a student is separated from the college in all regards until more information can be collected and a conduct hearing can be held.

**Letter of Warning:** Documented letter which warns a violation of the College's Code of Conduct has occurred. Failure to comply with said letter may result in documentation and/or sanctioning.

**Plea- *responsible or not responsible*.** At a hearing, each student accepts responsibility or does not accept responsibility for each alleged policy violation assessed. A hearing officer also finds a student responsible or not responsible for each policy violation. The hearing officer's finding supersedes the student's plea of responsible or not responsible.

**Restitution:** Often known as a fine or act of service. Restitution is a form of sanction which covers the cost associated with the damages or administration/facilities cost of an action which a student(s) is found responsible or admits responsibility for. Restitution may also involve physical service related to the property damaged.

**Sanction:** A sanction is the consequence assigned by a hearing officer. It is a disciplinary action which occurs when a student is found to be responsible for breaking the College's Code of Conduct.

**Suspension:** A form of sanction which results in the student's separation from the College in all capacity for a period of time.

### **Student Rights and Responsibilities Purpose:**

The College expects students to behave as mature, responsible adults. The Code of Conduct has been constructed to serve as a basis of expectations for students and a method of holding students accountable for College policies. The Code of Conduct creates a framework for Mitchell College campus community members to live, learn, and work; simultaneously it provides students' rights and responsibilities as engaged members of this community.

### **Student Rights:**

- Rules, regulations, student rights and responsibilities apply to all students.
- Students at Mitchell College have the right to an academic and social environment conducive to learning where reasonable accommodations and services are provided and issues of health, safety, and civility are addressed. At the same time, students share responsibility for creating and maintaining such an environment.
- Students have the right to protection against improper disclosure. Each semester, a student has the opportunity to complete a form designating whether entities outside campus can have access to his/her personal information. Access to this information will not be allowed if a student chooses or without the student's consent, except where permitted or required by the Family Educational Rights and Privacy Act of 1974. The FERPA policy can be found and completed on the Mitchell College website.
- Students at Mitchell College have the right to express their views, individually or collectively, on issues of institutional policy and on matters of general interest to the student body. Such expression should be articulated in a peaceful, respectful way and students engaged in it must still follow the rules as stated in the Code of Conduct.
- Students committing policy violations have the right to participate in a conduct process as outlined in the Code of Conduct. If a student violates College policy and must go through the conduct hearing process, he or she is entitled to know the specific policies that are being assessed as stated in the Code of Conduct. If a student is found responsible for any policy

violations, he or she has the right to appeal the decision as stated in the Code of Conduct as well.

### **Community Standards and Policies**

Students are responsible for upholding College policies on and off campus as well as at Mitchell College sponsored events. Please note that students are subject to and responsible for following Mitchell College policies and procedures in addition to federal and state laws while enrolled as students here. Students may be adjudicated for Mitchell College policy violations that occur off campus, at the discretion of the Vice President for Student Affairs, or his designee. The violations below are separated into the following categories: Personal Conduct, Sexual Misconduct, Conduct Process Conduct, Dishonesty, and Physical/Emotional Health and General Safety.

Violations of the following conduct outlined below in addition to violations of federal and state laws will constitute violations of the Community Standards and will be subject to action and sanctions as outlined in the Conduct Hearing Process. Conduct that violates this Code of Conduct includes but is not limited to:

#### **1. Personal Conduct**

- a. Verbal assault or threats to harm another individual by physical force or violence
- b. Physical assault or the threat of physical harm to another individual
- c. Use of inappropriate language in public areas
- d. Endangering or threatening the health and safety of oneself or another individual
- e. Conduct that causes disruption or is a risk to any member of the community
- f. Assisting or encouraging another individual to engage in a violation of College policy
- g. Conduct that is in direct conflict with values and expectations as stated in the Student Handbook and Code of Conduct, and therefore may call into question a student's ability to remain a member of the Mitchell College community
- h. Participation in the disruption or process of College activities including but not limited to living on campus and driving and parking policies
- i. Attempted theft, theft, damage, or vandalism to property of the College or others
- j. Unauthorized form of gambling
- k. Failure to abide by guest policies
- l. Unauthorized possession, duplication, or use of keys to any College premises
- m. Failure to abide by College Internet Network Use Policy

- n. Unauthorized solicitation of business or event; unauthorized posting or distribution of flyers, bulletins, or posters
- o. Indecent conduct including but not limited to public urination/defecation, public sexual contact, streaking, or stripping

