



Mitchell College

2020

CT Public Act 14-11

# Annual Campus Security Report

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## ***Chapter 1 – Overview;***

### **Mitchell College Mission Statement**

Mitchell College celebrates and develops the power of unique minds.

### **Campus Safety**

The Campus Safety Department is comprised of a Director, nine (9) full-time and six (6) part-time professional Campus Safety Officers. The Campus Safety Department provides security on the College's 68-acre campus 24-hours a day, seven days a week. Campus Safety Officers are trained in First Aid, CPR and AED use, along with emergency management procedures. The Campus Safety Department maintains a close working relationship with the New London Police Department and the New London Fire Department. The New London Police Department will respond to assist the Campus Safety Department with incidents believed to be criminal in nature.

### **Controlled Access**

Access to all Residence Halls, the Yarnall Center, Montauk and East Winds Apartments, and Thames at Mitchell are regulated by a proximity card reader system. This system is used to maintain appropriate access levels for students, faculty, and staff, during the academic year and during scheduled breaks. Access can also be granted remotely. The card access system has proven to be a valuable tool used to assist in investigations.

### **Surveillance Camera System**

The Campus Safety Department maintains 44 surveillance cameras used to support crime prevention efforts, and to aid in the investigation of incidents which occur on campus. Recorded surveillance information can be used by Campus Safety, Residence Life, and law enforcement in the investigation of incidents on campus. When used in conjunction with the card access system, a robust network of overlapping technologies exists, supporting the safety of the College's population.

## ***Chapter 2 – Emergency Management and Preparedness:***

The Campus Safety Department and other entities are intricately involved in the comprehensive safety and security of the College. All members of Campus Safety have received appropriate emergency management training, including Federal Emergency Management Agency (FEMA) training in the National Incident Management System (NIMS), and Incident Command System 100 (ICS-100) for Higher Education in addition to ICS-700a. Select members have achieved ICS-300, and ICS-400 certification. Members of the Incident Management Team have received enhanced FEMA training as well. Additional efforts to safeguard the campus include:

***CARES Team:*** During this academic year the Director of Campus Safety met weekly with the CARE team convenes for purposes of identifying and managing concerning behavior, conditions, or circumstances that exist among the entire population on the Mitchell College campus. This multi-disciplinary committee is comprised of representatives from Resident Life, Academic Affairs, Advising, Health and Wellness, Student Support Services, and Thames at Mitchell program. The overarching goal is to provide appropriate support for, and monitoring of all members of the Mitchell College Community that might be experiencing academic, social, emotional, or other issues. Campus Security Forum(s) have been convened to generate conversation and discussion relative to the status of the College's security, and to educate College constituents on appropriate actions to take in an emergency.

***Safety Committee:*** The Director of Campus Safety chairs the Safety Committee quarterly throughout the year. The committee is comprised of representatives from Athletics, Human Resources, Registrar, IT, facilities and Academic Affairs. The mission is to identify possible hazards around campus and seek improvements into workplace safety.

***Mitchell College Comprehensive Emergency Management Plan;*** During the 2016-2017 academic year, the College completed an overhaul of the Comprehensive Emergency Management Plan. This new guidance document while maintaining all-hazards applicability, has been enhanced to provide a streamlined approach to addressing a crisis – in particular in the first minutes of an event. The guidance contained therein is intended to promote innovation, flexibility, and proactive performance in achieving the goal of safeguarding the Mitchell College campus from all hazards – real and potential. Its core values and guiding principles represent the best thoughts, actions and experiences of emergency responders and campus professionals.

***Transport Service;*** The Campus Safety Department provides transports, available on request, to students, faculty, and staff. These transports are provided to ensure the safety of everyone on the Mitchell College campus as well as to assist those individuals with disabilities or injuries. These services are available 24 hours a day, 365 days a year. Additional transportation is provided by members of the Student Affairs team.

***Training:***

Campus Safety Officers receive annual in-service training and online/webinar training throughout the year. The following is the training that CSO's have received for academic year 2020/21.

First Aid CPR Certification

Defense Driving

Opioid Overdose

Domestic Violence on College Campus

Cyber-Security Training

Property Management

De-escalation techniques

Diversity training

Autism

Active Shooter (Run – Hide –Fight)

Bomb Detection – “See something say something.”

