



## **Title IX Policy**

The University of New Haven is a community committed to providing an environment that promotes excellence, responsibility, respect, understanding, integrity, and service.

### **Scope of Title IX Policy**

The University of New Haven has jurisdiction over all Title IX complaints, and has enacted this policy to ensure that all of its community members will enjoy an environment free from sexual discrimination of any kind. As stated above, this policy applies to all community members of the University of New Haven, which include students, employees, visitors, and other third parties.

The Title IX Policy applies to all University programs and activities, and all complaints will be processed to determine whether the reported incident occurred within an educational program, an on-campus or off-campus activity, or results in continuing effects on campus. Thus, all complaints are processed regardless of the reported incident location, and it is understood that this policy applies to both on-campus and off-campus conduct.

University students are responsible for knowing the information, policies and procedures outlined in the Title IX Policy.

The University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online [[www.newhaven.edu/titleix](http://www.newhaven.edu/titleix)] for the updated versions of all policies and procedures. If the applicable laws or regulations change in a way that impacts this policy, this policy will be construed to comply with the applicable law or regulations in their most recent form.

### **Notice of Nondiscrimination**

The University of New Haven does not discriminate on the basis of sex in its educational programs and activities, and its actions and policies are consistent with the requirements of Title IX, which prohibits the institution from discriminating on the basis of sex. Inquiries concerning the application of Title IX may be referred to the University of New Haven's Title IX Coordinator, Caroline Koziatek, Vice President for Human Resources, South Hall, 203.932.7479, [ckoziatek@newhaven.edu](mailto:ckoziatek@newhaven.edu), or to the Office of Civil Rights, United States Department of Education, via email at [ocr@ed.gov](mailto:ocr@ed.gov), or via phone at 800.421.3481.

### **Notice of Title IX Coordinator**

Caroline Koziatek, Vice President of Human Resources and Chief Diversity Officer, serves as the University Title IX Coordinator for the University of New Haven. The Title IX Coordinator is responsible for working with University constituents to ensure that the University of New Haven is compliant with all requirements under Title IX of the Federal Education Amendments of 1972, and other laws prohibiting discrimination or otherwise designed to assure equitable education and work environments. The Title IX Coordinator is responsible for ensuring the proper training of Responsible Employees, as defined by Title IX, overseeing the University's response to reports of Title IX violations, the identification/resolution of any pattern(s) or systemic problem(s) related to Title IX, and the coordination of annual revisions/updates all policies and procedures related to compliance. Furthermore, all reports of

discrimination on the basis of sex in any University program or activity, including any form of sexual misconduct, may be reported to the Title IX Coordinator and may utilize the Sexual Misconduct grievance procedures.

The University Title IX Coordinator:

Caroline Koziatek, Vice President of Human Resources, Chief Diversity Officer  
South Campus Hall  
[ckoziatek@newhaven.edu](mailto:ckoziatek@newhaven.edu)  
203.932.7479

Deputy Title IX Coordinators have been trained to address Title IX concerns and coordinate Title IX investigations.

Deputy Title IX Coordinator

Rebecca Johnson, Associate VP of Student Affairs, Dean of Students  
Bartels Hall, Rm 203  
[rjohnson@newhaven.edu](mailto:rjohnson@newhaven.edu)  
203.932.7176

Deputy Title IX Coordinator

Robin Salters, Deputy Director of Athletics, Senior Woman Administrator  
Athletics Complex, North Campus  
[rsalters@newhaven.edu](mailto:rsalters@newhaven.edu)  
203.932.7022

The U.S. Department of Education, Office of Civil Rights is the federal agency charged with enforcing institutional compliance with Title IX regulations. Anyone may contact them directly for more information regarding Title IX or to issue a complaint.

Office of Civil Rights, 400 Maryland Avenue, SW, Washington DC 20202-1100  
Customer Service Hotline: 800.421.3481 – Toll-Free Hotline: 877.521.2172  
Email: [ocr@ed.gov](mailto:ocr@ed.gov) – Website: [www.ed.gov/ocr](http://www.ed.gov/ocr)

### **Accommodation of Disabilities under Title IX**

The University is committed to full compliance with the Americans with Disabilities Act of 1990 (ADA and ADAAA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. The Accessibility Resources Center ("ARC") provides comprehensive services and support that serve to promote educational equity and ensure that students are able to participate in the opportunities available at the University of New Haven. Reasonable accommodations will be provided, as needed, to permit students with disabilities to utilize the procedures set forth herein.

All referrals and inquiries concerning any matters relating to students with disabilities, accessible facilities and/or reasonable accommodations should be directed to the Accessibility Resource Center at (203) 932.7332 or [AccessibilityResCtr@newhaven.edu](mailto:AccessibilityResCtr@newhaven.edu).

## **Pregnancy and Parenting under Title IX**

Title IX prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. Title IX also prohibits the institution from applying any rule related to a student's parental, family, or marital status that treats students differently based on their sex.

Students seeking reasonable accommodations for their pregnancy, related conditions, or parenting may contact the Accessibility Resources Center at (203) 932.7332 to schedule an appointment. Students may also contact Deputy Title IX Coordinator, Rebecca Johnson, at the contact information listed above.

## **Responsible Employee Reporting Obligations**

Those who have experienced sexual misconduct should know that all University employees, other than professional/pastoral counselors or health center staff, are considered "Responsible Employees" under Title IX and are required to report all known facts to the Title IX Coordinator. Those who wish to discuss a matter in complete confidence should notify the University Chaplain, or licensed professionals in Health Services and Counseling and Psychological Services. Refer to the Primary Reporting Offices table below which outlines reporting options/resources/options for action.

Failure of a responsible (non-confidential) employee, as described in this section, to report an incident or incidents of sexual misconduct of which they became aware is a violation of University policy and may result in disciplinary action, up to and including termination.

## **Federal Statistical Reporting Obligations**

Certain campus officials – those deemed Campus Security Authorities (many administrative staff, student organization advisors, resident assistants, etc.)- have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes pursuant to *The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* ("Clery Act"). All personally identifiable information is kept confidential, but statistical information must be passed along to Campus Police regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime and ensure greater community safety. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the reporting party and may be done anonymously.

## **Federal Timely Warning Reporting Obligations**

Parties reporting sexual misconduct should also be aware that University administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The University will ensure that a reporting party's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

### Primary Reporting Offices for Students

	Information & Support	Informal Remedies	Formal Resolution	Counseling Services	Confidentiality Level
Counseling & Psychological Services	*			*	Strictly Confidential
Health Services	*				Strictly Confidential
Campus Police	*	*	*		Confidential in accordance with State Law
Dean of Students	*	*	*		Mostly Confidential
Title IX Coordinator/ Human Resources	*	*	*		Mostly Confidential

### Primary Reporting Offices for Faculty/Staff

	Information and Support	Informal Remedies	Formal Resolution	Counseling Services	Confidentiality Level
Campus Police	*	*	*		Confidential in accordance with State Law
Dean of Students	*	*	*		Mostly Confidential
Title IX Coordinator/ Human Resources	*	*	*		Mostly Confidential
Employee Assistance Program				*	Strictly Confidential

**Confidentiality Level Definitions:** *Strictly confidential* refers to a department's obligation to keep all reports confidential unless a report of an individual intending to harm themselves or others is made. *Confidential in accordance with State Law* means that a department will only release information for legal purposes and will otherwise adhere to state confidentiality restrictions. *Mostly confidential* refers to a department's desire to maintain confidentiality at the complainant's request, but recognizes there may be circumstances (i.e., threats to the larger campus community) that negate the ability to maintain complete confidentiality.

### **Anonymous Online Reporting Procedures**

Third party or anonymous reports alleging sexual misconduct may be submitted through the Report It, Don't Ignore It online site, [www.newhaven.edu/reportit](http://www.newhaven.edu/reportit).

Information provided anonymously will be used in compliance with the Clery Act for data collection only. Under federal law the University is required to investigate all incidents of sexual harassment and discrimination, including sexual assaults, about which the University knows or has reason to know to protect the health and safety of the University community. The University may undertake an investigation, to the extent possible, even in those cases in which the reporting party chooses not to cooperate.

In order to assist in the reporting process and to ensure the most appropriate response to your report, please utilize one of the three available forms.

1. *Crime Report Form*: Please use if you have been the victim of, witnessed, or have knowledge of a crime that was or will be committed.
2. *Behavioral Intervention Report Form*: Please use to report a concern about a student engaging in disruptive, threatening, or violent behavior.
3. *Bias Incident Report Form*: Please use if you have been the target of, witnessed, or have knowledge of a bias motivated incident.

## **Sexual Misconduct Policy**

The University of New Haven (“the University”) is committed to providing an environment in which all members of the University community are safe, free from fear, intimidation, or harassment, and able to participate fully in the educational and social opportunities available to them at the University. The University’s Sexual Misconduct Policy describes the University’s prevention policy toward sexual misconduct of any kind, including sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, sexual harassment, dating violence, intimate partner violence, domestic violence, stalking, and intimidation. It also provides guidance for students, employees, and third parties to the University who have been subjected to sexual misconduct, and outlines the University’s disciplinary response.

In addition to being a violation of University policy, sexual misconduct is prohibited by federal and state laws, including but not limited to the Connecticut General Statutes (Connecticut Fair Employment Practices Act, section 46a-60 (a) (8)); Title VII of the Civil Rights Act of 1964 (42 United States Code Section 2000e et seq.); Title IX of the Higher Education Act of 1972; and the Violence Against Women Reauthorization Act, including the Campus SaVE Act.

### **Policy Statement**

The University of New Haven is a community committed to providing an environment that promotes excellence, responsibility, respect, understanding, integrity, and service. The University adheres to the philosophy that all community members should enjoy an environment free from sexual misconduct of any kind.

