



CONNECTICUT  
COLLEGE

## 2019 Report on Sexual Misconduct

January 1, 2019 – December 31, 2019

*Prepared for the Joint Standing Committee of the  
General Assembly of the State of Connecticut as  
required under Public Act 14-11: An Act  
Concerning Sexual Assault, Stalking, and  
Intimate Partner Violence on Campus*



# CONNECTICUT COLLEGE

September 30, 2020

Jeanie B. Phillips  
Clerk  
Higher Education and Employment Advancement Committee  
Legislative Office Building, Room 1800  
Hartford, CT 06106

Subject: Connecticut College report to the Connecticut General Assembly, Public Act 14-11

Dear Ms. Phillips,

You will find enclosed the Connecticut College annual report to be compliant with Public Act 14-11. Please let me know if I can be of any further assistance.

Sincerely,

Ebony L. Manning  
Associate Dean for Equity and Compliance Programs  
Title IX Coordinator  
Connecticut College  
270 Mohegan Avenue  
New London, CT 06320  
860-439-2035



# CONNECTICUT COLLEGE

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## **A. Policy**

Connecticut College's current campus-wide Title IX Policy (sexual misconduct, stalking, intimate partner violence and other harassment and discrimination) is included in this document [Appendix A]. Notice of this policy is sent to the campus community at the beginning of each academic year.

The policy and procedures for students are printed annually in the Connecticut College student, staff, and faculty handbooks. All incoming students, new faculty, and new staff are provided training with the website link to the policy provided.

## **B. Notification of Victim's Rights and Options**

Written notification of victim's rights and options is distributed to all students at the beginning of each year. It may also be found:

- the Connecticut College Student Handbook (*see attachment 1*),
- the College's Title IX website (<http://www.conncoll.edu/title-ix/>), and
- the Director of Sexual Violence Prevention and Advocacy website (<https://www.conncoll.edu/campus-life/sexual-violence-prevention-and-advocacy/>)

Victims also receive written notification when they file a complaint with the College.

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

### ***Students***

*New Student Orientation:* in January 2019 and August 2019, new students participated in a mandatory workshop on College policies and a mandatory workshop on the College's Green Dot™ Bystander Intervention Program. During Orientation programming, 99% of first-year students received sexual violence prevention education.

*Student Athletes:* in January, April and November 2019, student athletes participated in a mandatory workshop on the College's Green Dot™ Bystander Intervention Program and mandated sexual assault education.

*Student Staff Training:* in August 2019, residential life student paraprofessional staff participated in a mandatory workshop on College policies, procedures, and bystander intervention.

*Conduct Panel Training:* The hearing board members are trained annually (academic year) and received training in October 29, 2019.

*Overall programming:* Below is a sampling of the large-scale programs that were provided for students on campus. Various Green Dot overview talks were also given in residence halls, classroom settings and with athletic teams throughout the year.

| Date           | Type                           | Audience                         |
|----------------|--------------------------------|----------------------------------|
| February 2019  | Green Dot Training             | Students                         |
| February 2019  | Green Dot Hockey Game          | Students, Staff, Faculty         |
| February 2019  | Green Dot Dinner               | Students, Staff, Faculty         |
| February 2019  | Green Dot Mixed Fit Class      | Students, Staff, Faculty         |
| April 2019     | Supporting a Survivor Workshop | Students                         |
| April 2019     | Rock The Dot A Capella Concert | Students                         |
| April 2019     | Green Dot Training             | Students, Staff, Faculty         |
| September 2019 | Healthy Relationships Module   | First Year Students              |
| October 2019   | One Love Escalation Workshop   | Students                         |
| November 2019  | My Color, My Story             | Students of Color                |
| November 2019  | CCRT Sexual Violence Training  | Staff, Faculty & Campus-Partners |

## February 2018

- A. Office of Sexual Violence Prevention and Advocacy, February 1
  - Campus-Wide Green Out: The Campus Community was encouraged to wear green, there was information about the Green Dot Bystander Intervention program.
- B. 8<sup>th</sup> Annual Green Dot Men's Hockey Game, February 2019
  - Themed hockey game to bring awareness of Green Dot principles. Faculty, Staff and Students.
- C. Green Dot Mixxed Fit Class, February 5
  - A Green Dot themed fitness class opened to the campus community
- D. Green Dot Dinner, February
- E. Green Dot Training, February 17
  - A 6 hour training. A total of 15 people participated.

## April 2019

### Sexual Assault Awareness Month

- A. Supporting a Survivor Workshop, April 3
  - A workshop about supporting survivors on and off-campus.
- B. Rock the Dot A Capella Concert, April 5
  - Green Dot- themed A Capella Concert.
- C. Office of Sexual Violence Prevention and Advocacy: Green Dot Training, April 14
  - A 6 hour training. A total of 25 people participated.