Sexual Assault – Harassment

Title IX

COVID-19 procedures

FEMA 100a

### **Chapter 3 – Contact Information.**

#### **Contacting Campus Safety**

The Campus Safety Department encourages anyone who is the victim or witness of a crime to promptly report the incident to Campus Safety or to the police once it is safe to do so. If you need to call the Campus Safety Department, please provide the following information:

- Your name
- Location of the incident you are reporting about
- A description of the scene and suspects
- A description of any vehicles involved in the incident, especially a license plate number

If you witness an event which you consider life threatening you should call 9-1-1. If you call 9-1-1, we request you contact Campus Safety immediately afterward to assist law enforcement in their response.

<b>CAMPUS SAFETY</b>	<b>CONTACT NUMBERS</b>
<b><i>Emergencies</i></b>	860- 443-0214
<b><i>Routine Calls or Text Messages</i></b>	860-941-9316
<b><i>Guard Booth</i></b>	860-701-5119
<b><i>Tips Line</i></b>	860-701-5118
<b><i>RAVE Guardian App</i></b>	<a href="https://getrave.com/login/mitchell">https://getrave.com/login/mitchell</a>

Incidents in which Campus Safety should be contacted immediately include:

- a) Any crime whether actual or suspected
- b) Any suspicious or unknown packages left anywhere on campus
- c) Any suspicious person observed on or near campus.
- d) Any injury or any request for EMS
- e) Any hazard to the safety and welfare of students, e.g. fire, electrical, slippery conditions

Incidents where Campus Safety should be contacted but may not require an immediate response:

- a) Lost and Found items
- b) Student or faculty escorts
- c) Student and faculty lockouts
- d) If you have any questions or concerns regarding anything that occurs on campus, please feel free to contact Campus Safety at any time.

#### **Rave Alert Emergency Notification System**

Mitchell College has partnered with Rave Mobile Safety, for our emergency notification system. Rave Alert is capable of sending users text, voice, and email messages in the event of a true campus emergencies. Information and instructions on how to sign up for the RAVE system are posted on the Mitchell College website at: <http://community.mitchell.edu/CurrentStudents>

#### **Rave Alert Text Messages**

In order to serve the Mitchell College Community, the Campus Safety Department also utilizes the Rave SMS opt in platform. This opt in feature is open to the entire Mitchell College community to receive text message for non-emergency notifications such as school closures, parking bans and sporting events.

## **Rave Guardian App**

Mitchell College also utilizes the Rave Guardian safety app. This downloadable app provides students, faculty and staff with the ability to contact 9-1-1, Campus Safety, report suspicious activity or behavior and set safety times all from their smart phone. The users can communicate directly with Campus Safety in real time with their name and location or do so anonymously.

## **Daily Crime Log**

The Daily Crime Log is maintained as a component of the Clery Act requirements to document all crimes reported to the Mitchell College Campus Safety Department. Required information in the Daily Crime Log includes;

1. Nature of the crime
2. Date and Time the crime was reported to Mitchell Campus Safety
3. Date and Time the crime occurred
4. General location of the crime
5. Disposition of the complaint, if known

The Daily Crime Log details are available upon request and maintained in the Office of Campus Safety.

## **Timely Warnings and Emergency Alerts**

If a situation arises either on or off campus, that in the judgment of the Director of Campus Safety and College Administration, constitutes an ongoing or continuing threat to the College community, a campus-wide *Timely Warning* will be issued. This may include a rash of burglaries in the neighborhood surrounding the College, or other criminal behavior that might impact the College community.

Similarly, *Emergency Alert* notifications are triggered as soon as there is confirmation of a dangerous situation or emergency on or near campus. The means employed to convey these notifications may include any or all of the following;

- The RAVE instant alert system,
- Campus e-mail to students, faculty, and staff,
- Written notices posted in the Residence Halls and on campus bulletin boards.

Anyone with information warranting a timely warning or campus alert should report the circumstances to the Campus Safety Department by calling **860-941-9316** from any campus phone.

## **Campus Security Authorities**

Campus Security Authority (CSA) is a Clery Act-specific term that identifies individuals on campus that students may approach for assistance, or to report an offense. These individuals are compelled by law to act, providing guidance to the student while informing other entities on campus about the report. Campus Security Authorities include the Campus Safety Department, *as well as "an official of an institution who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings."* An official is defined as, *"any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."*

For a complete listing of the Mitchell College Campus Security Authorities, reference Appendix V of this document.