Sexual misconduct is a broad term encompassing any behaviors of a sexual nature that violate the University of New Haven’s Code of Conduct or University policies. Sexual misconduct includes sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, sexual harassment, dating violence, intimate partner violence, domestic violence, stalking, and intimidation as those terms are defined below. In addition, violations of other University policies may fall within this Sexual Misconduct Policy when the violation involves conduct that is directed at a specific person and the circumstances of such conduct would cause a reasonable person to believe that the conduct is directed at that specific person because of that person’s sex.

Retaliation for any persons reporting alleged violations of this policy is also against University policy and will result in disciplinary action.

The University is committed to:

1. Educating students, faculty, and staff about the implications and consequences of their behavior. Incoming students, faculty, and staff complete educational courses on sexual misconduct. Additionally, ongoing educational programs are offered throughout the year, coordinated by an interdisciplinary team on campus.
2. Providing proper support and resources to aid any community member harmed by sexual misconduct. Community members may include employees, students, and third parties.
3. Encouraging community members to have accountability for their behavior.

4. Providing a timely, fair, and equitable process for investigation and adjudication that includes appropriate disciplinary actions.

Victims of sexual misconduct, whether occurring on or off campus, will be supported and assisted in obtaining medical treatment, counseling, and other resources to help them with the trauma they experience. Investigations are coordinated by the University's Title IX Coordinator, the Human Resources Department, and the Dean of Students Office.

Orders of protection, no contact orders, restrictive or similar orders issued by a criminal, civil, or tribal court will be administered by the University as written.

### **Definition of Terms**

- 1) **Consent** is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity.
  - a. Consent must be informed, freely and actively given.
  - b. It is the responsibility of each party to obtain clear and affirmative responses at each stage of sexual involvement.
  - c. Silence, or an absence of resistance, does not imply consent.
  - d. Past consent to sexual activity does not imply ongoing future consent.
  - e. Consent to one sexual activity does not imply consent to all. Consent must be obtained at each stage of sexual involvement.
  - f. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
  - g. Consent to sexual activity may be withdrawn at any time by communicating the lack of consent to the other person. Once withdrawal of consent is communicated, all sexual activity must cease. In other words, a simple "no" or its verbal or nonverbal equivalent means withdrawal of consent.
  - h. In order to give effective consent, one must be of legal age. In the State of Connecticut, an individual must be at least sixteen years of age to provide effective consent. Furthermore, CT law restricts the sexual involvement of an individual under the age of 18 with an individual that is twenty years of age or older and stands in a position of power, authority, or supervision over such other person by virtue of the individual's professional, legal, occupational or volunteer status and such other person's participation in a program or activity. (For further information on sexual consent under Connecticut Law, see Connecticut General Statutes Section 53a-71.)
  - i. Sexual activity with someone who one should know to be -- or based on the circumstances reasonably should know to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.
    - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction).
    - Intoxication is defined as the point where the quantity of alcohol a person consumes exceeds the individual's tolerance for alcohol and impairs behavioral or physical abilities.

- This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the administration of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org>.
- j. When a person is subjected to either mental or physical coercion— be it subtle or overt— there is no effective consent. To coerce means to compel or force one to act based on pressure, harassment, threats, or intimidation.
- 2) **Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.
- a. **Coercion** is the unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When an individual makes clear that they do not want to engage in sexual activity, they want to stop all sexual activity, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
1. A determination of whether pressure is considered coercive will be made based on each of the following circumstances: frequency, intensity, isolation, and duration.
- b. **Intimidation** is defined as a course of conduct directed at a person that would cause a reasonable person to fear for injury or harm through the use of threats (direct or implied).
- 3) **Sexual Assault** consists of a range of behaviors from nonconsensual sexual contact to nonconsensual sexual intercourse and is a violation of the University's code of conduct.
- a. **Non-Consensual Sexual Contact** is any intentional sexual touching, however slight, with any object, by any person(s) upon any other person(s) that is without consent and/or by force. Sexual contact includes intentional contact with the breasts, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any intentional bodily contact in a sexual manner.
- b. **Non-Consensual Sexual Intercourse** is any sexual intercourse, however slight, with any object, by any person(s) upon any other person(s) that is without consent and/or by force. Non-consensual sexual intercourse includes vaginal or anal penetration, by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact. (For further information on sexual assault crimes under Connecticut Law, see Connecticut General Statutes, Sections 53a-65 through 53a-73a.)



- 4) **Sexual Harassment** encompasses a wide range of conduct from sexual exploitation to sexual harassment and is a violation of the University's code of conduct. Sexual harassment can be physical or verbal in nature, and may include psychological harassment.
- a. **Sexual Exploitation** is taking non-consensual or abusive advantage of another in a sexual or intimate context. Sexual exploitation includes, but is not limited to:
    - 1. Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed);
    - 2. Taking pictures or video/audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as disseminating sexual pictures without the photographed person's consent);
    - 3. Prostitution;
    - 4. Knowingly infection another person with a sexually transmitted disease or infection;
    - 5. Administering alcohol or drugs (such as 'date rape' drugs) to another person without their knowledge or consent; and/or
    - 6. Exposing one's genitals in a non-consensual circumstance.
  - b. **Sexual Harassment** consists of unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:
    - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's academic standing or employment or receiving any other benefit or privilege they are entitled to.
    - 2. Submission to or rejection of such conduct is used as the basis for academic or employment decisions affecting such person; or receiving any other benefit or privilege they are entitled to. This type of sexual harassment is more commonly known as **Quid Pro Quo Sexual Harassment**.
    - 3. Such conduct has the effect of substantially interfering with a person's academic or work performance or creating an intimidating, hostile, or offensive academic working, educational, or living environment. This type of sexual harassment is more commonly known as a **Hostile Environment due to Sexual Harassment**.
      - a. A determination of whether an environment is considered 'hostile' will include such factors as:
        - i. The frequency of the conduct;
        - ii. The nature and severity of the conduct;
        - iii. Whether the conduct was physically threatening;
        - iv. Whether the conduct was humiliating;
        - v. The effect of the conduct on the alleged victim's mental or emotional state;
        - vi. Whether the conduct was directed at more than one person;
        - vii. Whether the conduct arose in the context of other discriminatory conduct;

- viii. Whether the conduct unreasonably interfered with the alleged victim's educational or work performance.

Sexual harassment can occur to any person regardless of someone's gender identity, gender expression, or biological sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority can be responsible for engaging in prohibited harassment. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents, considered separately, would not rise to the level of harassment. Sexual harassment may occur in a single episode or in repetitive behavior. Acts of sexual harassment can be perpetrated by one person or by a group of individuals.

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

- i. Promising, directly or indirectly, a person a reward, if they comply with a sexually oriented request.
- ii. Threatening, directly or indirectly, retaliation against a person if they refuse to comply with a sexually oriented request.
- iii. Denying, directly or indirectly, a person an employment or education related opportunity, if the person refuses to comply with a sexually oriented request.
- iv. Engaging in sexually suggestive conversation or physical contact or touching another person.
- v. Displaying pornographic or sexually oriented materials in areas that may be deemed public, such as shared office space, common residential living space, classrooms, outward facing windows, etc.
- vi. Engaging in indecent exposure.
- vii. Making sexual or romantic advances toward a person and persisting despite the person's rejection of the advances.
- viii. Suggestive or lewd remarks.
- ix. Staring or leering at parts of a person's body.
- x. Physical conduct such as assault, touching, or blocking normal movement.
- xi. Retaliation for making harassment reports or threatening to report harassment.

5) **Intimate Partner Violence** refers to any instance of violence or abuse – verbal, physical, or psychological – that occurs between those who are in or have been in an intimate relationship with one another, and that may result from any action of sexual misconduct as identified in this policy. The term intimate partner violence is commonly exchanged with the terms dating violence, domestic violence, and/or relationship abuse; as such, this policy applies to each of these terms.

- a. Verbal abuse is the extreme or excessive use of language, often in the form of insults, name-calling, and criticism, designed to mock, shame, embarrass, or humiliate the other intimate partner.
- b. Physical violence or abuse occurs when one intentionally or recklessly causes bodily harm, attempts to cause bodily harm, or puts another in fear of imminent bodily harm.

- c. Psychological/Emotional abuse is the persistent pattern or prolonged climate of dominating or controlling behavior, often involving a power imbalance. The abuser's behavior is often intended to terrorize, intimidate, isolate, or exclude an intimate partner, and may result in measureable psychological harm.
- 6) **Stalking** is defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety, for the safety of a third person, or to feel extreme emotional distress due to repetitive contact or the perception of such conduct. Stalking behaviors include, for example, non-consensual communication by any means, use of surveillance in person or via electronic means, collecting information about a person's routine, friends, family, or coworkers, uninvited visits to a residence, workplace, classroom, worship location, or other locations where an individual is commonly found.
  - a. "Course of conduct" means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person, or interferes with a person's property.
  - b. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
  - c. "Reasonable person" is defined as an individual's perspective of the reporting party's circumstances within a given context.
- 7) **Reporting party** is defined in this policy as the person alleging a violation of this Sexual Misconduct Policy.
- 8) **Responding party** is defined in this policy as any person who has been reported to have allegedly engaged in a violation of this Sexual Misconduct Policy.

### **Reporting Procedures for Complaints of Sexual Misconduct**

Persons wishing to report incidents of sexual misconduct (sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, sexual harassment, dating violence, intimate partner violence, domestic violence, stalking, and intimidation) may choose any/all of the options below:

1. Speak with a confidential resource on- or off-campus for support, advocacy, and counseling services.
2. Disclose to a "responsible employee" or Title IX coordinator directly for support services, informal remedies, and other accommodations.
3. Initiate a formal institutional complaint through the process described below.
4. Notify law enforcement, and receive assistance from campus authorities in making such notification, if desired. This may include obtaining a protective order, applying for a temporary restraining order, or seeking enforcement of an existing protective or restraining order.