- D. Campus-Wide Survivor Speak Out, April 16
  - Annual SAAM speak out. Students shared personal poetry, read some of their favorite writings and shared their own stories.
- E. Sexual Assault Awareness Month Art Display, April 19
- F. Consent & Coffee Workshop, April 20
  - In collaboration with Gender and Sexuality Programs, a student led comprehensive conversation regarding consent and its many contexts (different types of relationships, different settings (virtual/digital, etc.) over coffee in the LGBTQIA Center. 12 people participated.
- G. SVPA Self-Care Series, April 22
  - In collaboration with student group A.S.I.A: Crafts and Sushi
- H. #TimesUp, April 23,
  - A panel and discussion-based event about sexual assault and the law.
- I. SVPA Self-Care Series, April 24
  - Yoga class for students.
- J. Consent Trivia Bar Night, April 24
- K. Healthy Relationships Concert with MOBROC, April 26
- L. Supporting a Survivor Workshop, April 30

### **May 2019**

- A. Green Dot Day of Gratitude, May 1

### **August 2019**

- A. Third Millennium Consent & Respect Course, Summer 2019
  - Online training to introduce campus policy definitions and the concept of consent. The entire first year class participated.
- B. Classroom Discussion, August 27
  - Discussion with two Gender, Sexuality and Intersectionality Studies (GSIS) and one English class around resources for sexual violence.

### **September 2019**

- A. Healthy Relationships Module, September 6
- B. Green Dot Module, September 6 and 13
  - Green Dot Bystander Intervention education with the first-year class. 3 First year classrooms attended.
- C. Classroom Discussion, September 10
  - Discussion with two GSIS and one English class around resources for sexual violence.
- D. Fresh Check Day, September 20
  - Partnered with Student Counseling Services, Student Health Services, Student Engagement & Leadership Education, Student Wellness/AOD Education and Residential Education & Living. The Office of Sexual Violence Prevention and Advocacy sponsored the “Love is Louder” and “Green Dot Means to Me” table.
- E. Green Dot Boot camp with the Sailing Team, September 20
  - Green Dot Bystander Intervention education. 10 people participated.

- F. Green Dot Training, September 22, 2020
  - Green Dot Bystander Intervention training for students. 22 people participated.
- G. Coffee & Conversation, September 23
  - A discussion-based about sexual violence prevention. Approximately 10 people participated.
- H. Healthy Relationships Module, September 27
  - Student led module on healthy relationships and relationship violence. One first year class participated.

## **October 2019**

### Domestic Violence Awareness Month

- A. Green Dot Campus Green-Out, October 7
  - Campus wide educational event including events sponsored by over 16 clubs and organizations. 150 people participated.
- B. Green Dot Boot camp with Men's Squash Team, October 17
  - Green Dot Bystander Intervention training.
- C. Healthy Relationships Module, October 18
  - Discussion-based class on healthy relationships and relationship violence. One first year class participated.
- D. Green Dot Module with FYS class, October 18 & 31
  - Green Dot Bystander Intervention discussion with the first year class. 3 first year classrooms participated.
- E. Green Dot Volleyball Game, October 18
  - Themed volleyball game to bring awareness of Green Dot principles. Faculty, Staff and Students. Approximately 30 people participated.
- F. Green Dot Training, October 20
  - Six hour Green Dot training for students. 27 students participated.
- G. Stand by Me Survivor Speak-Out, October 23
  - A two hour speak-out event for survivors of sexual violence. Approximately 50 people participated.
- H. One Love "Escalation" Workshop, October 27
  - Ninety minute workshop co-sponsored with SAAC and Women's Lacrosse. Approximately 60 people participated.
- I. Green Dot Bar Night, October 29

## **November 2019**

- A. My Color, My Story, November 5
  - Open forum students of color to discuss climate with regards to sexual violence. Approximately 15 students participated.
- B. Green Dot Training, November 8 & 15
  - Six hour Green Dot training for students. 18 students participated.
- C. Race & Title IX, November 14
  - A 90 minute class. Approximately 15 students participated.
- D. Green Dot Module, November 15
  - A one hour module for first year students.

E. The Making of a Consent Video, November 23

- A PSA video feature Connecticut College students talking about consent. 30 people participated.

***Faculty, Staff, Administrators***

Below is a list of workshops and trainings on campus that encompassed prevention education, policies, and procedures for sexual misconduct, stalking, and intimate partner violence.

| Date          | Type                                         | Audience                            |
|---------------|----------------------------------------------|-------------------------------------|
| February 2019 | Green Dot Training                           | Faculty and Staff                   |
| February 2019 | Civil Treatment Training                     | Staff                               |
| April 2019    | Green Dot Training                           | Open to Campus                      |
| May 2019      | Green Dot Training                           | Faculty and Staff                   |
| August 2019   | Title IX Training                            | Student Leaders                     |
| August 2019   | Title IX Training                            | Dining and Athletic Staff           |
| August 2019   | Civility Training                            | New Faculty                         |
| October 2019  | Connecticut College<br>Resource Team meeting | Faculty, Staff & Campus<br>Partners |
| December 2019 | CCRT Sexual Violence<br>Training             | Faculty, Staff & Campus<br>Partners |

**D. Types of Prevention and Campaign Awareness Programs**

- A. New Title IX posters were created to showcase the definitions of Stalking, Sexual Harassment, Intimate Partner Violence and Sexual Misconduct.
- B. The Connecticut College Resource Team was formed and convened for meetings.
- C. An email address was created specifically for Title IX reports: [titleix@conncoll.edu](mailto:titleix@conncoll.edu)
- D. The Senior Investigation and Compliance Officer was created. The College hired an internal investigator to handle all Title IX Investigation.