## **Chapter 4 – Sexual Harassment and Sexual Misconduct Information.**

Mitchell College Policy contains specific language describing the College's expectations for students, staff, and faculty regarding the issues of Sexual Harassment and Sexual Misconduct. The complete Mitchell College Sexual Misconduct and Non-Discrimination Policy is contained in Appendix II of this document, as well as on the Mitchell college web site.

### **Mitchell College Student Code of Conduct** **Student Affairs** **Campus Conduct and Behavior**

#### **PURPOSE**

These policies are established for all students who are enrolled at Mitchell College. Students are bound by the policies of the College which are included but not limited to the ones listed as follows. All campus policies and procedures are subject to change at the discretion of the College.

#### **Sexual Harassment**

All Mitchell College community members are responsible for assuring that the institution is free of sexual harassment. Conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term/condition of an individual's employment or academic standing, (2) submission to or rejection of such conduct by an individual is used as the basis of employment or academic decisions affecting the individual or (3) such conduct has the purpose/effect of unreasonably interfering with an individual's academic work performance or creating an intimidating/offensive working/ educational environment. Incidences of sexual harassment should be reported to the Dean of Students and will be investigated fully.

#### **Sexual Misconduct**

The College defines sexual misconduct as actual or attempted sexual assault, rape, inappropriate sexual acts, non-consensual sexual behavior, and sexual harassment. Sexual misconduct also includes nonconsensual intercourse, sexual touching, exhibitionism, or sexual language of a threatening nature, committed by physical force, coercion, or threat, actual or implied by a person(s) known or unknown the victim. Non-consensual activity shall include, but not be limited to, situations where the victim is unable to consent because she/he is mentally incapacitated, fearful of harm or physically helpless due to drug or alcohol consumption or is unconscious.

Mitchell College also supports Connecticut laws and will notify local authorities of sexual misconduct (only) when the victim chooses to involve the local authorities. Victims of rape or sexual assault are strongly encouraged to seek medical and emotional assistance, and counseling resources are available at the Center for Health and Wellness. For resolution within the College's judicial system, students are encouraged to immediately file a report with Campus Safety. **Questions and concerns can be posed to the Sexual Assault Crisis Center, a 24-hour hot line, at 860-437-7766, please ask for the college counselor.**

#### **Sexual Assault Investigation and Prevention:**

Sexual assaults continue to be an under-reported crime with many sexual assaults never reported to the police. Mitchell College and its Campus Safety Department urge anyone who is the victim of such an assault to report the incident to the police. The police will vigorously investigate all reported sexual assault cases and will work closely with victims, other law enforcement agencies, and the courts.



If you are the victim of a sexual assault:

- Whether or not you choose to report the sexual assault to the police, you should seek medical attention immediately, even if you do not feel you have been seriously injured.
- A medical exam is important to check for sexually transmitted diseases or other infection/injuries and for pregnancy.
- Medical evidence needs to be collected within 72 hours of an assault - in case you decide now or later to pursue a police complaint.
- To preserve evidence, you should not wash, bathe, douche, brush your teeth or use mouthwash, comb your hair, change your clothes, or take other action to clean up before going to the hospital.
- If you may have been given drugs to facilitate an assault ("date rape drug"), it is best to wait to urinate until you reach the hospital and a urine sample can be collected.
- If you are a sexual assault victim, the police will not reveal your name to others except as provided by law. Even court records are afforded some degree of protection. Similarly, if you choose to report your victimization to a faculty or staff member, they will not reveal your identity to the police or others without your permission. The police and staff may share some demographic data for purposes of crime statistics, but this does not include a sexual assault victim's identity.