The University of New Haven complaint procedure provides for a prompt, adequate, reliable, and impartial investigation of all claims of sexual misconduct. The University encourages all those who have experienced any form of sexual misconduct to report the incident promptly, to seek out all available campus and community resources, and pursue University conduct action, and/or legal proceedings

against the offender. Electing not to report an incident to law enforcement will not impact the University's investigation or grievance process under Title IX. Likewise, if a criminal complaint is filed, the law enforcement investigation or report is not determinative of whether the incident of sexual misconduct violates the University policy and/or the rights of students and employees provided under the Title IX.

### **How to file a report or complaint**

The University encourages the reporting of any sexual misconduct to the following reporting offices:

- |   |  |
|---|--|
| 1. University Police Department<br>Lower level, Campus Bookstore<br>(203) 932.7014        | 5. Title IX Coordinator, Caroline Koziatek<br>South Hall, First Floor<br>(203) 932.7479            |
| 2. Dean of Students Office<br>Bartels Campus Center, Rm 205<br>(203) 932.7432             | 6. Employee Assistance Program<br>Counseling Services for Employees<br>(1.888) 293.6948            |
| 3. Counseling and Psychological Services<br>Lower Level, Sheffield Hall<br>(203) 932.7332 | 7. West Haven Police Department<br>200 Saw Mill Rd, West Haven, CT<br>(203) 937.3900 Non-Emergency |
| 4. Health Services<br>Lower Level, Sheffield Hall<br>(203) 932.7079                       |  |

The University's primary concern is student, staff, and employee safety. Other lesser violations of the University of New Haven's Code of Conduct, such as alcohol or drug violations that are disclosed during the investigation, will likely be referred for educational follow up rather than disciplinary action.

It is a violation of the University's Student Code of Conduct to make an intentionally false report of any policy violation. False Reports are defined as the act of making deliberate false and/or malicious accusations of policy violations to the University, as opposed to allegations, which even if erroneous, are made in good faith.

### **Privacy & Confidentiality**

All reports and allegations of sexual misconduct will be investigated and may be resolved through the grievance procedures outlined in this policy, and will be conducted with regard for the privacy of all those involved. Information acquired during Title IX and Sexual Misconduct grievance procedures will be shared only with University investigators, identified witnesses, and other relevant parties. Only those individuals who need to be informed of the report will have access to the information acquired in any related investigation or subsequent proceedings. Public disclosure of pertinent information, through a timely warning notification, may also be made if the Title IX Coordinator, or designee, determines that the disclosure is necessary to protect the safety of the larger campus community. Any public release of information to comply with the open crime logs or timely warning provisions of the Clery Act will not release the names of victims or information that could easily lead to a victim's identification. Additionally, the University of New Haven maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures.

The reporting party and responding party are not restricted from discussing or sharing information related to the complaint with others if it may support them or assist them in presenting their case. However, the University encourages all parties involved to consider the privacy of other participating parties prior to divulging complaint related information.

The University's primary relationship is with the student and not their parent(s). The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The University also reserves the right to designate which university officials have a need to know about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act.

### **University of New Haven Institutional Process - Students**

The University is obligated by Title IX of the Education Amendments of 1972 to investigate allegations of sexual misconduct. The Investigation Team will convene upon receipt of information that alleges a violation has taken place, and will begin a preliminary investigation with the reporting party's consent. Anyone reporting incidents of sexual misconduct has the opportunity to seek informal remedies, pursue a formal investigation and/or pursue a formal hearing. Specifics of each option are outlined as follows:

#### **Preliminary Investigations**

Upon receipt of a report, the reporting party will have an opportunity to meet with a member of the Dean of Students staff to discuss the matter and learn about the grievance process. In every report of sexual misconduct, the University's Title IX Coordinator, or designee, will make an immediate assessment of the risk of harm to individuals and the larger campus community, and will take the necessary steps to address identified risks. These steps can include interim measures, which may include no contact order(s), housing/academic relocation, residence hall suspension, and University suspension. A formal description of an interim University suspension can be found in the Student Code of Conduct, under Emergency and Extraordinary Situations.

The preliminary investigation will proceed to the extent where a reasonable assessment of the safety of the individual, as well as the campus community, has been made. The preliminary investigation may result in a formal investigation depending on various factors, which may include the reporting party's decision to pursue a formal institutional complaint, the assessed risk of not proceeding further, and the nature of the allegation.

If a reporting party requests that his or her report remain confidential or to postpone or decline an investigation, the University will consider this request in light of the assessed risk to the individual and the larger campus community. The Title IX Coordinator, or designee, will review such requests, but will take appropriate steps to respond to the matter consistent with Title IX regulations and concerns for the University community, including the reporting party. Confidentiality cannot be guaranteed if the University determines that a formal investigation is needed in order for it to effectively respond to the reported misconduct and prevent further sexual misconduct. If the reporting party does not consent to an investigation, the University will take all reasonable steps to investigate and respond to the complaint consistent with their request, unless the University determines that a formal investigation is

in fact necessary. The University reserves the right to investigate allegations of sexual misconduct absent of a formal grievance, or after its subsequent withdrawal.

The University seeks to respect the request(s) of the reporting party, and in circumstances that it cannot do so, the University will consult with the reporting party and keep them informed of the chosen course of action.

### **Interim Measures**

During the preliminary investigation, the reporting party will be informed of any reasonably available options and available assistance in changing academic, living, campus transportation, or working situations in response to the incident of sexual misconduct. Additional interim measures such as a no contact order, counseling, health services, and academic accommodations are available through the Dean of Students Office. These interim measures are available to the reporting party regardless of their decision to pursue a formal University investigation, hearing resolution, or criminal complaint, and are at no cost to the reporting party. The Dean of Students, or a designee, may utilize interim measures during any stage of an investigation consistent with a reporting party's requests.

### **Informal Resolution**

The Dean of Students, or designee, will also inform the reporting party of their option to resolve the report through informal resolution. If the informal resolution is an appropriate option, the Dean of Students, or designee, will meet with the responding party, alleged to have engaged in the misconduct. This informal meeting may consist of a discussion with the responding party regarding their behavior, University policies, definitions of sexual misconduct, and any appropriate interim actions. If a satisfactory resolution is reached through this informal process, the matter will be considered completed. If this process is unsuccessful, a formal investigation may be requested. This informal process will not be used in cases of non-consensual sexual intercourse.

The reporting party may choose to end the informal resolution process at any time and request a formal investigation. If a reporting party initially requests to remain confidential, to postpone, or to decline an investigation, they may later choose to request a formal investigation.

### **Formal Investigation**

After the preliminary investigation, and consistent with a reporting party's request, a formal University investigation will commence. In some cases, a formal investigation may commence in the absence of the reporting party's consent or participation due to the University's need to balance the safety of the individual and larger campus community.

#### *Investigating the Complaint*

Allegations of sexual misconduct involving students are investigated by a University Investigation Team comprised of the Associate Dean of Students, or designee, plus one to two University employees under the advisement of the Title IX Coordinator or designee. Investigations will be conducted by individuals who participate in mandatory annual training on issues related to this policy, including but not limited to handling complaints of sexual harassment and sexual violence, the University's Title IX and Sexual Misconduct Policies, confidentiality in reporting, and how to conduct an investigation process that protects the safety of victims and promotes accountability. A concern from either party regarding a real

or perceived conflict of interest for any member of the Investigation Team may be directed to the Title IX Coordinator or her deputy (contact information is provided under the Notice of Title IX Coordinator).

Formal investigations are conducted when the alleged behavior occurred during a time when participants were members of the University community. If any participant removes themselves from the University community (withdrawal, resignation) the investigation and any subsequent proceedings will proceed to their conclusion. If a participant chooses to remove themselves from the University's formal investigation, the preliminary investigation's risk assessment will be used in determining how the University will progress. The University reserves the right to conduct and complete a formal investigation and/or hearing regardless of the participation of the reporting party or the responding party. Reporting parties who elect not to participate in the investigation will have the opportunity to offer witnesses or evidence during the hearing stage of the process.

Once a formal investigation is commenced, the Investigation Team will provide written notification of the investigation to the parties at an appropriate time during the investigation. Upon receipt of the University's Notice of Investigation, the responding party may choose to accept responsibility for the conduct alleged, and the Investigation Team will then determine the appropriate sanction(s). The responding party will provide a signed written statement that they accept responsibility for the alleged violation. The responding party's signed statement will be provided to the Investigation Team, which will consider the responding party's acceptance of responsibility as a factor in determining the appropriate recommended sanction(s). After the Investigation Team has met with each party to present the recommended sanction(s), the reporting and responding parties will each be able to respond to the sanction(s) as outlined for preliminary findings.

The Investigation Team will interview all relevant parties regarding the allegation of sexual misconduct, including those witnesses identified by the responding and reporting parties. All parties will be notified when interviews with the team are scheduled. The Investigation Team will write a summary of the information gathered during each interview for each relevant party. Each party interviewed will be provided an opportunity to review the summary of their interview for accuracy and to make corrections. After revisions are finalized, a final summary of their interview will be provided to each party.

#### *Investigation Status*

The reporting and responding parties will be kept up to date as to the status of the investigation through its conclusion at regular intervals. Correspondence regarding the status of the investigation will be made via email, phone, or in-person meetings.

Title IX and Sexual Misconduct complaints, including investigative files, documentation of proceedings, and related incident reports, will be held as a student educational record by the Dean of Students Office. Student educational records are defined as those records, files, documents, and other materials that contain information directly related to a student and are maintained by the University of New Haven or by a person acting for the University pursuant to University policy. More information on the University policy regarding student educational records can be found in the Policies on Disclosure of Student Records located within the UNH Student Handbook.

#### *Timeline*

The Investigation Team will make every effort to follow up on the information that they possess in order to assist the Title IX Coordinator, or designee, in making a determination as to whether a violation of our policy may have occurred. Typical investigations will be completed promptly, and within approximately

60 business days of receipt of the complaint. If the formal investigation requires more than 60 business days, all parties will be provided a written explanation of the circumstances causing the delay. Reasonable requests by either party for an extension of this timeline must be provided in writing to the Dean of Students Office, and will be considered on a case-by-case basis by the Deputy Title IX Coordinator for Student Sexual Misconduct.