**E. Number of reported incidences to the College**

The information provided below is for the calendar year 2018.

| Type                                                              | Number of Incidences Reported | Number of Confidential or Anonymous Reports | Number of Disciplinary Cases |
|-------------------------------------------------------------------|-------------------------------|---------------------------------------------|------------------------------|
| Sexual Misconduct (includes sexual assault and sexual harassment) | 43                            | 10                                          | 4                            |



|                           |   |   |   |
|---------------------------|---|---|---|
| Stalking                  | 7 | 2 | 0 |
| Intimate Partner Violence | 8 | 1 | 0 |

\* Some cases reported alleged multiple allegations in one report.

The final outcome of the disciplinary cases for students included suspension and expulsion. Note that the sexual misconduct cases include offenses lesser than sexual assault. The final outcome of disciplinary cases for employees included one resignation.

## **Appendix: Gender-Based Discriminatory Conduct (Title IX Policy)**

### **I. Summary**

Connecticut College's Title IX Policy reflects compliance with Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Connecticut state law and other federal laws.

The College's Honor Code and Principles of Community emphasize that members of our community act with equity and respect for the dignity of all human beings. Sexual misconduct, intimate partner violence, and other forms of discrimination based on sex or gender (including gender identity, expression, or characteristics) are forms of unwelcome conduct that create an intimidating and offensive work, residential, study or social environment and therefore violate this policy.

Members of the College community and visitors have the right to be free from all types of such misconduct, as defined in this policy. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

Acts of sexual misconduct, intimate partner violence, and stalking may be committed by any person upon any other person, regardless of the sex, gender, gender identity and/or sexual orientation of those involved.

When a report of sexual misconduct, intimate partner violence, or other Title IX-related violation is brought to the College's attention, the College will take steps to end the misconduct, prevent its recurrence, and address its effects. When accused individuals are determined to have violated this policy, serious sanctions will be imposed, up to and including termination for faculty and staff members. Sanctions for student conduct complaints typically differ based on the circumstances of the complaint. For example, a finding of responsibility for non-consensual sexual intercourse typically result in suspension or expulsion; non-consensual sexual contact typically results in a range of sanctions from warning to expulsion; intimate partner violence typically results in a range of sanctions from disciplinary probation to expulsion.

This policy has been written to affirm the College's goal of maintaining a positive learning, living, and working environment. This policy addresses issues particular to faculty, staff, and students as well as the intersection of these constituencies. It applies in all College settings, including off-campus settings in which individuals are engaged in College-related business or educational programs. The policy may also apply to situations occurring off campus that negatively impact the College community.

This policy incorporates other College policies relating to specific behaviors that are covered by Title IX. Those behaviors are listed here; the policies relating to them are included below:

- Sexual Misconduct
  - Sexual Harassment

- Non-consensual Sexual Penetration
- Non-consensual Sexual Contact or Activity
- Sexual Exploitation
- Intimate Partner Violence
- Stalking
- Retaliation

Any Connecticut College policy may fall within this Title IX Policy and Procedure when the violation of the policy results in a discriminatory effect caused in whole or in part on the basis of the person's actual or perceived sex or gender. When behaviors not covered under this policy occur in concert with covered behaviors, the College reserves the right to address all misconduct jointly under these procedures.

Individuals who believe they have, or may have, experienced any of the behaviors covered by this policy, or who have witnessed such behavior, are strongly encouraged to report their experience to the Title IX Coordinator or one of the deputy Title IX coordinators. All faculty and supervisory staff are mandated to promptly report any potential violations of this policy to the Title IX Coordinator.

The Office of Institutional Equity and Inclusion oversees all Title IX compliance for the institution, oversees compliance for faculty, and may receive complaints by students, faculty and staff. Two staff members serve as Deputy Title IX Coordinators: Eva Kovach, Associate Director of Athletics and Deputy Title IX Coordinator, focuses primarily on issues of Title IX compliance within athletics and Cheryl Miller, Vice President for Human Resources and Organizational Development and Deputy Title IX Coordinator, focuses primarily on issues of Title IX compliance for staff. One staff member serves as the Title IX investigator: Carrie-Jo McGuffey, Senior Investigator and Compliance Officer. Inquiries regarding applications of Title IX on campus may be directed to any of the following:

- John McKnight, Dean of Institutional Equity and Inclusion, Office of Institutional Equity and Inclusion, Unity House, 860- 439-2035 or [jmcknight@conncoll.edu](mailto:jmcknight@conncoll.edu)
- Ebony Manning, Associate Dean for Equity and Compliance Programs and Title IX Coordinator, Office of Institutional Equity and Inclusion, Unity House, 860-439-2035 or [emanning@conncoll.edu](mailto:emanning@conncoll.edu)
- Eva Kovach, Associate Director of Athletics and Deputy Title IX Coordinator Athletic Center, 860-439-2557 or [edkov@conncoll.edu](mailto:edkov@conncoll.edu)
- Cheryl Miller, Vice President for Human Resources and Organizational Development and Deputy Title IX Coordinator, Human Resources, 860-439-2085 or [cmiller5@conncoll.edu](mailto:cmiller5@conncoll.edu)
- Carrie-Jo McGuffey, Senior Investigator and Compliance Officer, 860-439-5258 [orcmcguffey@conncoll.edu](mailto:orcmcguffey@conncoll.edu)

When a person is involved in a Title IX complaint, if there is perceived bias or conflict of interest regarding a deputy Title IX Coordinator or others handling the Title IX grievance procedures, those concerns should be shared with the Title IX Coordinator. If there is

perceived bias or conflict of interest regarding the Title IX Coordinator, those concerns should be shared with the Dean of Institutional Equity and Inclusion. If bias or a conflict of interest is demonstrated, substitute officials will be identified to address that complaint.