On campus support at Mitchell to assist the victim of a sexual assault can be provided with the following referrals:

- Campus Safety (860- 443-0214 or ext. 4590) to file a report
- Health Services if the student needs immediate medical attention (x 5195)
- Health & Wellness Counseling Services for assessment and counseling (x 7787)

### Victim Services

In addition to internal services available through Mitchell College's Health and Wellness Center, the following local and regional support services are available externally to assist those dealing with a sexual assault;

- **Office of Victim Services (OVS) - <http://www.jud.ct.gov/crimevictim/>**

The Office of Victim Services, Connecticut Judicial Branch, is the state's lead agency established to provide services to victims of violent crime. OVS is located in Plainville, Connecticut and can be reached by calling:

Office of Victim Services	Phone	TDD	Toll-Free
Administration	860-263-2760	860-842-9710	800-822-8428
Services	860-263-2760	860-842-9710	800-822-8428
Compensation	860-263-2761	860-842-9710	888-286-7347

- **Sexual Assault Crisis Center of Eastern Connecticut, Inc. - <http://www.saccec.org/>**

The Sexual Assault Crisis Center is a private, non-profit agency offering free and confidential, comprehensive services to victims of sexual assault and abuse. SACCEC is a member center of the Connecticut Sexual Assault Crisis Services (CONNSACS), the statewide coalition of sexual assault crisis agencies. SACCEC has partnered with Mitchell College to provide immediate and ongoing victim support through its 24-hour hotline (860-437-7766 (for English) - 888-568-8332 (para Español)).

- **Safe Futures** - <http://www.safefuturesct.org/>

Is part of a membership organization of Connecticut's domestic violence service agencies that provide critical support to victims of domestic violence including counseling, support groups, emergency shelter, court advocacy, and safety planning. 24-hour Hotline: **1-888-774-2900**

**Registered Sex Offenders:**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in the State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

The Campus Safety Department maintains a binder with information on registered sex offenders that live near the Mitchell College campus. This binder is available for public inspection at the Campus Safety office in Nathan Hale Room 105. A link to the Department of Public Safety - Connecticut Sex Offender Registry Unit is also listed on the Campus Safety website.

In the State of Connecticut, convicted sex offenders must register with the State of Connecticut's Department of Public Safety - Connecticut Sex Offender Registry Unit. To determine if a person is a registered sex offender, click on the following link to the State Police Sex Offender Registry:

<http://www.communitynotification.com/>.

## **Chapter 5 – Violence Against Women Act (VAWA) (Campus SaVE Act),**

The United States Congress, recognizing the severity of the crimes associated with domestic violence, dating violence, sexual assault, and stalking, passed the **Violence Against Women Act of 1994** (VAWA) as part of the Violent Crime Control and Law Enforcement Act of 1994. VAWA is described as “a comprehensive legislative package designed to end violence against women.” VAWA has since been reauthorized in 2000, 2005 and 2013. The intention of VAWA was to improve responses by the criminal justice system to domestic violence, dating violence, sexual assault, and stalking and to increase the availability of services for victims of these crimes.

On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act. Included in the bill was the Campus Sexual Violence Elimination Act (Campus SaVE), which amends the Jeanne Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking.

Beginning in 2014, every College and University participating in Title IV financial aid programs will be required to: 1. Compile statistics of incidents of sexual assault, domestic violence, dating violence, and stalking that occur within Clery geography and are reported to campus security authorities and, 2. Include within its Annual Security Report a statement of policy regarding procedures, explanations, educational programs and services afforded to the victims of such crimes.

Below are the definitions of those crimes related with VAWA as described by the US Department of Justice OVV;

**What is Domestic Violence?** Domestic violence can be defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

**What is Sexual Assault?** Sexual assault can be defined as any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

**What is Dating Violence?** Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

**What is Stalking?** Stalking can be defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

## **Chapter 6 – Sexual Misconduct Report.**

The statistical report for Academic Years 2019 and 2020 is shown below. A hard copy of the report can also be obtained by contacting the Campus Safety Department.

### **Criminal Offenses; 2019**

<i><b>Sexual Misconduct – On Campus</b></i>	<i><b>2019</b></i>	<i><b>2020</b></i>
Rape	1	0
Fondling	1	2
Incest	0	0
Domestic Violence	1	0
Dating Violence	1	0
Stalking	0	0
<i><b>Criminal Offenses – On Campus Student Housing Facilities</b></i>	<i><b>2019</b></i>	<i><b>2020</b></i>
Rape	1	0
Fondling	1	2
Incest	0	0
Domestic Violence	1	0
Dating Violence	0	0
Stalking	0	0
<i><b>Criminal Offenses – Public Property</b></i>	<i><b>2019</b></i>	
Rape	0	0
Fondling	0	0
Incest	0	0
Domestic Violence	0	0
Dating Violence	0	0
Stalking	0	0