#### *Collaboration with Law Enforcement*

The University will recognize and comply with requests by a law enforcement agency for cooperation. Such requests may require the University to temporarily suspend its investigation while the law enforcement agency gathers evidence, however this temporary suspension may not exceed 10 days without a written request from the law enforcement agency. During the temporary suspension, interim measures to protect the reporting party may be implemented or continued as applicable. The University will promptly resume its full investigation upon receipt of notification by the law enforcement agency that it has completed the evidence gathering process, and will inform the parties that the investigation has resumed. As stated previously, a law enforcement investigation or criminal report is not determinative of whether the incident of sexual misconduct violates the University's policy.

#### *Advisors*

The reporting and responding parties have the right to be accompanied by an advisor of their choice. Parties may select whomever they wish to serve as their advisor as long as the advisor is available, and usually not otherwise involved in the resolution process, such as serving as a witness. Both parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. The University is not obligated to provide an attorney or advisor for either party. The parties involved are responsible for presenting their own information, and therefore, advisors are permitted to speak only to their advisees. Advisors are not permitted to represent any person involved in the investigation and adjudication process.

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated or replaced by a different advisor.

The University provides a FERPA Release Form that authorizes sharing of documentation with the parties' advisors. The parties must complete this form before the University is able to share records with an advisor, though parties may share the information directly with their advisor if they wish. Advisors are expected to maintain the privacy of the records shared with them. A party whose advisor does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations will be asked to select a different advisor.

The University expects an advisor to adjust their schedule to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.



The parties must advise the Investigation Team of the identity of their advisor at least two (2) business days before the date of their first meeting with investigators. The parties must provide subsequent timely notice to the investigators if they change advisors at any time. No transcription or audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials.

#### *Witnesses*

The Investigation Team will conduct a thorough and impartial investigation by interviewing witnesses, including the reporting and responding party, and gather additional information regarding the allegations. Both parties will have the opportunity to present witnesses, impact statements, and other evidence to the Investigation Team. Witnesses are expected to cooperate with and participate in the University's formal investigation. Witnesses may be asked to provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. **Witnesses will be instructed that they are required to maintain confidentiality regarding the allegations in consideration of those involved in the investigation.**

Failure of a witness to cooperate with and/or participate in the investigation constitutes a violation of policy and may be subject to discipline. Parties who elect not to participate in the investigation, fail to disclose known witnesses, or who otherwise withhold information from the investigation will not have the opportunity to offer evidence during the hearing and/or appeal stages of the process if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

#### *Determination of Preliminary Finding*

At any point during the investigation, if it is determined there is no reasonable cause to believe that University policy has been violated, the Investigation Team, in conjunction with the Title IX Coordinator, has the authority to terminate the investigation and end resolution proceedings. If it is determined by the Investigation Team that there is insufficient evidence to pursue the complaint, there will be no further action by the team, and investigation status will be *no finding*. When an investigation has a *no finding* status, the appropriate parties will be notified of the determination. Involved parties may not appeal the investigation status of *no finding*. However, the University will ensure that the educational environment is restored for all parties, and it is in compliance with the requirements of Title IX.

The Investigation Team will summarize the information gathered during the investigation into a final report. The Team will then make a preliminary finding and may recommend a sanction(s) based on the alleged violation(s). The Investigation Team's preliminary finding will be based on the preponderance of evidence standard. The final report, preliminary finding, and sanction, if recommended, will be provided to the reporting and responding parties in writing within one business day of the Investigation Team's preliminary finding.

The Associate Dean of Students, or designee, on the Investigation Team will meet with the reporting and responding parties separately to present the outcome of the investigation. If a sanction is imposed, the reporting party may be informed of the sanction to the extent possible under Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99.

Possible investigation findings are as follows:

- A. *Not Responsible* – Insufficient evidence was available to support a finding of responsibility for violations of policy.
- B. *Responsible* – The evidence supports a finding of responsibility, based on a preponderance of the evidence standard.

After the Investigation Team has met with each party to present the finding of the investigation, the reporting and responding parties will each be able to respond to the finding(s). This may result in any of the three following outcomes:

1. If the reporting and responding party both accept the Investigation Team's finding and recommended sanction, the resolution is completed.
2. If either the reporting or responding party accept the Investigation Team's finding, but not the recommended sanction(s), the case will be referred for a formal "sanctions only" hearing to determine appropriate sanction(s).
3. If either the reporting or responding party do not accept the Investigation Team's preliminary finding, the case will be referred for a formal hearing to determine the finding and, if responsible, any appropriate sanction(s). Sanctions may include no contact orders, academic schedule modification, disciplinary probation, restriction from University facilities, residence hall suspension/expulsion, and University suspension/expulsion.

### **Formal Hearing Resolution**

A formal Sexual Misconduct Board hearing may be the result of a formal investigation, in which either party is requesting a hearing to determine the finding and any applicable sanction(s) or a sanctions only hearing. The attendance of the reporting party to the formal hearing is not a prerequisite to proceed, and the University reserves the right to conduct and complete a formal hearing regardless of the participation of either party. However, every attempt will be made to provide equal opportunity for the attendance of all parties.

#### *Hearing Board Procedures*

The Sexual Misconduct Board shall consist of three trained University employees and is advised by a member of the Dean of Students staff. These individuals will participate in mandatory annual training on issues related to this policy, including but not limited to handling complaints of sexual harassment and sexual violence, the University's Title IX and Sexual Misconduct Policies, confidentiality in reporting, and how to conduct an investigation process that protects the safety of victims and promotes accountability. A concern from either party regarding a real or perceived conflict of interest for any member of the Sexual Misconduct Board may be directed to the Title IX Coordinator.

Once the procedures are explained and the participants are introduced, a member(s) of the Investigation Team will testify before the Sexual Misconduct Board, in regards to all information, evidence, and reports collected during the investigation process, and be subject to questioning by the parties and the Hearing Board. Once the investigator(s) present their report and are questioned, the Hearing Board will permit the parties to provide relevant information in turn and permit questioning of and by the parties. The responding party and the reporting party may not personally question or cross-

examine each other during a hearing. Any questions from the responding or reporting party must be directed to the Chair of the Sexual Misconduct Board for consideration as to their appropriateness and relevance.

The Hearing Board will then permit all present witnesses to provide relevant information and Board and the parties will each be allowed to ask questions of the witnesses. The Sexual Misconduct Board will only direct questions to the parties involved if there is an absence of sufficient or comprehensive information about a given, relevant fact.

The Sexual Misconduct Board will conduct its hearing in accordance with due process protocols outlined in the Code of Conduct.

Evidence regarding the prior sexual conduct of the reporting party with anyone other than the responding party may not be presented. Either party may submit evidence of the history of a prior consensual dating or a prior sexual relationship between the parties if the information is found to be highly relevant by the Sexual Misconduct Board's Chair. If either party submits such evidence, then the other party has the right to rebut that evidence. Evidence of prior consensual dating or a prior sexual relationship between the reporting and responding parties does not imply consent or preclude a finding of sexual misconduct.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings in accord with University policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.

Hearings (except for deliberations) are recorded solely for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

#### *Alternative Testimony Options*

All parties have the right to request alternative testimony options, such as placing a privacy screen in the hearing room, or testifying outside the physical presence of the other party, such as by Skype or phone. While these options are intended to help make the parties more comfortable, they are not intended to work to the disadvantage of either party.

#### *Advisors*

All parties have the right to be assisted by and to attend the hearing with an advisor of their choice. The parties involved are responsible for presenting their information, and therefore, advisors are permitted to speak only to their advisees during any meeting or proceeding related to the allegations. For complete details regarding the role of the advisor, please review the formal investigation section of this policy.

#### *Determination of Finding and/or Sanction(s)*

Following the hearing, the Sexual Misconduct Hearing Board will deliberate in a closed session to determine whether the responding party is responsible or not responsible for the policy violation(s) in question. The Sexual Misconduct Board will make its determination(s) based on a preponderance of

evidence standard and provide a written determination of its findings of facts and outcome to both parties concurrently within one business day.

Sanctions will include steps to end the behavior exhibited, prevent its reoccurrence, and make whole the educational environment of all involved parties. Depending on the nature of the conduct and the sanction(s) imposed, the reporting party may or may not be informed of the sanction issued to the responding party in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99.

Notification of the Hearing Board's outcome will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local/permanent address of the parties as indicated in the official University records; or emailed to the parties' University-issued email account. The notice will specify the finding on each alleged policy violation, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law. The notice will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and any appeal options that are available.

### **Appeals Board**

Both parties may request an appeal of the outcome of the Sexual Misconduct Board within five days of receipt of the notice of outcome from the Sexual Misconduct Board. Appeals must be submitted in writing and delivered to the Dean of Students Office, within the prescribed time period. If no appeal is made within the prescribed time period, the original decision of the Sexual Misconduct Board shall be final, conclusive, and effective immediately.

Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

The Appeals Review Board shall consist of three trained University employees and is advised by the Title IX Coordinator, or designee. These individuals will be trained annually on issues related to this policy, including sexual assault, stalking, intimate partner violence, and how to conduct a hearing process that protects the safety of victims and promotes accountability. A concern from either party regarding a real or perceived conflict of interest for any member of the Appeals Review Board may be directed to the Title IX Coordinator.

Each party will be notified if the other party initiates an appeal and will have the opportunity to submit information for consideration by the Appeals Review Board. During the appeal period, any sanctions imposed by the Sexual Misconduct Board will be enforced immediately. The following grounds will be considered:

- a. To determine whether the Sexual Misconduct Board Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures. Deviations from designated procedures will not be a basis for sustaining an appeal unless the appeal review determines that significant prejudice resulted from such deviation.