This policy includes a list of relevant definitions; a list of resources for emotional, physical and academic support; a description of the process for reporting incidents; and a brief description of formal procedures for addressing violations of this policy, both for students and members of the faculty and staff. The procedures to be followed are based on whichever process has jurisdiction over the accused and may be found in the Student Handbook (students), IFF (faculty), or Human Resources (staff).

Resources for reducing the risk of being accused of sexual misconduct or experiencing sexual misconduct may be found in Appendix B on p.169.

## II. Definitions

### A. *Sexual Activity*

Sexual activity is defined as intentional contact with the breasts, buttocks, groin, or genitals, or touching another person(s) with any of these body parts, or making another person(s) touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

### B. *Consent*

**Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity.** Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity and that consent is sustained throughout the activity. **For consent to be valid,** there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

What is not consent?

- Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).
- A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.
- Silence, passivity or the absence of resistance alone cannot be taken as consent.
- A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.
- A person who is unable to understand what is happening or is disoriented, helpless, asleep or unconscious, unable to communicate due to a mental or physical condition, or incapacitated due to the influence of alcohol or other drugs (or the combination

thereof) cannot consent. An individual who engages in sexual activity when that individual knows, or should know (by a reasonable person standard), that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the individual responding party of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

- Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because that person lacks the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability and/or involuntary physical restraint.
- The decision to be sexually intimate must be made without coercion (unreasonable pressure for sexual activity). Both partners must be equally free to act.
- A verbal “no” (no matter how indecisive) or resistance (no matter how passive) constitutes a lack of consent. A forced sexual act is considered without consent except in the rare case where force is explicitly consented to.
- A person cannot consent if he or she is under the age of 16 years. In Connecticut, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old may be a crime, as well as a violation of this policy, even if the minor wanted to engage in the act.

### *C. Unwelcome Conduct*

Conduct is unwelcome if a person 1) did not request or invite it, and 2) regarded the unrequested and uninvited conduct as undesirable or offensive. That a person welcomes some sexual contact does not necessarily mean that person welcomes other sexual contact. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on another occasion. Sexual conduct that is nonconsensual is by definition unwelcome as that term is used throughout this policy.

## **III. Sexual Misconduct, Intimate Partner Violence, Stalking, and Retaliation**

### **A. Sexual Misconduct**

Connecticut College defines “sexual misconduct” as any sexual contact or activity that occurs without the *consent* of any individual involved.

Some types of sexual misconduct are more harmful than others, and are therefore perceived as more serious.

Individuals accused of sexual misconduct do not avoid or mitigate responsibility by claiming they were under the influence of alcohol or other drugs. The College considers Non-Consensual Sexual Penetration violations to be the most serious, and, therefore, typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. Predatory, pattern and/or repeat offenders face either expulsion or termination.

## 1. Sexual Harassment

Both the Equal Employment Opportunity Commission and the State of Connecticut regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the College's Title IX Coordinator or Deputy Coordinators (see p.10 for contact information). The College does not condone sexual harassment among members of the College community and/or within College programs because it creates an unacceptable working and/or educational environment.

*Definition.* Sexual harassment is unwelcome sexual, sex-based or gender-based conduct that is verbal, written, or physical, or occurs online.<sup>1</sup>

Sexual harassment creates a hostile environment, and may be disciplined when it is sufficiently severe or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's educational program/and or activities or to perform one's job. This interference is based on power differentials (*quid pro quo*); the creation of an intimidating, hostile or offensive environment<sup>2</sup> or retaliation.

*Quid Pro Quo Harassment.* When a member of the community uses his or her position of authority to pressure or cause a student, staff member, or faculty member to submit to unwelcome sexual attention, the College's ability to carry out its mission is undermined. In such situations, sexual harassment exploits unfairly the power inherent in a community member's position. Through grades, wage increases, recommendations for graduate study, promotion and the like, a member of the community with more authority can have a decisive influence on a student's or subordinate's career at the College and beyond.

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<sup>1</sup> Some examples of possible sexual harassment include the following:

- A professor insists that a student have sex with him/her in exchange for a good grade (*quid pro quo*).
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit pictures are displayed in a professor's office, on the exterior of a residence hall door or on a computer monitor in a public place.
- A professor engages students in discussion in class about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.

<sup>2</sup> Not all workplace or educational conduct that may be described as "harassment" affects the terms, conditions or privileges of employment or education. For example, a mere utterance of an ethnic, gender- based or racial epithet which may be offensive to an employee or student would not normally affect the terms and conditions of their employment or education.

*Hostile Environment Harassment.* While sexual harassment can take place in situations in which there is a power differential between the persons involved, the College also recognizes that sexual harassment may occur between persons of like status. A hostile environment can be created by unwelcome sexual behavior such as, but not limited to, unwelcome persistent requests for dates, displays of pictures of a sexual nature online or in physical form where they can be viewed by others, or repeated sexual comments or jokes.

*Considerations.* Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of sexual harassment, a serious incident, even if isolated, can be sufficient.