### **Sexual Misconduct - Reported by Local Police**

	<b>2019</b>	<b>2020</b>
Rape	0	0
Fondling	0	0
Incest	0	0
Domestic Violence	0	0
Dating Violence	0	0
Stalking	0	0

# Appendix I

## Clery Act and Student's Right to Know Policy:

### Student Handbook - Other College Policies and Procedures

#### The Clery Act

Mitchell College is dedicated to assisting students, staff, and faculty in providing their own safety and security and is in compliance with the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics – 2019." The Clery Act is a subsection of US Code Title 20 § 1092.

"Institutional and financial assistance information for students," and is found under subsection (f), titled, "Disclosure of campus security policy and campus crime statistics." The Clery Act deals with how schools report crimes on campus and the policies in effect to protect students.

Therefore, each year Mitchell College notifies all members of the campus community that they may view the Annual Campus Security and Fire Safety Report through a link on the Campus Safety link at [www.mitchell.edu](http://www.mitchell.edu). Students may obtain a hard copy of the report from the Campus Safety Office located in Nathan Hale Hall (860-443-0214 or extension 4590 from a campus phone) or the Human Resources Office in Mitchell Hall (860-701-5161).

#### Student's Right-to-Know and Campus Security Act

The "Student Right-to-Know and Campus Security Act" (P.L. 101-542), broader in scope than the Clery Act, requires schools eligible for Title IV funding to calculate completion or graduation rates and to disclose these rates to all students and prospective students. The act also requires each school that participates in any Title IV program to submit a report to the Secretary of Education annually. Section 203 of this act allows schools to disclose the outcomes of disciplinary proceedings to crime victims. Section 204 of this act has the same provisions as Clery with regards to the disclosure of campus security policy and campus crime statistics.

Thus, in accordance with requirements of the Student Right-to-Know and Campus Security Act of 1990 (Public Law 101-542) and Connecticut State Law (90-259), Mitchell College distributes, upon request, an annual security report to all enrolled students, employees, and prospective students. Copies of this report are available from the Admissions or Campus Safety Offices. The report includes the following information:

1. Campus policies regarding reporting crimes; policies regarding drugs, alcohol, and weapons; policies regarding the identification and admission of visitors to campus; description of campus safety and their relationship to local and state police; and orientation programs for students regarding campus safety; 29
2. A uniform campus crime report concerning crimes committed in the two preceding calendar years;
3. A crime report concerning arrest for alcohol and drug violations and for weapons possessions for the preceding calendar year; and
4. Students' statistics on undergraduate student graduation rates.

## Appendix II

### Sexual Misconduct and Non-Discrimination Policy:

TITLE	Sexual Misconduct and Non-Discrimination Policy
Policy Number	P.2013.0001
Effective Date	01/22/2013
Approval Date	01/22/2013
Approved by	President's Cabinet

#### I. PURPOSE

Mitchell College depends upon an educational and work environment of tolerance and respect for the achievement of its goals. The College is committed to providing an educational and work environment free from all forms of sexual misconduct and discrimination. The purpose of this policy is to provide definitions and procedures for College employees; students should refer to the Student Code of Conduct. This policy complies with State and Federal law, including Title IX of the Higher Education Amendment of 1972 as amended and Connecticut PA 12-78-sHB 5031.

Employment with Mitchell College is voluntarily entered into, and employees are free to resign from their position at will, at any time, with or without cause. Similarly, the College may terminate the employment relationship at will at any time, with or without notice or cause, so long as there are not violations of applicable federal, state, or local laws. The procedures set forth in this policy are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the College and our employees. The provisions of this policy have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time, at the College's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the President of Mitchell College.

#### II. DEFINITIONS

The College defines sexual misconduct as actual or attempted sexual assault, rape, inappropriate sexual acts, non-consensual sexual behavior, and sexual harassment. Sexual misconduct also includes non-consensual intercourse, sexual touching, exhibitionism, or sexual language of a threatening nature, committed by physical force, coercion, or threat, actual or implied by a person(s) known or unknown to the victim. Non-consensual activity includes but is not limited to situations when the victim is: (1) unable to consent because she/he is mentally incapacitated, (2) fearful of harm, and/or (3) unconscious or otherwise physically helpless due to drug or alcohol consumption.