- b. To determine whether the decision reached regarding the responding party was based on substantial information; that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code of Conduct, specifically the Sexual Misconduct Policy, occurred.
- c. To determine whether the sanction(s) imposed was appropriate for the violation of the Student Code of Conduct which the student was found to have committed.
- d. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original hearing because such information and/or facts were not known or available to the person appealing at the time of the original Sexual Misconduct Board Hearing.

When any party requests an appeal, the Title IX Coordinator, or designee, will share the appeal request with the other parties, who may file a response within three (3) days and/or bring their own appeal on separate grounds within the original timeframe. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) days. Any response or appeal request will be shared with each party.

The Appeals Review Board will make an initial determination as to whether there are sufficient grounds for the appeal as set forth above. If it determines that there are sufficient grounds for appeal, the board will review the decision on the grounds that the student has appealed on, using the student's conduct file, original hearing recording, and the appeal submission. Students are permitted to present their appeal materials in person before the board. The board may:

- 1. Affirm the decision of the Sexual Misconduct Board.
- 2. Send the case to be re-heard by the Sexual Misconduct Board.
- 3. Send back to the Deputy Title IX Coordinator, or designee, for the consideration of sanction(s) modification.

### **Sanction Statements**

The University defines specific sanctions within the Student Code of Conduct, located in the annual University Student Handbook (Student Conduct Code Procedures; Section B: Sanctions).

In sexual misconduct cases where the outcome of a case is a disciplinary suspension or expulsion, then, following the exhaustion of any appeals, a notation will be placed on the transcript of the student found responsible for the violation. University suspension is recorded on the student's academic record for the period of the suspension and is removed upon completion of the suspension period. Upon termination of the suspension period, the student may petition the Dean of Students for reinstatement to their former student status; readmission/reinstatement must be approved by the Dean. The University reserves the right to readmit or deny readmission to a student following a period of suspension. Expulsion is recorded on the student's academic record.

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- Warning: A notice in writing to the student that the student is violating or has violated institutional regulations and indicating that repetition of infractions of University regulations will result in more severe disciplinary action.
- Probation: A written reprimand for a specific violation. Probation is for a designated period of time during which a student must show a positive change in behavior and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period. Disciplinary probation is a status which may involve restrictions, conditions, or terms imposed for a definite period of time which may include but are not limited to ineligibility to participate in University activities or events, periodic contact or counseling with a designated member of the University community, restrictions on access to University facilities and/or housing areas, and change of housing assignment.
- Loss of Privileges: Denial of specific privileges for a designated period of time. Such action includes but is not limited to use of a specific University facility, campus motor vehicle parking and operating privileges, and social privileges. A date must be specified after which the student may regain those privileges.
- University Suspension: Separation of the student from the University for a definite period of time during which the student is excluded from classes, residence on campus, and all privileges and activities of the University. During a period of suspension, a student is not permitted on University property without the written permission of the Dean of Students. Suspension is recorded on the student's academic record for the period of the suspension and removed upon completion of the suspension period.
- University Expulsion: Permanent termination of a student status without possibility of readmission to the University. An expelled student is not permitted on University property. A sanction of expulsion must be reviewed and approved by the Vice President for Student Affairs and the President before it becomes effective. Expulsion is recorded on the student's academic record.
- Revocation of Admission and/or Degree: Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- Withholding of Degree: The University may withhold awarding of a degree otherwise earned until the completion of the process set forth in the Student Code of Conduct, including completion of any sanctions imposed.
- Sanctions Applicable to Student Clubs, Groups, and Organizations: If a recognized student organization violates a policy or regulation of the University or local, state, or federal law, one or more of the following sanctions may be imposed:
  - o Those sanctions listed in the Student Code of Conduct, Article VII (B) 1-6.
  - o Loss of selected rights and privileges for a specified period of time. .
  - o Deactivation, defined as loss of all privileges, including University recognition, for a specified period of time.
- Other Actions: In addition to or in place of the above listed sanctions, the University may assign any other sanctions as deemed appropriate.

#### *Failure to Complete Sanctions/Comply with Interim Actions*

All parties are expected to comply with conduct sanctions, interim and corrective actions within the timeframe specified by the Title IX Coordinator or designee. Failure to abide by these conduct sanctions

or actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions or actions.

### **Retaliation Policy**

Retaliation is defined as any intentional adverse action taken by a responding individual or third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of a participant in a civil rights resolution proceeding or other protected activity.

Retaliation against an individual for alleging harassment, supporting a party bringing a grievance or assisting in providing information relevant to a claim of harassment, is a serious violation of University policy and will be treated as another possible instance of harassment or discrimination.

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

## University of New Haven Institutional Process - Employees

1. Allegations of sexual misconduct involving employees (faculty/staff) are investigated by Human Resources, under the advisement of Title IX Coordinator or designee. Investigations will be conducted by an individual(s) who will participate in mandatory annual training on issues related to this policy, including but not limited to handling complaints of sexual harassment and sexual violence, the University's Title IX and Sexual Misconduct Policies, confidentiality in reporting, and how to conduct an investigation process that protects the safety of victims and promotes accountability.
2. Reports of sexual misconduct or any allegations of a violation of this policy by an employee should be first reported to their own supervisor, another supervisor, or Human Resources outlining a detailed description of the incident(s) of behavior, which the reporting party finds offensive, as well as the name of the harasser and names of potential witnesses. Supervisors who have knowledge of potential harassment are required to report the information to the Title IX Coordinator or designee in Human Resources.
3. The Title IX Coordinator's investigation will convene upon receipt of information that alleges a violation has taken place, and will initiate a full investigation with the reporting party's consent. If, however, the reporting party does not consent to an investigation, the University will take all reasonable steps to investigate and respond to the complaint consistent with their request not to pursue an investigation unless the University determines that a formal investigation is necessary in order for it to respond effectively to the harassment and prevent the harassment of other campus community members.
4. The investigator will interview all relevant parties regarding the allegation of sexual misconduct. Relevant parties may include the reporting party, potential witnesses, and the responding party. **The University will protect the confidentiality of the allegations to the extent possible.**
5. Human Resources will take appropriate action to remediate the situation and notify the impacted parties. This may include interim actions during the period of investigation, which may include any of the following listed employee remedies.

## Employee Sanctions

Violations of this policy will result in the discipline, up to and including termination. Remedies for employees may include, but are not limited to, the following:

- Cease and Desist Orders
- Warning – Verbal or Written
- Performance improvement/management process
- Required Training or Education
- Probation
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with/without pay
- Termination

**Other Actions:** In addition to or in place of the above remedies, the University reserves the right to alter the above recommended sanctions if there are compelling circumstances that justify greater or lesser sanctions.

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## **Addendum A: Resource & Support Services List**

### **Confidential Resources**

*The resources listed below are strictly confidential; strictly confidential refers to a department's obligation to keep all reports confidential unless a report of an individual intending to harm themselves or others is made.*

#### **College Advocate — Rape Crisis Center of Milford**

*24 hour confidential hotline (203) 878-1212 email – [mrcc@newhaven.edu](mailto:mrcc@newhaven.edu)*

The University's College Advocate provides support, advocacy, and crisis counseling for victims and relays the options available to victims of sexual assault and the campus community. The College Advocate also provides educational opportunities to the campus community. The advocate is available to be present with the victim from the time of disclosure of sexual assault.

#### **BHcare — Umbrella Center for Domestic Violence Services**

*24 hour confidential hotline - statewide (888)774-2900*

*Greater New Haven and shoreline - 203 789-8104, Lower Naugatuck Valley -203 736-9944*

The Umbrella advocate provides crisis intervention that includes safety planning, risk assessment, and domestic violence education for victims of domestic violence. Educational presentations are available to the student community upon request.

### **Health Services**

*Sheffield Hall, Lower level 203.932.7079*

Health Services is open to all currently enrolled University students without charge Monday through Friday, during the academic year. Daily hours may change due to various circumstances; call 203.932.7079 prior to visit. All contacts are confidential. Staff members provide crisis and follow-up care for victims of sexual assault and make referrals to local hospitals for the administration of sexual assault evidence collection kits (also known as rape kits). For immediate medical needs during hours when Health Services is closed, students should seek emergency services, i.e., local hospital emergency rooms, Campus Police, local police, and local rape crisis centers.

### **Counseling and Psychological Services**

*Sheffield Hall, Lower level 203.932.7332*

Counseling and Psychological Services staff provides students with support for the long-term effects of sexual assault. All contacts are confidential.

### **Additional On-Campus Resources**

#### **Campus Police**

*Lower level of the Campus Bookstore 203.932.7014*

Campus Police assist with the immediate medical needs of victims; work with the Dean of Students Office in the investigation and adjudication of incidents; provide timely, campus-wide notification of incidents which pose an ongoing or continuing threat to the community; and assist in the preservation of evidence. While victims are encouraged to report crimes to the police, they may instead elect to seek counseling services and may be assisted by these services or by other campus resources.

**Dean of Students Office**

*Bartels Campus Center, Top level 203.932.7432*

The Dean and Associate Dean of Students work closely with Campus Police in the investigation and adjudication of incidents of sexual misconduct; provide support to student victims; and work towards maintaining a balance between addressing the needs of the victim and the needs of the campus community.

**Office of Residential Life**

*Bixler Hall, Lower level 203.932.7076*

Office of Residential Life staff members are knowledgeable about campus and local services and can help sexual assault victims get assistance and provide support to residents impacted by the sexual assault.

**Myatt Center for Diversity & Inclusion**

*Gerber Hall, Lower Level 203.932.7427*

The Director for the Myatt Center for Diversity & Inclusion is knowledgeable about campus and local services; provides support to student victims; and works closely with other members of the Campus Education and Response Team ("CERT") to provide proactive initiatives to educate the campus community on issues related to sexual misconduct.