If verbal or physical conduct of a sexual nature takes place in the teaching/learning context, it must also be persistent, pervasive and not germane to the subject matter of a course, research or other academic endeavor to constitute sexual harassment. The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the pedagogically appropriate content and presentation of academic and artistic material.<sup>3</sup>

This policy covers intentional conduct. It also covers conduct that results in negative effects even if such negative effects were unintended. Sexually-related conduct forms the basis of a sexual harassment claim if a reasonable person, in view of all the surrounding circumstances, would consider it sufficiently offensive to interfere unreasonably with academic, other educational, or employment performance or participation in a College activity or living environment.

## **2. Non-consensual Sexual Penetration**

Non-consensual sexual penetration is defined as

- any sexual penetration or intercourse (anal, oral or vaginal)
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

## **3. Non-consensual Sexual Contact**

Non-consensual sexual contact is defined as

- any intentional sexual touching
- however slight
- with any object

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<sup>3</sup> The two sentences in this paragraph are adapted from the AAUP standard.

- by a person upon another person
- that is without consent and/or by force

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

#### **4. Sexual Exploitation**

Sexual exploitation occurs when a person takes sexual advantage of another for his or her own advantage. Exploitation can include any behavior other than non-consensual sexual penetration, sexual harassment, or non-consensual sexual contact. Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)
- Taking pictures or video or 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 allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent)
- Prostitution
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection.
- Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.

#### **B. Intimate Partner Violence**

Intimate partner violence may occur between individuals who are currently or who have been in a past intimate or romantic relationship. Such relationships may also be referred to as dating violence, domestic violence, or power-based personal violence. Intimate partner violence is defined as any kind of physically violent and/or emotionally/psychologically abusive behaviors that occur in an intimate relationship. Such behaviors may include, but are not limited to, the following:

- Restraining or blocking a person from leaving/exiting a room/building/space
- Physical assault (i.e. slapping, punching, or pulling hair)
- Threat of harm to self or others
- Destruction or theft of property

While some emotional and psychological behaviors may not be perceived as violent, they may be abusive and also constitute intimate partner violence. Such behaviors include, but are not limited to the following:

- Blackmail
- Interfering with a person's ability to participate in the College's academic or social programs (i.e. classes, clubs/organizations, events)



- Monitoring or controlling access to a person's communication (i.e. phone calls, texts, emails, or social media such as Facebook, Instagram, or Twitter)

Violations of this policy may occur as a single incident or a pattern of behavior. Intimate partner violence may also encompass other kinds of Honor Code violations such as non-consensual sexual contact, non-consensual sexual penetration, sexual harassment, or sexual exploitation.

### **C. Stalking**

Stalking is defined as a pattern of actions directed at a specific person over time that would cause a reasonable person to feel fear. Stalking behaviors can occur within or outside of partner relationships. This conduct includes, but is not limited to, the following stalking behaviors:

- Non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on Web sites, written letters, gifts, or any other communications
- Following, pursuing, waiting or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by an individual
- Surveillance and other types of observation, whether by physical proximity or electronic means
- Trespassing
- Vandalism
- Non-consensual touching
- Direct physical and/or verbal threats against an individual or an individual's loved ones
- Gathering of information about an individual from family, friends, co-workers, and/or classmates
- Manipulative and controlling behaviors such as threats to harm oneself, the individual, or someone close to an individual
- Defamation or slander against an individual

Stalking is a crime in Connecticut and is subject to criminal prosecution.

### **D. Retaliation**

Retaliation is defined as any adverse action taken against a complainant, witness or third-party supporter because of their involvement in protected activity, such as filing a complaint of sexual misconduct. It is unlawful to retaliate against any member of the Connecticut College community for filing a sexual misconduct or Title IX related complaint or for cooperating in an investigation of sexual misconduct or Title IX related matter. Any student, employee, or any other person in the College who is found to have engaged in retaliation is subject to discipline up to and including termination of employment or expulsion.

#### **IV. Support for Students Who Have Experienced Sexual Misconduct, Intimate Partner Violence, Stalking, or Other Forms of Gender Discrimination**

Students have several choices in terms of seeking information and support. The following sections outline all the available options. None of these options is mutually exclusive; a student may pursue any or all options.

##### **A. Confidential Support**

The following offices can assist a student with the emotional and physical healing process. These college professionals can also help students decide whether or not to pursue the Title IX complaint investigation process or file a criminal charge. The people listed below may be able to assist the student with room changes, arranging to dissolve a housing contract and pro-rating a refund, exam, paper, or assignment rescheduling, taking an incomplete in a class, transferring class sections when available, temporary withdrawal, alternative course completion options, a no-contact order, counseling assistance, student financial aid assistance, escorts or other campus safety protections.

- Director of Sexual Violence Prevention and Advocacy (860-439-2219)
- Student Counseling Services (860-439-4587)
- Student Health Services (860-439-2275)
- College Chaplain (860-439-2450)

When an individual comes to one of these people for support and advice, the information may remain confidential and does not constitute official notice to the college of sexual misconduct. These staff members, with the exception of Student Counseling Services and College Chaplains, must inform the College that an incident was reported without revealing details that could identify those involved, per the federal Clery Act.