The College defines sexual harassment as behavior that is not welcomed by the individual, is

personally offensive to him/her, and undermines morale and/or interferes with the ability of the individual to work effectively. While it is not possible to list all of the circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness: Verbal abuse of a sexual nature; Use of sexually degrading words; Jokes or language of a sexual nature; Conversation or gossip with sexual overtones; Obscene or suggestive gestures or sounds; Sexually-oriented teasing; Inquiries into one's sexual experiences; Verbal comments of a sexual nature about an individual's appearance or sexual terms used to describe an individual; Discussion of one's sexual activities; Comments, jokes or threats directed at a person because of his/her sexual preference; Unwelcome and repeated invitations (for lunch, dinner, drinks, dates, sexual relations); Physical contact such as touching, hugging, kissing, stroking, fondling, patting, pinching, or repeated brushing up against another's body; Demands or requests for sexual favors accompanied by implied or overt threats concerning an individual's employment status or promises of preferential treatment; Deliberate bumping, cornering, mauling, grabbing; Assaults, molestations, or coerced sexual acts; Posting or distributing sexually suggestive objects, pictures, cartoons, or other materials; Sexually-oriented letters or notes; Sending offensive or discriminatory messages or materials through the use of electronic communications (e.g., electronic mail, including the Internet, voice mail, and facsimile) which contain overt sexual language, sexual implications or innuendo, or comments that offensively address someone's sexual orientation; Staring at parts of a person's body; Sexually suggestive gestures, leering; and condoning sexual harassment.

The College defines gender-based harassment as including acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex, or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

The College defines Quid Pro Quo harassment as a situation where one is asked to give sexual favors in exchange for employment or academic decisions or expectations related to employment or academic performance.

The College defines a hostile environment as one where unwelcomed behavior creates a disruptive, intimidating, or offensive environment for a protected class.

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

## II. THE POLICY

Mitchell College takes allegations of sexual misconduct and discrimination seriously and will endeavor to respond promptly to complaints. Where it is determined that inappropriate conduct has occurred, we will endeavor to act promptly to eliminate the conduct and impose such corrective action as is necessary, including discipline where appropriate.

All members of the Mitchell college community have the responsibility to uphold the standards of conduct set forth in the Code of Conduct. Each member of this community has the right to file a complaint when he or she believes these standards have been violated. In complaints

alleging sexual assault, mediation is not an appropriate method of resolution due to the risk of re-victimization of the complainant; complainants may neither volunteer nor be required to mediate a sexual assault allegation.

This policy outlines the prompt and equitable procedures that will be applied to resolve any complaints. Appropriate sanctions may be applied when violations of the College's community standards have been determined. Employees and students have the right to appeal a sanction imposed upon them. A summary of the conduct process is outlined under the Procedures section of this policy.

It is important to note that while this policy sets forth our goals of promoting a workplace that is free of any form of sexual misconduct or discrimination, the policy is not designed or intended to limit our authority to take disciplinary or remedial action for workplace conduct that we deem unacceptable regardless of whether that conduct satisfies the definitions of sexual misconduct or discrimination.

Sexual misconduct is a form of behavior which adversely affects the employment relationship. It is prohibited by State and Federal law and will not be tolerated by the College. The College also condemns and prohibits sexual misconduct and discrimination by any vendor, student, or member of the general public.

Sexual misconduct is not limited to prohibited behavior by a male employee toward a female employee. Sexual misconduct can occur in a variety of circumstances. Here are some things to remember:

- A man as well as a woman may be the victim of sexual misconduct or discrimination, and a woman as well as a man may be the perpetrator;
- The victim does not have to be of the opposite sex from the perpetrator;
- The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may be someone who is affected by the misconduct or discrimination, if the conduct creates an intimidating, hostile or offensive working environment for the co-worker or interferes with the co-worker's performance.

Examples of the prohibited type of sexual harassment known as Quid Pro Quo (literally "this for that" in Latin) could include requesting sexual favors in exchange for:

- Improved grades, assessment of academic performance;
- More favorable work hours or schedule;
- Academic or employment recommendations;
- Improved treatment.