**Human Resources Office – For Faculty and Staff**

*South Hall, First Level 203.932.7240*

The Human Resources staff members are knowledgeable about harassment prevention policies and practices. If you believe there is an issue or have encountered an issue of harassment please contact Human Resources.

**Campus Education and Response Team**

*To contact the CERT regarding educational opportunities, please call 203.932.7445.*

In an ongoing effort to provide a safe and supportive learning environment, the University has appointed a Campus Education and Response Team ("CERT"). The CERT consists of a network of individuals throughout the University and Greater New Haven community which conduct ongoing educational campaigns on issues related to sexual misconduct, as well as ensure an appropriate and coordinated response to victims of sexual assault, intimate partner violence, or stalking. These staff members include representatives from the following campus and local resources: Dean of Students Office, Campus Police, the Office of Residential Life, Counseling and Psychological Services, Health Services, Faculty, Wellness Peer Educator Coordinator, and the Rape Crisis Center of Milford's College Advocate.

**Campus Resource Team**

*To learn more about the Campus Resource Team, please call 203.932.7445.*

In an ongoing effort to enhance the University's response to sexual violence and harassment, the University President has appointed a Campus Resource Team ("CRT"). The Campus Resource Team is comprised of critical campus officials as well as local resources involved in responding to sexual misconduct incidents. The CRT is charged with reviewing campus policies and recommending protocols for providing support and services to community members who report incidents of sexual misconduct.

The group meets at least once per semester to review, assess, and update the University's Sexual Misconduct protocols and policies. . Members include representatives from the following campus and local resources: Dean of Students Office, Campus Police, the Office of Residential Life, Counseling and Psychological Services, Health Services, Faculty, Wellness Peer Educator Coordinator, the Rape Crisis Center of Milford's College Advocate, Executive Director of Offsite Locations, and student representatives.

### **Greater New Haven/Orange Area Resources**

The Center for Family Justice  
753 Fairfield Avenue, Bridgeport, CT 06604  
203.334.6154 office • 203.333.2233 hotline

Women and Families Center  
1440 Whalley Avenue, New Haven, CT 06515  
203.624.4576 office • 203.235.4444 hotline

New Britain YWCA Sexual Assault  
Crisis Services  
22 Glen Street, New Britain, CT 06051  
860.547.1022 office • 860.241.9217 hotline

BH Care- Umbrella Center for Domestic  
Violence Services  
435 East Main Street, Ansonia, CT 06401  
203.736.2601 office • 203.736.9944 hotline

Rape Crisis Center of Milford  
70 West River Street, Milford, CT 06460  
203.874.8712 office • 203.878.1212 hotline

New Haven Legal Assistance Association, INC  
203.946.4811 • 800.453.3320 Toll-free

### **Old Lyme/New London Area Resources**

Sexual Assault Crisis Center of Eastern CT  
78 Howard Street, Suite C1, New London, CT  
860.442.0604 office • 888-999-5545

Safe Futures (Intimate Partner Violence)  
16 Jay Street, New London, CT 06320  
860.701.6000 office • 888.774.2900 hotline

### **National & Statewide Resources**

CT Coalition Against Domestic Violence (CCADV)  
888.774.2900 English hotline  
844.831.9200 Spanish hotline  
[www.ctcadv.org](http://www.ctcadv.org)

Connecticut Alliance to End Sexual Violence  
(formerly known as CONNSACS)  
888.999.5545 English hotline  
888.568.8332 Spanish hotline  
[www.connsacs.org](http://www.connsacs.org)

GLBTQ Domestic Violence Project  
800.832.1901 hotline  
[www.glbtqdv.org](http://www.glbtqdv.org)

Stalking Resource Center  
(202) 467-8700 office  
[www.ncvc.org/src/](http://www.ncvc.org/src/)

National Suicide Prevention Lifeline  
800.273.8255 English hotline  
888.628.9454 Spanish hotline  
[www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)

Statewide Legal Services of CT, INC.  
800.453.3320 Toll-free  
<http://slsct.org/volunteer>

National Center for Victims of Crime  
202.467.8716 Referral hotline  
[www.victimsofcrime.org/](http://www.victimsofcrime.org/)

### **Albuquerque, New Mexico Area Resources**

Rape Crisis Center of Central New Mexico  
9741 Candelaria NE, Albuquerque, NM 87112  
505.266.7712 office • 505.266.7711 hotline

Domestic Violence Resource Center  
625 Silver St. SW, Albuquerque, NM 87102  
505.768.2104 office • 505.884.1241 hotline

### **San Francisco, California Area Resources**

San Francisco Women Against Rape (SFWAR)  
3543 18<sup>th</sup> Street #7, San Francisco, CA 94110  
415.861.2024 • office 415.647.7273 hotline

San Francisco Domestic Violence Consortium  
Presidio Main Post, 100 Montgomery Street  
San Francisco, CA 94129  
415.626.8709 office • 415.864.4722 hotline

## Addendum B: Guidance on Taking Immediate Action

### After an Incident of Sexual Assault:

1. Get to a safe place as quickly as you can. If there is any immediate danger, contact Campus Police (203.932.7070) on campus, or call 911 if you are off campus. If you are on campus during regular business hours, you may go to Counseling and Psychological Services as well as to Health Services for support and guidance (both services are located in the lower level of Sheffield Hall). Both of these offices serve as strictly confidential resources.
2. It is encouraged that you do not wash, bathe, shower, douche, or change clothing after the incident if you wish to seek immediate medical treatment. If you have already taken any of these actions, you are still encouraged to seek prompt medical care, and evidence may still be recoverable.
3. In order to see a criminal case through to a successful conclusion, it is important that evidence be preserved. Ensure that the physical scene of the assault, i.e., room, car, etc., not be altered, cleaned up, or disturbed in any way. The decision on how to proceed can be made at a later date, but evidence preservation keeps options open.
  - a. Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a **clean paper bag** or clean sheet, to avoid contamination.
  - b. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
  - c. Record the names of any witnesses, and their contact information. This information may be helpful to the proof of a crime, to obtain an order of protection or to offer proof of a campus policy violation.
  - d. Try to memorize details (physical description, names, license plate number, car description) or even better, write notes to remind you of details, if you have time and the ability to do so.
4. You may want to receive medical attention as quickly as possible. In the State of Connecticut, you may request an advocate that can accompany you during all medical exams, free of charge, from the hospital. When receiving medical attention, it is very important that you TRY NOT eat or drink anything until the forensic evidence kit is completed at the hospital. Forensic evidence kits are available without charge in the State of CT, and may only be completed within 120 hours of the incident. Hospital Emergency Departments are qualified to administer this kit.
5. If you decide not to seek medical attention in relation to a police investigation (i.e. the forensic evidence kit), still seek medical attention from University Health Services, a gynecologist or a local hospital. Female victims may talk to a healthcare professional about the “morning after pill” if the sexual contact may result in unwanted pregnancy. This type of medication is most effective within 72 hours of the incident. Both females and males may also want to be screened for sexually transmitted infections.
6. If you wish to request a toxicology kit, to screen for all drugs in your system, you may do so at the Hospital Emergency Department. Toxicology kits are more effectively immediately after the incident, and can be administered within 72 hours of the incident.

7. Consider telling someone you trust about the incident, or one of the community resources in Addendum A. Some University officials are required to report information regarding sexual violence to the Title IX Coordinator, so you may refer to the confidential resources listed in the table above as well.

**During and/or After Intimate Partner Violence and/or Stalking:**

1. Get to a safe place as quickly as you can. If someone is following you, consider going to a police station, or public area.
2. In the event that you are experiencing intimate partner violence or stalking, you are encouraged to record all related behaviors, such as harassing telephone calls, electronic contacts (e.g., texts, e-mails, Facebook messages), letters/notes, acts of vandalism, and threats communicated through third parties. Record the following: date, time, and location of incident; description of what happened; and names of any witnesses. If possible, take pictures of evidence (e.g., bodily injuries, damaged items). Recording such information can help document behavior for protection order applications or criminal prosecution. It can also help you remember incidents about which you might later report or testify. Because this information may be introduced as evidence or inadvertently shared with the perpetrator, **do not include any information you do not want the offender to see.**
3. If you are being or were harmed, you are encouraged to receive medical attention as quickly as possible.
4. Tell someone you trust about the incident. You may want to develop a safe word to be used in emergency situations to indicate when and how this individual can help you.
5. If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify Campus Police or Deputy Title IX Coordinator for Student Sexual Misconduct, Rebecca Johnson, so that those orders can be observed on campus. If you need assistance with University-related concerns, such as no-contact orders or other protective measure, contact the Deputy Title IX Coordinator for Student Sexual Misconduct, Rebecca Johnson, at 203.932.7176, or [rjohnson@newhaven.edu](mailto:rjohnson@newhaven.edu). The University is able to offer reasonable academic supports, changes to living arrangements, transportation resources or modifications, escorts, no contact orders, counseling services access, and other supports and resources as needed by a victim.
6. Treat all threats, direct or indirect, as legitimate and report them to one of the resources above. Even if there are no threats, consider reporting the incident(s).

**During and/or After Sexually Harassment or Exploitation:**

1. Document the harassment:
  - a. Photograph and keep copies of any documentary evidence of harassment.
  - b. Keep a journal with detailed information on instances of sexual harassment. Note the dates, conversation, frequency of offensive encounters, etc.
  - c. Tell other people, including personal friends and co-workers, if possible.

If the harasser is a UNH student or employee, immediately report the harassment to the Title IX Coordinator, Caroline Koziatek ([ckoziatek@newhaven.edu](mailto:ckoziatek@newhaven.edu), 203.932.7479) or Deputy Title IX Coordinator for Student Sexual Misconduct, Rebecca Johnson ([rjohnson@newhaven.edu](mailto:rjohnson@newhaven.edu), 203.932.7176).