##### **Campus Advocate**

The Director of Sexual Violence Prevention and Advocacy (860-439-2219/Cro 222 or through the after business hours' College on-call system by requesting Campus Safety to contact the director) is a trained advocate with knowledge of sexual assault, intimate partner violence, and stalking. The Director is a confidential reporting option and is typically available during the academic year to assist students who have experienced sexual misconduct, stalking or intimate partner violence. The Director also serves as a resource for friends as well as for faculty and staff supporting students. The Director offers assistance with the following:

- Support
- connecting students with the appropriate on campus services (medical, counseling, housing and academic accommodations)
- connecting students with the appropriate off-campus services (medical, counseling, and legal)
- providing information about the reporting procedures, both on and off campus
- securing an on-campus no-contact directive

## **Recommended First Response**

To assist in the decision-making process, the following information is important for individuals who have experienced sexual violence misconduct and friends assisting the student:

### *Medical Attention:*

When students experience any kind of sexual misconduct, intimate partner violence or stalking and feels medical services are needed, students may seek medical care at Student Health Services or Lawrence and Memorial (L& M) Emergency Room (365 Montauk Avenue, New London).

Physical evidence of a criminal sexual assault must be collected within 120 hours. However, students are also strongly encouraged to seek medical attention after that time period. When students experience criminal sexual assault, they may first go to Health Services. Staff there can provide support and can arrange for transportation and an escort to the Lawrence and Memorial (L& M) Emergency Room (365 Montauk Avenue, New London). If Health Services is closed, students may go directly to L&M Hospital. It is important that they not wash themselves or their clothing before an examination.

- The Sexual Assault Nurse Examiner (a specially trained nurse) at L&M is on call 24 hours a day, 7 days a week.
- A Rape Crisis Counselor from the Sexual Assault Crisis Center of Eastern CT can also meet the student at L & M Hospital - call the 24-hour State Hotline at 888-999-5545.
- The Director of Sexual Violence Prevention and Advocacy is available 24 hours/7 days a week (during the academic year) through the College on-call system and may be reached by requesting Campus Safety to contact the director. It is not necessary to disclose any information to Campus Safety.

### *Amnesty:*

The health and safety of students is a primary concern at Connecticut College. At the discretion of the Senior Associate Dean of Student Life or the Dean of Students, the College may extend amnesty to students for minor violations when the student chooses to bring related serious violations (such as hazing, sexual misconduct, and drug distribution) to the dean's attention. Educational options may be implemented by the Senior Associate Dean of Student Life or the Dean of Students but no conduct proceedings will be initiated. Please refer to the Medical Amnesty Policy for alcohol and other drugs on p.31.

### *No Contact Orders:*

Students may also consider requesting a campus no-contact order from Senior Associate Dean of Student Life. The Director of Sexual Violence Prevention and Advocacy can discuss this process with students. With a no-contact order in effect, a student is instructed not to engage in either direct or indirect contact with the complainant(s) and witnesses. Methods of contact include verbal exchange, telephone, email, letter, and communication via another party on the student's behalf.

#### IV. Reporting Title IX Violations

An individual filing a complaint may be accompanied by an adviser of their choosing to guide and accompany the individual throughout the campus resolution process. The individual is entitled to be accompanied by the advisor in all meetings and interviews at which the individual is present.

All advisers are subject to the same campus rules whether or not they are attorneys. Advisors may not address campus officials in a meeting, interview, or other process unless invited to participate. Advisors may confer quietly with their advisees as long as the process is not disrupted. If an adviser becomes disruptive in meetings or at any point in the process, the advisor will be removed from the process. The Title IX Coordinator (or designee) will determine whether or not the adviser may be reinstated, replaced, or whether the right to an advisor has been forfeited for the remainder of the process. Specific guidelines for support persons may be found on p.127.

**On Campus:** Formal complaints alleging violations of sexual misconduct, intimate partner violence, stalking, or other gender-based discrimination may be filed with the Title IX Coordinator or Campus Safety. The Title IX Coordinator will initiate the Title IX Complaint Investigation Process to address the complaint. Stalking complaints not related to Title IX may be referred to the Dean's Grievance process. The College may be limited in pursuing and/or resolving complaints involving students no longer at the institution.

In addition to its responsibilities under Title IX, the College may have an obligation under state law to report instances of sexual abuse or exploitation of a person under the age of 18 to local police or the Connecticut Department of Children and Families, and it may report to the police instances of sexual activity with a minor that that would constitute a crime under Connecticut law. Otherwise, cases are reported to the police only if the individual requests it or if there is an imminent health or safety risk.

The College reserves the right to take whatever measures it deems necessary in response to complaints of stalking, intimate partner violence, and/or sexual misconduct in order to protect the rights and personal safety of the members of the campus community. Such measures include, but are not limited to, modification of living arrangements and class schedules, summary removal from campus pending an investigation, restricting/prohibiting contact with person(s) on campus, transportation assistance, reporting to the local police, and pursuing an investigation without the participation of the complainant. The College has the responsibility to consider the concerns and rights of both the complainant and the respondent.

Sanctions for student conduct complaints may differ based on the circumstances of the complaint. For example, a finding of responsibility for non-consensual sexual penetration may result in suspension or expulsion; non-consensual sexual contact may result in a range of sanctions from warning to expulsion; intimate partner violence may result in a range of sanctions from disciplinary probation to expulsion. The list of all the possible sanctions are on pp. 145-153.