## **2. Dishonesty**

- a. Filing a false incident report or making a false statement to a College or a public official
- b. Interfering or failure to comply with the request of college officials or law enforcement, fire or other public official acting in their official duty
- c. Any inappropriate in person or technological communication with a College official including but not limited to verbal harassment or swearing
- d. Acts of dishonesty including but not limited to providing false information to a College staff or faculty member, misrepresenting oneself as another, alteration or misuse of College records or official identification

## **3. Physical /Emotional Health and General Safety**

- a. Any action that threatens, endangers or subjects another person to physical harm, or incites a person by provocation
- b. Any discriminatory action that might exclude a person from participation in or denies a person the benefits of College programs, including bullying or hazing, or otherwise subjects a person to discrimination
- c. Weapons, including but not limited to BB rifle/guns, air soft or pellet gun paraphernalia, martial arts implements, knives or bombs as stated in CT state law
- d. Starting a fire, false report of fire, fireworks, failure to evacuate, tampering with, damaging or removing fire safety equipment or creating a fire hazard that endangers others
- e. Trespassing or unauthorized entry or attempted entry to or use of College premises
- f. Devices or behavior used in a manner to invade another individual's privacy

## **4. Sexual Misconduct or Assault**

- a. Sexual harassment
- b. Non-consensual sexual intercourse, or attempting to commit the act
- c. Non-consensual sexual contact, or attempting to commit the act
- d. Domestic violence

## **5. Conduct Process**

- a. Abuse of Code of Conduct procedures, including but not limited to the investigation of complaints,  
Student Conduct Hearing and appeals process
- b. Attempting to discourage or prohibit an individual's participation in the conduct process
- c. Failure to abide by Residence Life policies and procedures or the Housing Contract

- d. Failure to comply with any College policy or procedure
- e. Failure to comply with sanction(s) imposed under the Code of Conduct

This listing of policy violations is in no way conclusive. Being a Mitchell College student comes with the responsibility of being a member of a community. Behaviors that are disruptive or harmful to others' academic and social experiences, hurtful to any member of the college community, or are not consistent with Mitchell College's mission shall also constitute a violation of college policy.

### **Sexual Violence Defined**

The College defines sexual misconduct as actual or attempted sexual assault, rape, inappropriate sexual acts, non-consensual sexual behavior and sexual harassment. Sexual misconduct also includes non-consensual intercourse, sexual touching, exhibitionism, or sexual language of a threatening nature, committed by physical force, coercion or threat, actual or implied by a person(s) known or unknown to the victim. Non-consensual activity includes but is not limited to situations when the victim:

Is unable to consent because she/he is mentally incapacitated

Is fearful of harm

Is unconscious or otherwise physically helpless due to drug or alcohol consumption

The College defines **domestic violence**, or **intimate partner violence**, as physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from sexual assault, sexual assault in a spousal or cohabitating relationship, and domestic violence and third degree stalking.

### **Consent**

Consistent with Connecticut state law, Mitchell College utilizes affirmative consent standards to affirm consent is granted.

### **Sexual Violence on Campus:**

Sexual violence includes sexual acts against another individual's will or without consent and extends to sexual misconduct or assault and domestic violence. Please note that Mitchell College follows Connecticut Sexual Violence laws and will notify local authorities of sexual misconduct when the victim chooses to involve the local authorities pursuant to state law PA 12-78—sHB 5031. A victim of sexual violence has the ability to involve the legal system in this process and can seek to obtain a protective order, apply for a temporary restraining order, or seek enforcement of an existing order. Court issued



orders will be enforced at Mitchell College. Victims are also encouraged to immediately file a report with Campus Safety but do not have to involve Campus Safety. In such cases when the victim chooses not to involve Campus Safety, the Campus Safety Office will be informed that a sexual assault took place on campus but the individuals involved will not be identified. Victims of rape and sexual assault are strongly encouraged to seek medical and emotional assistance. Counseling resources are available with counselors in the department of Health and Wellness. Questions and concerns can be posed to the Sexual Assault Crisis Center, a 24-hour hotline, at 860-437-7766; please ask for the College counselor. A Residence Life professional staff member will authorize a room switch as necessary; other departments and offices on campus will also be contacted to minimize daily future social and academic contact between the victim and the accused.