**Addendum C: Connecticut Statutes related to this Policy**

***Connecticut Penal Code V: Assault and Related Offenses***

**Sec. 53a – 59. Assault in the first degree: Class B felony: Nonsuspendable sentences.**

(a) A person is guilty of assault in the first degree when: (1) With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument; or (2) with intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body, he causes such injury to such person or to a third person; or (3) under circumstances evincing an extreme indifference to human life he recklessly engages in conduct which creates a risk of death to another person, and thereby causes serious physical injury to another person; or (4) with intent to cause serious physical injury to another person and while aided by two or more other persons actually present, he causes such injury to such person or to a third person; or (5) with intent to cause physical injury to another person, he causes such injury to such person or to a third person by means of the discharge of a firearm.

(b) Assault in the first degree is a class B felony provided (1) any person found guilty under subdivision (1) of subsection (a) shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court and (2) any person found guilty under subsection (a) shall be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court if the victim of the offense is a person under ten years of age or if the victim of the offense is a witness, as defined in section 53a-146, and the actor knew the victim was a witness.

**Sec. 53a – 60. Assault in the second degree: Class D or C felony.**

(a) A person is guilty of assault in the second degree when: (1) With intent to cause serious physical injury to another person, the actor causes such injury to such person or to a third person; or (2) with intent to cause physical injury to another person, the actor causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument other than by means of the discharge of a firearm; or (3) the actor recklessly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument; or (4) for a purpose other than lawful medical or therapeutic treatment, the actor intentionally causes stupor, unconsciousness or other physical impairment or injury to another person by administering to such person, without his consent, a drug, substance or preparation capable of producing the same; or (5) the actor is a parolee from a correctional institution and with intent to cause physical injury to an employee or member of the Board of Pardons and Paroles, the actor causes physical injury to such employee or member; or (6) with intent to cause serious physical injury to another person by rendering such other person unconscious, and without provocation by such other person, the actor causes such injury to such other person by striking such other person on the head; or (7) with intent to cause physical injury to another person, the actor causes such injury to such person by striking or kicking such person in the head while such person is in a lying position.

(b) Assault in the second degree is a class D felony or, if the offense resulted in serious physical injury, a class C felony.

**Sec. 53a – 61. Assault in the third degree: Class A misdemeanor.**

(a) A person is guilty of assault in the third degree when: (1) With intent to cause physical injury to another person, he causes such injury to such person or to a third person; or (2) he recklessly

causes serious physical injury to another person; or (3) with criminal negligence, he causes physical injury to another person by means of a deadly weapon, a dangerous instrument or an electronic defense weapon.

(b) Assault in the third degree is a class A misdemeanor and any person found guilty under subdivision (3) of subsection (a) of this section shall be sentenced to a term of imprisonment of one year which may not be suspended or reduced.

**Sec. 53a – 61aa. Threatening in the first degree: Class D or class C felony.**

(a) A person is guilty of threatening in the first degree when such person (1) (A) threatens to commit any crime involving the use of a hazardous substance with the intent to terrorize another person, to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or (B) threatens to commit such crime in reckless disregard of the risk of causing such terror, evacuation or inconvenience; (2) (A) threatens to commit any crime of violence with the intent to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or (B) threatens to commit such crime in reckless disregard of the risk of causing such evacuation or inconvenience; (3) commits threatening in the second degree as provided in section 53a-62, and in the commission of such offense such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, shotgun, rifle, machine gun or other firearm; or (4) violates subdivision (1) or (2) of this subsection with the intent to cause an evacuation of a building or the grounds of a public or nonpublic preschool, school or institution of higher education during preschool, school or instructional hours or when a building or the grounds of such preschool, school or institution are being used for preschool, school or institution-sponsored activities. No person shall be found guilty of threatening in the first degree under subdivision (3) of this subsection and threatening in the second degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

(b) For the purposes of this section, "hazardous substance" means any physical, chemical, biological or radiological substance or matter which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health.

(c) Threatening in the first degree is a class D felony, except that a violation of subdivision (4) of subsection (a) of this section is a class C felony.

**Sec. 53a – 62. Threatening in the second degree: Class A misdemeanor or class D felony.**

(a) A person is guilty of threatening in the second degree when: (1) By physical threat, such person intentionally places or attempts to place another person in fear of imminent serious physical injury, (2) (A) such person threatens to commit any crime of violence with the intent to terrorize another person, or (B) such person threatens to commit such crime of violence in reckless disregard of the risk of causing such terror, or (3) violates subdivision (1) or (2) of this subsection and the person threatened is in a building or on the grounds of a public or nonpublic preschool, school or institution of higher education during preschool, school or instructional hours or when a building or the grounds of such preschool, school or institution are being used for preschool, school or institution-sponsored activities.

(b) Threatening in the second degree is a class A misdemeanor, except that a violation of subdivision (3) of subsection (a) of this section is a class D felony.



## ***Connecticut Penal Code VI: Sex Offenses***

### **Sec. 53a – 65. Definitions**

As used in this part, except section 53a-70b, the following terms have the following meanings:

- (1) "Actor" means a person accused of sexual assault.
- (2) "Sexual intercourse" means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Its meaning is limited to persons not married to each other. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.
- (3) "Sexual contact" means any contact with the intimate parts of a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person.
- (4) "Impaired because of mental disability or disease" means that a person suffers from a mental disability or disease which renders such person incapable of appraising the nature of such person's conduct.
- (5) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling such person's conduct owing to the influence of a drug or intoxicating substance administered to such person without such person's consent, or owing to any other act committed upon such person without such person's consent.
- (6) "Physically helpless" means that a person is (A) unconscious, or (B) for any other reason, is physically unable to resist an act of sexual intercourse or sexual contact or to communicate unwillingness to an act of sexual intercourse or sexual contact.
- (7) "Use of force" means: (A) Use of a dangerous instrument; or (B) use of actual physical force or violence or superior physical strength against the victim.
- (8) "Intimate parts" means the genital area or any substance emitted therefrom, groin, anus or any substance emitted therefrom, inner thighs, buttocks or breasts.
- (9) "Psychotherapist" means a physician, psychologist, nurse, substance abuse counselor, social worker, clergyman, marital and family therapist, mental health service provider, hypnotist or other person, whether or not licensed or certified by the state, who performs or purports to perform psychotherapy.
- (10) "Psychotherapy" means the professional treatment, assessment or counseling of a mental or emotional illness, symptom or condition.
- (11) "Emotionally dependent" means that the nature of the patient's or former patient's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to know that the patient or former patient is unable to withhold consent to sexual contact by or sexual intercourse with the psychotherapist.
- (12) "Therapeutic deception" means a representation by a psychotherapist that sexual contact by or sexual intercourse with the psychotherapist is consistent with or part of the patient's treatment.
- (13) "School employee" means: (A) A teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or a private elementary, middle or high school or working in a public or private elementary, middle or high school; or (B) any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in (i) a public

elementary, middle or high school, pursuant to a contract with the local or regional board of education, or (ii) a private elementary, middle or high school, pursuant to a contract with the supervisory agent of such private school.

**Sec. 53a – 70. Sexual assault in the first degree: Class B or A felony.**

(a) A person is guilty of sexual assault in the first degree when such person (1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or (4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse. (b) (1) Except as provided in subdivision (2) of this subsection, sexual assault in the first degree is a class B felony for which two years of the sentence imposed may not be suspended or reduced by the court or, if the victim of the offense is under ten years of age, for which ten years of the sentence imposed may not be suspended or reduced by the court.

(2) Sexual assault in the first degree is a class A felony if the offense is a violation of subdivision (1) of subsection (a) of this section and the victim of the offense is under sixteen years of age or the offense is a violation of subdivision (2) of subsection (a) of this section. Any person found guilty under said subdivision (1) or (2) shall be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court if the victim is under ten years of age or of which five years of the sentence imposed may not be suspended or reduced by the court if the victim is under sixteen years of age.

(3) Any person found guilty under this section shall be sentenced to a term of imprisonment of at least ten years, a portion of which may be suspended, except as provided in subdivisions (1) and (2) of this subsection, or a term of imprisonment and a period of special parole pursuant to subsection (b) of section 53a-28 which together constitute a sentence of at least ten years. Notwithstanding the provisions of subsection (a) of section 53a-29 and except as otherwise provided in this subsection, a court may suspend a portion of a sentence imposed under this subsection and impose a period of supervised probation pursuant to subsection (f) of section 53a-29.

**Sec. 53a – 70a. Aggravated sexual assault in the first degree: Class B or A felony.**

(a) A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in section 53a-70, and in the commission of such offense (1) such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon, (2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, such person causes such injury to such victim, (3) under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, or (4) such person is aided by two or more other persons actually present. No person shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

(b) (1) Except as provided in subdivision (2) of this subsection, aggravated sexual assault in the first degree is a class B felony. Any person found guilty under this section of a class B felony shall be sentenced to a term of imprisonment of at least ten years, five years of which may not be suspended or reduced by the court.

(2) Aggravated sexual assault in the first degree is a class A felony if the victim of the offense is under sixteen years of age. Any person found guilty under this section of a class A felony shall be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court, except that, if such person committed sexual assault in the first degree by violating subdivision (1) of subsection (a) of section 53a-70, and the victim of the offense is under sixteen years of age, twenty years of the sentence imposed may not be suspended or reduced by the court. Notwithstanding the provisions of subsection (a) of section 53a-29 and except as otherwise provided in this subsection, a court may suspend a portion of a sentence imposed under this subdivision and impose a period of probation pursuant to subsection (f) of section 53a-29, or may impose a term of imprisonment and a period of special parole pursuant to subsection (b) of section 53a-28.

**Sec. 53a – 70b. Sexual assault in spousal or cohabiting relationship: Class B felony.**

(a) For the purposes of this section: (1) “Sexual intercourse” means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body; and (2) “Use of force” means: (A) Use of a dangerous instrument; or (B) use of actual physical force or violence or superior physical strength against the victim.