Examples of a hostile work or educational environment could include:

- Sharing sexual images on a computer;
- Comments about a person's physical looks;
- Sexual talk that is unwelcome or inappropriate;
- Posting sexual images that are unwelcome or inappropriate.

It is therefore, against the policies of the College for any individual of the College, male or



female, to exhibit sexual misconduct or discrimination, including making unwelcome sexual advances, requests for sexual favors, or other uninvited verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of an employee's employment;
- Submission to, or rejection of, such conduct by an individual is made the basis for employment decisions affecting the employee;
- Such conduct has the purpose or effect of interfering with an individual's work performance;
- Retaliation is threatened or undertaken against an individual who complains that such conduct is interfering with his or her work performance; or
- A hostile or intimidating work environment is created for the employee.

#### **A. Individual Responsibilities for Preventing Sexual Misconduct and Discrimination**

Each individual of Mitchell College is personally responsible for:

1. Ensuring that his or her conduct does not sexually harass or discriminate against any other person with whom he or she comes in contact on the job, such as an outside vendor, student, or member of the general public;
2. Cooperating in any investigation of alleged sexual misconduct or discrimination by providing any information he or she possesses concerning the matter being investigated;
3. Actively participating in efforts to prevent and eliminate sexual misconduct and to maintain a working environment free from discrimination;
4. Ensuring that an individual who files a sexual misconduct or discrimination claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

Any individual who believes he or she has been the subject of any form of sexual misconduct or discrimination may advise the individual of the offensive nature of the conduct or action being objected to or bring the alleged incident or situation to the attention of the VP of Human Resources or the Director of Campus Safety.

It is also against the policy of Mitchell College for an individual to harass any person with whom the individual comes in contact on the job or to engage in any harassment or inappropriate or unprofessional conduct in the workplace.

### **IV. PROCEDURE**

#### **A. Documentation of Conduct Code Violations**

Violations can occur on or off the Mitchell College campus. Complaints will be addressed by the College regardless of whether they occurred on or off the physical campus.

In Connecticut, any employee could witness or receive a report of a violation. Once witnessed or received, the employee is obligated to appropriately report the complaint according to this policy. Alleged violations may be addressed and documented by Human Resources staff, the Title IX Coordinator or Title IX Investigators.

The College has designated an EEO Grievance Officer. The current EEO Grievance Officer is the Director of Human Resources. If any individual believes he or she has been subjected to sexual misconduct or discrimination, the individual (the complainant) should initiate a complaint by contacting the EEO Grievance Officer, their Supervisor or Department Head as soon as possible. The individual should file the complaint promptly following any incident of alleged sexual misconduct or discrimination. The employee should be aware that the longer the period of time between the event giving rise to the complaint and the filing, the more difficult it will be for the College to determine what occurred.

The employee will be requested to write out his or her complaint to document the charge. Should the employee be unable to write out the complaint for any reason, a record of the complaint will be documented by the EEO Grievance Officer, with the employee then approving the written account of the complaint.

**Note:** If an individual prefers to discuss a possible sexual misconduct or discrimination problem with his or her Supervisor or Department Head, the individual may always do so. However, individuals do not have to go through the regular chain of reporting procedures when reporting such incidents. Moreover, if the individual is uncomfortable contacting the EEO Grievance Officer because he or she believes the EEO Grievance Officer may not receive the complaint impartially, the individual may contact the Director of Campus Safety.

If the alleged violation includes potential criminal conduct, the College will determine whether appropriate law enforcement or other entities are notified. Regardless of the college's decision, the complainant has the right to file the complaint with the appropriate law enforcement or other entities.

## **B. Jurisdiction**

Alleged violations may include College employees, students and/or third parties. To clarify procedures related to resolving alleged violations:

- If the perpetrator of the alleged violation is a College student, he or she will be subject to an investigation and conduct hearing as outlined in the Student Code of Conduct.
- If the perpetrator of the alleged violation is a College employee, he or she will be subject to an investigation and determination as outlined in this policy.
- Visitors and third parties not associated by Mitchell College employment or student status may seek remedy through this policy.
- Third parties working on location may seek remedy through this policy and/or through their employer of record.