Sexual misconduct, intimate partner violence, and other forms of gender-based discrimination are considered Title IX violations and oblige the College to respond to reported incidents. Once an institution has received notice of a possible Title IX violation, the Office for Civil Rights requires it to take immediate and appropriate steps to investigate what occurred, and if a violation is found, to take prompt and effective action to end the harassment, remedy the effects, and prevent its reoccurrence. This course of action is the institution's responsibility whether or not the student who was harassed makes a formal complaint or otherwise asks the school to take action. Students have a right to file a complaint with the Office for Civil Rights concerning alleged failures by the College to comply with the requirements of Title IX. Complaints may be filed at <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

When a person is involved in a Title IX complaint, if there is a perceived bias or conflict of interest regarding a Deputy Title IX Coordinator or others handling the Title IX grievance procedures, those concerns should be shared with the Title IX Coordinator. If there is a perceived bias or conflict of interest regarding the Title IX Coordinator, those concerns should be shared with the Dean of Institutional Equity and Inclusion.

**Off Campus:** The New London and Waterford police departments are available if a student would like to report sexual misconduct, stalking, or intimate partner violence, and, possibly initiate a criminal investigation. The police department can also assist the student with obtaining a protective order through the court. The College will honor any court-issued protective order. Connecticut College encourages students to report all crimes to the appropriate district police department and will assist the complainant in making such a report. Again, this option of reporting is not exclusive; a student may seek internal College support and also file a formal complaint with the Senior Associate Dean of Student Life in addition to reporting to the police.

The Director of Sexual Violence Prevention and Advocacy works with a specific member of the New London Police Department as well as the Waterford Police Department and can initiate contact and arrange a meeting between a student and the police. A representative of the College may accompany the student, upon request. During a police investigation, the College may briefly suspend its own investigation to accommodate the needs of the police. The College has no control over the police investigation and the resulting legal process.

### **Federal Timely Warning Obligations**

Individuals who have experienced sexual misconduct, intimate partner violence, or stalking need to be aware that the College must issue timely warnings for incidents reported that pose a substantial threat of bodily harm or danger to the members of the campus community. The College will ensure that a complainant's name and other identifying information are not disclosed while still providing enough information for community members to make safety decisions in light of the danger (see Campus Safety Communications on p. 110).

### **V. Support for Students Accused of a Title IX Violation**

If a complaint has been filed alleging misconduct by a student, the student should make an appointment immediately to meet with the Title IX Coordinator who will explain the resolution process in detail and assist in contacting a support person or other trained

professional staff members who can provide support throughout the process. Students may enlist any of these staff members or anyone else to be a support person.

The individual responding to a complaint may be accompanied by an adviser of their choosing to guide and accompany them throughout the campus resolution process. The individual is entitled to be accompanied by the adviser in all meetings and interviews at which the individual is present.

All advisers are subject to the same campus rules whether or not they are attorneys. Advisers may not address campus officials in a meeting, interview, or other process unless invited to participate. Advisers may confer quietly with their advisees as long as the process is not disrupted. If an adviser becomes disruptive in meetings or at any point in the process, the advisor will be removed from the process. The Title IX Coordinator (or designee) will determine whether or not the adviser may be reinstated, replaced, or whether the right to an adviser has been forfeited for the remainder of the process. Specific guidelines and options for support persons may be found in the Student Handbook.

When a student has been charged with a Title IX Policy violation, that student may wish to make an appointment with Counseling Services as soon as possible.

The Chaplains in the Office of Religious and Spiritual Life may also be a resource. They are experienced in helping students who are going through distressing situations. Call 860-439-2450 for an appointment.

## **VI. Questions and answers relating to the Sexual Misconduct, Intimate Partner Violence, and Stalking Policies and the Title IX Complaint Investigation Process**

The following are some of the most commonly asked questions regarding Connecticut College's Title IX policies and related procedures.

### ***1. How can the College help to remedy the effects of discrimination?***

Accommodations available to you may include:

- Room changes (see #9)
- Arranging to dissolve a housing contract and pro-rating a refund
- Exam, paper, or assignment rescheduling;
- Taking an incomplete in a class;
- Transferring class sections when available;
- Temporary withdrawal;
- Alternative course completion options;
- A no-contact order;
- Counseling assistance;
- Escorts or other Campus Safety protections

The Director of Sexual Violence Prevention and Advocacy, the Senior Associate Dean of Student Life, or the Title IX Coordinator may assist you in pursuing these options.

## ***2. How does privacy apply?***

The privacy of all parties to a complaint of sexual misconduct will be maintained, except insofar as it interferes with the College's obligation to fully investigate allegations of sexual misconduct.

All participants in the hearing are bound under FERPA not to release information learned in the hearing process. The Complainant may be informed of any outcome, sanction, and rationale relating directly to the complainant.