(b) No spouse or cohabitor shall compel the other spouse or cohabitor to engage in sexual intercourse by the use of force against such other spouse or cohabitor, or by the threat of the use of force against such other spouse or cohabitor, which reasonably causes such other spouse or cohabitor to fear physical injury.

(c) Any person who violates any provision of this section shall be guilty of a class B felony for which two years of the sentence imposed may not be suspended or reduced by the court.

**Sec. 53a – 70c. Aggravated sexual assault of a minor: Class A felony.**

(a) A person is guilty of aggravated sexual assault of a minor when such person commits a violation of subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-86, 53a-87 or 53a-196a and the victim of such offense is under thirteen years of age, and (1) such person kidnapped or illegally restrained the victim, (2) such person stalked the victim, (3) such person used violence to commit such offense against the victim, (4) such person caused serious physical injury to or disfigurement of the victim, (5) there was more than one victim of such offense under thirteen years of age, (6) such person was not known to the victim, or (7) such person has previously been convicted of a violent sexual assault.

(b) Aggravated sexual assault of a minor is a class A felony and any person found guilty under this section shall, for a first offense, be sentenced to a term of imprisonment of twenty-five years which may not be suspended or reduced by the court and, for any subsequent offense, be sentenced to a term of imprisonment of fifty years which may not be suspended or reduced by the court.

**Sec. 53a – 71. Sexual assault in the second degree: Class C or B felony.**

(a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or (2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age; or (11) such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

(b) Sexual assault in the second degree is a class C felony or, if the victim of the offense is under sixteen years of age, a class B felony, and any person found guilty under this section shall be sentenced to a term of imprisonment of which nine months of the sentence imposed may not be suspended or reduced by the court.

**Sec. 53a – 72a. Sexual assault in the third degree: Class D or C felony.**

(a) A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.

(b) Sexual assault in the third degree is a class D felony or, if the victim of the offense is under sixteen years of age, a class C felony.

**Sec. 53a – 73a. Sexual assault in the fourth degree: Class A misdemeanor or class D felony.**

(a) A person is guilty of sexual assault in the fourth degree when: (1) Such person subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C)

mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or (D) physically helpless, or (E) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (F) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (8) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age; or (9) such person subjects another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

(b) Sexual assault in the fourth degree is a class A misdemeanor or, if the victim of the offense is under sixteen years of age, a class D felony.

#### ***Connecticut Penal Code XIV: Breach of the Peace, Harassment and Related Offenses***

##### **Sec. 53a – 181c. Stalking in the first degree: Class D felony.**

(a) A person is guilty of stalking in the first degree when such person commits stalking in the second degree as provided in section 53a-181d and (1) such person has previously been convicted of a violation of section 53a-181d, or (2) such conduct violates a court order in effect at the time of the offense, or (3) the other person is under sixteen years of age.

(b) Stalking in the first degree is a class D felony.

##### **Sec. 53a – 181d. Stalking in the second degree: Class A misdemeanor.**

(a) For the purposes of this section, "course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, (1) follows, lies in wait for, monitors, observes, surveils, threatens,

harasses, communicates with or sends unwanted gifts to, a person, or (2) interferes with a person's property.

(b) A person is guilty of stalking in the second degree when: (1) Such person knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for such person's physical safety or the physical safety of a third person; or (2) Such person intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person that would cause a reasonable person to fear that such person's employment, business or career is threatened, where (A) such conduct consists of the actor telephoning to, appearing at or initiating communication or contact at such other person's place of employment or business, provided the actor was previously and clearly informed to cease such conduct, and (B) such conduct does not consist of constitutionally protected activity.

(c) Stalking in the second degree is a class A misdemeanor.

**Sec. 53a – 181e. Stalking in the third degree: Class B misdemeanor.**

(a) A person is guilty of stalking in the third degree when he recklessly causes another person to reasonably fear for his physical safety by willfully and repeatedly following or lying in wait for such other person.

(b) Stalking in the third degree is a class B misdemeanor.

**Sec. 53a – 181f. Electronic stalking: Class B misdemeanor.**

(a) A person is guilty of electronic stalking when such person recklessly causes another person to reasonably fear for his or her physical safety by willfully and repeatedly using a global positioning system or similar electronic monitoring system to remotely determine or track the position or movement of such other person.

(b) Electronic stalking is a class B misdemeanor.

***Connecticut Penal Code XVI: Loitering in or about School Grounds. Public Indecency.***

**Sec. 53a – 186. Public indecency: Class B misdemeanor.**

(a) A person is guilty of public indecency when he performs any of the following acts in a public place: (1) An act of sexual intercourse as defined in subdivision (2) of section 53a-65; or (2) a lewd exposure of the body with intent to arouse or to satisfy the sexual desire of the person; or (3) a lewd fondling or caress of the body of another person. For the purposes of this section, "public place" means any place where the conduct may reasonably be expected to be viewed by others.

(b) Public indecency is a class B misdemeanor.

***Connecticut Penal Code XVII: Tampering with Private Communications, Eavesdropping, Voyeurism, and Unlawful Dissemination of Intimate Images***

**Sec. 53a – 189a. Voyeurism: Class D or C felony.**

(a) A person is guilty of voyeurism when, (1) with malice, such person knowingly photographs, films, videotapes or otherwise records the image of another person (A) without the knowledge and consent of such other person, (B) while such other person is not in plain view, and (C) under circumstances where such other person has a reasonable expectation of privacy, (2) with intent to arouse or satisfy the sexual desire of such person or any other person, such person knowingly photographs, films, videotapes or otherwise records the image of another person (A) without

the knowledge and consent of such other person, (B) while such other person is not in plain view, and (C) under circumstances where such other person has a reasonable expectation of privacy, (3) with the intent to arouse or satisfy the sexual desire of such person, commits simple trespass, as provided in section 53a-110a, and observes, in other than a casual or cursory manner, another person (A) without the knowledge or consent of such other person, (B) while such other person is inside a dwelling, as defined in section 53a-100, and not in plain view, and (C) under circumstances where such other person has a reasonable expectation of privacy, or (4) with intent to arouse or satisfy the sexual desire of such person or any other person, such person knowingly photographs, films, videotapes or otherwise records the genitals, pubic area or buttocks of another person or the undergarments or stockings that clothe the genitals, pubic area or buttocks of another person (A) without the knowledge and consent of such other person, and (B) while such genitals, pubic area, buttocks, undergarments or stockings are not in plain view.

(b) Voyeurism is (1) a class D felony for a first offense, except as provided in subdivision (3) of this subsection, (2) a class C felony for any subsequent offense, and (3) a class C felony for a first offense when (A) such person has been previously convicted of an offense enumerated in subsection (f) of section 53a-29, or (B) the intended subject of the offense is a person under sixteen years of age.

(c) Notwithstanding the provisions of section 54-193, no person may be prosecuted for an offense under subdivision (1), (2) or (4) of subsection (a) of this section except within five years from the date of the offense, or within five years from the date the subject of the offense discovers the existence of the photograph, film, videotape or other recording that constitutes a violation of subdivision (1), (2) or (4) of subsection (a) of this section, whichever is later.

**Sec. 53a – 189b. Disseminating voyeuristic material: Class D felony.**

(a) A person is guilty of disseminating voyeuristic material when such person disseminates a photograph, film, videotape or other recorded image of another person without the consent of such other person and knowing that such photograph, film, videotape or image was taken, made or recorded in violation of section 53a-189a.

(b) Disseminating voyeuristic material is a class D felony.

**Sec. 53a – 189c. Unlawful dissemination of an intimate image: Class A misdemeanor.**

(a) A person is guilty of unlawful dissemination of an intimate image when (1) such person intentionally disseminates by electronic or other means a photograph, film, videotape or other recorded image of (A) the genitals, pubic area or buttocks of another person with less than a fully opaque covering of such body part, or the breast of such other person who is female with less than a fully opaque covering of any portion of such breast below the top of the nipple, or (B) another person engaged in sexual intercourse, as defined in section 53a-193, (2) such person disseminates such image without the consent of such other person, knowing that such other person understood that the image would not be so disseminated, and (3) such other person suffers harm as a result of such dissemination. For purposes of this subsection, “disseminate” means to sell, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, present, exhibit, advertise or otherwise offer.

(b) The provisions of subsection (a) of this subsection shall not apply to: (1) Any image described in subsection (a) of this section of such other person if such image resulted from voluntary exposure or engagement in sexual intercourse by such other person, in a public place, as defined in section 53a-181, or in a commercial setting; (2) Any image described in subsection (a) of this section of such other person, if such other person is not clearly identifiable; or (3) Any image described in subsection (a) of this section of such other person, if the dissemination of such image serves the public interest.

(c) Unlawful dissemination of an intimate image is a class A misdemeanor.

(d) Nothing in this section shall be construed to impose liability on the provider of an interactive computer service, as defined in 47 USC 230, an information service, as defined in 47 USC 153, or a telecommunications service, as defined in section 16-247a, for content provided by another person.

### ***Connecticut Penal Code XIX: Coercion***

#### **Sec. 53a – 192. Coercion: Class A misdemeanor or class D felony.**

(a) A person is guilty of coercion when he compels or induces another person to engage in conduct which such other person has a legal right to abstain from engaging in, or to abstain from engaging in conduct in which such other person has a legal right to engage, by means of instilling in such other person a fear that, if the demand is not complied with, the actor or another will: (1) Commit any criminal offense; or (2) accuse any person of a criminal offense; or (3) expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair any person's credit or business repute; or (4) take or withhold action as an official, or cause an official to take or withhold action.

(b) It shall be an affirmative defense to prosecution based on subdivision (2), (3) or (4) of subsection (a) of this section that the actor believed the accusation or secret to be true or the proposed official action justified and that his purpose was limited to compelling the other person to behave in a way reasonably related to the circumstances which were the subject of the accusation, exposure or proposed official action, as by desisting from further misbehavior or making good a wrong done.

(c) Coercion is a class A misdemeanor except, if the threat is to commit a felony, coercion is a class D felony.