### **Conduct Action**

Incidents where the victim pursues College conduct action will be handled expeditiously. Victims can request disciplinary proceedings begin promptly as long as all of the investigative paperwork is complete. At a conduct hearing, both the victim and the accused may have College advocates present and may be able to present evidence and witnesses. Prior to a conduct hearing, the Vice President of Student Affairs or designee may request to meet with witnesses for an interview. When possible, a conduct decision will be given no later than one business day after the hearing concludes. Identities of students involved will remain confidential, except as necessary to carry out a conduct hearing or unless otherwise permitted by state or federal law. If a student is more likely than not responsible for sexual violence and found responsible for committing it, he or she will receive a sanction. The following are possible sanctions:

### **Sanctions**

Sanctions may be cumulative and include the following:

- 1. Written Reprimand** – Documented warning that a violation of the Code of Conduct occurred.
- 2. Restitution or Fine** – Financial accountability or monetary fine assessed to cover administrative costs or damages.
- 3. Community Restitution** – Service project(s) completed for the good of the community.
- 4. Educational Intervention** – Online and physical classes meant to address issues such as drug and alcohol abuse, as well as other classes as needed.
- 5. Parent Consultation**- Parent/guardian may be contacted when a student's behavior causes alarm, serious disruption, or is a health or safety concern.

- 6. Disciplinary Probation** – Disciplinary probation with the loss of certain rights for a specified period of time. Students on disciplinary probation may face more severe sanctions if they are found responsible for further code of conduct violations.
- 7. Restricted Suspension** – Separation from the college in all regards except designated academic classes. Students can be banned from certain areas of campus.
- 8. Interim/Temporary Suspension** – Separation from the college in all regards for a specified period of time.
- 9. Termination of Residency** – Loss of on-campus housing, without refund, and/or dining privileges, permanently or for a specified period of time.
- 10. Stayed Suspension** – A full suspension that will not go into effect pending the completion of specified sanctions. Students receiving a stayed suspension will still have all of the full benefits of being a Mitchell College student; however, any further violation of College policy will result in the suspension immediately going into effect.
- 11. Full Suspension** – Separation from the College in all regards for a specified period of time without refund of tuition and fees and no option of completing course work for the current semester or term. Notation may be made on the student's academic transcript.
- 12. Dismissal**- permanent removal from the College. Notation will be made on a student's transcript.
- 13. Other sanctions as deemed appropriate by the hearing officer.** The hearing officer for this incident will notify the victim of the conduct hearing outcome.

Please contact the following offices with questions about sexual violence or policies related to it: Health and Wellness, Residence Life and Judicial Affairs, Campus Safety, the Vice President of Student Affairs, and the Title IX Coordinator.

### **Resources**

Mitchell College has a memorandum of understanding with the **Southeastern Connecticut Sexual Assault and Crisis Center**. If you need assistance or support and think you or another individual may be a victim of sexual violence, SACCEC can be contacted at (860-442-0604). The 24- hour hotline number is 1-888-999-5545.

## **Prevention and Awareness Initiatives**

### **New Student Orientation**

During the summer months preceding their first semester at Mitchell College, new students are required to attend a three-day orientation session. This, in addition to new student check-in and supplemental orientation, which precedes returning student check-in by two days, results in five days of instruction and guidance relative to the transition to college life. During these orientation sessions, students attend mandatory instruction in sexual assault and related offenses, in addition to concepts surrounding affirmative consent as required by Connecticut law.

### **Student Leader Sexual Misconduct Training**

Student Resident Assistants, Orientation Leaders, and First-Year Student Mentors received training prior to the commencement of the academic year in sexual misconduct, sexual offenses, reporting procedures, triaging victims, maintaining confidentiality, and availability of appropriate resources. This six-hour training was provided by the Southeastern Connecticut Sexual Assault and Crisis Center and was attended by approximately 40 Mitchell College student leaders.

### **Sexual Misconduct Task Force**

Mitchell College has convened a multi-disciplinary task force that includes representatives from faculty, Health & Wellness, Campus Safety, and the student body, and is chaired by the Vice President of Student Affairs. This task force meets quarterly to update and enhance policy, address concerns, and implement practices relative to sexual misconduct at Mitchell College.

## Sexual Offenses on Campus

### Overview

The following information has been extracted from the College's Annual Campus Security and Fire Safety Report provided to the US Department of Education per the Jeanne Clery Act, detailing offenses that occurred during the 2016 calendar year. Also included in this section are the adjudications of disciplinary action(s), and anonymous/confidential reporting that occurred during the same cycle.

Sexual Offenses on Campus	2017	Final Adjudication of Disciplinary Action(s)
Sexual Assault	5	(1) – Student perpetrator, found responsible for fondling. Mitchell College / no contact orders/ counseling  (4) – Unsubstantiated
Intimate Partner Violence	0	
Stalking	0	
Anonymous/Confidential reports or disclosures	2	Two reports remained anonymous this reporting cycle



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