In some instances, the Dean of Students, or his/her designee, may also choose to make a brief announcement of the nature of the violation and the action taken, using no names. Certain College administrators are informed privately (e.g. the President of the College, Dean of Students, Director of Campus Safety, and Title IX Coordinator). If a student reports an act of alleged sexual misconduct to the Director of Sexual Violence Prevention and Advocacy, Student Counseling Services, Student Health Services, or a College chaplain or to the Office of Student Life, the student will be encouraged to report that incident to the local police. The College is required by federal law to include in a statistical report the occurrence on campus of any major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

## ***3. Will my parents be told?***

Whether you are the Complainant or the Respondent, Connecticut College's primary relationship is to the student and not to the parent/guardian. In the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. However, College officials may directly inform parents when a student receives a sanction of disciplinary probation 2, loss of housing, suspension, or expulsion. The College may also contact a parent/guardian in emergency situations, when it is deemed necessary to protect the health or safety of the student or others, pursuant to federal law.

## ***4. Will I have to confront the accused?***

Not directly. If a formal complaint is filed, the College uses an investigation model in which complainants and respondents do not interact with each other.

## ***5. Do I have to name the accused?***

Yes, if you want formal action, including a no-contact order, to be taken against the accused. No, if you choose not to file a formal complaint.

## ***6. What do I do if I am accused of sexual misconduct, intimate partner violence, or stalking?***

First, do not contact the reporting person. You may immediately want to contact someone whom you trust and who can provide information and support. The College has identified support persons trained in the College's process as well as outlined the role of the support person on p. 127. The Senior Associate Dean of Student Life can explain the College's procedures for dealing with these kinds of complaints. You may also want to consider seeking support from Student Counseling Services.

***7. Will I have to pay for counseling or medical care?***

No fee is charged for care that is provided through the Student Health Center or Counseling Services. Hospital and off-campus fees are covered according to your own insurance policy; however, any person who decides to pursue criminal charges will not have to pay to have the Physical Evidence Recovery Kit (PERK) procedure performed at the hospital in the case of a sexual assault. Emergency money may be available through the Office of the Dean of Students.

***8. What do I do about legal advice?***

The role of any legal adviser would be limited to giving you advice about your situation. Connecticut College's procedures are internal and are only designed to determine whether College policies have been violated. Both the victim and the respondent may also use an attorney as their adviser during the investigation and panel process.

If you are pressing charges of criminal sexual assault, you need not retain a private attorney because legal issues will be handled through a representative from the State's Attorney's office. You may want to retain an attorney if you are accused or if you are considering filing a civil action against the accused. The College's legal counsel represents and advises the College and does not represent individual students.

***9. What about changing residence hall rooms and accessing the dining halls?***

If you want to move, or have the responding party moved, you may request a room change. Room changes under these circumstances are considered emergencies. It is the College's policy that in emergency room changes, the student is moved to the first available room. If the accused student is moved, the permanence of this action may be based upon the outcome of the Title IX Investigation process. Pending the outcome, the Senior Associate Dean of Student Life may also designate/restrict dining hall access. Again, the Director of Sexual Violence Prevention and Advocacy can help you with these arrangements.

***10. What do I do if I share a class/activity/athletic team with the accused individual?***

You will need to tell the Director of Sexual Violence Prevention and Advocacy, Title IX Coordinator, or the Senior Associate Dean of Student Life so that they may work with you and the appropriate person (i.e. academic dean or coach) to determine the most feasible solution. It is not necessary to disclose the nature of the incident to other offices to receive assistance.

***11. What do I do about preserving evidence of sexual assault?***

Physical evidence of a criminal sexual assault must be collected within 120 hours. However, students are also encouraged to seek medical attention after that time period. If you believe you have been a victim of criminal sexual assault, you may first go to Health Services. Staff there can provide support and can arrange for transportation and an escort to the Lawrence and Memorial (L & M) Emergency Room (365 Montauk Avenue, New London). If Health Services is closed, you may go directly to the hospital. It is important that you not wash yourself or your clothing before an examination. The Sexual Assault Nurse Examiner (a specially trained nurse) at L & M is on call 24 hours a day, 7 days a week (call the Emergency Room at 442-0711 if you want to speak to the nurse; ER will refer you). A Rape



Crisis Counselor from the Sexual Assault Crisis Center of Eastern Connecticut (call their 24-hour Hotline at 888-999-5545) may also meet you at L & M Hospital.

***12. Will a student be punished when reporting a sexual misconduct policy violation if they have illegally used drugs or alcohol?***

No, the College offers amnesty in such situations. The seriousness of sexual misconduct and other forms of discrimination are a major concern, and the College does not want any of the circumstances, e.g. drug or alcohol use, to inhibit the reporting of sexual misconduct or other Title IX complaints.

***13. Will either party's prior use of drugs and/or alcohol be a factor during a sexual misconduct investigation?***

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present case.

***14. What should I do if I am uncertain about what happened?***

If you believe that you have experienced non-consensual sexual contact, intimate partner violence, or stalking, but are unsure of whether it was a violation of the College's policies, you should contact the staff who can maintain confidentiality (Director of Sexual Violence Prevention and Advocacy, Student Health Services, Student Counseling Services, and the College chaplains). These individuals serve as advisers who can help you to define and clarify the event(s) and advise you of your options.

***15. What should I do if I am a student and I believe I have been the victim of sexual misconduct, stalking, or intimate partner violence by a member of the faculty or staff?***

The Director of Sexual Violence Prevention and Advocacy, Student Counseling Services, Student Health Services, and/or the College Chaplains are available regardless of the status of the accused. The Director of Sexual Violence Prevention and Advocacy or the Senior Associate Dean of Student Life can assist a student in reporting a violation by either a faculty or staff member. An individual may file charges with the police department as well.