## **C. Investigation of Conduct of Code Violations- Employees**

Mitchell College will conduct a full and timely investigation of the complaint. In most cases, this could take up to sixty (60) days; however, due to extenuating circumstances or the complexity of the allegation, this time frame may be extended. Should an extension be deemed necessary, both parties involved in the complaint will be notified, and periodic updates on the investigation will be provided to both parties.

The Director of Human Resources or his/her designee will review all alleged violations reported to his/her office. The investigation may be conducted by the Director of Human Resources or a designee, or the Director of Campus Safety in conjunction with the Director of Human Resources. The charged employee will be requested to respond to the complaint. Additional investigation will be made to the extent appropriate in each case. If, after the completion of the investigation, it is determined that there is reasonable cause for finding a violation of this policy, the Director of Human Resources or his/her designee will notify the complainant and the charged individual of the finding.

Should law enforcement be involved, the College will conduct an investigation of the complaint independent of law enforcement. If the College must allow law enforcement to collect evidence prior to the College investigation, the College will begin fact-finding upon notification from law enforcement that they have concluded collecting evidence.

#### **D. Confidentiality**

Confidentiality will be maintained to the extent possible within the limitation of the law and the need to conduct a thorough investigation.

Should the complainant request that the complaint not be pursued, the College may take reasonable steps to conduct an investigation and respond to the complaint consistent with the request of the complainant. However, should the complainant request that his/her name remain confidential, or should the complainant refuse to participate in the investigation, the ability of the College to respond to the complaint may be limited.

Additionally, a request to not pursue a complaint or to maintain confidentiality of the name of the complainant will be weighed against the College's obligation to provide an educational and work environment free from sexual misconduct and discrimination. Such factors under consideration could include:

- the severity of the alleged violation;
- the complainant's age;
- whether there have been other complaints related to the same individual;
- the alleged perpetrator's right to receive information regarding the allegations if the information regarding is maintained by the school as an educational record under FERPA

The College encourages confidentiality from all parties involved with investigating and adjudicating the alleged violation.

#### **E. Retaliation**

Mitchell College prohibits retaliation against anyone who submits a complaint, investigates, or participates in an investigation, refuses to participate in an investigation, or is otherwise involved with the complaint. A substantiated complaint of retaliation shall result in a proper remedy for the person harmed and the initiation of disciplinary action, up to and including dismissal from employment, against the retaliating person. This prohibition against retaliation is not intended to prevent supervisors from taking action, including disciplinary action, in the

usual scope of their duties and based on valid performance-related factors and does not include immunity for any personal wrongdoing by the complainant that is substantiated.

#### **F. Burden of Proof**

The burden of proof lies with the College in any case brought before the Director of Human Resources or designate, or the conduct board. The facts must be proven to be more likely so than not to meet the burden of proof. More likely so than not means that after all of the incident reports, witness statements, and other information has been reviewed, it must be more than likely that an employee is responsible for the policy violations assessed. After all relevant information is gathered, the Director of Human Resources (or his/her designee) or the 37-conduct board will determine whether the employee is responsible or not responsible for the alleged violation of the Code. In the event that the employee is found responsible, then an appropriate sanction(s) will be imposed.

#### **G. Notification of Decision**

Notification of decisions will follow jurisdiction procedures and will be based on the classification of the parties involved (employee, student, third party). The Director of Human Resources or designee will notify both parties (the accuser and the accused) of the decision in writing within ten (10) business days of determination.

**Note:** FERPA permits a college to disclose to the harassed student information about a sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student. When the conduct involves a crime of violence or a non-forcible sex offense, FERPA permits the college to disclose to the alleged victim the final results of a disciplinary proceeding against the alleged perpetrator, regardless of whether the college concluded that a violation was committed. Also, the Clery Act requires that “both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense” 34 CFR § 668.46 (b) (11) (ii) (B). The complainant cannot be held to a nondisclosure agreement under the Clery Act.

#### **H. Sanctions Employee**

Sanctions may be cumulative and include the following: verbal warning, written warning, final written warning, financial restitution for costs incurred during the investigation and hearing, termination of employment, and/or other sanctions as deemed appropriate by VP of Human Resources. Incomplete sanctions or sanctions in which an employee does not comply will result in further conduct sanctions or up to and including termination.

The VP of Human Resources, in consultation with the President or designee, has the right to immediately separate an employee from the college if his or her actions cause a risk and serve as a disruption to the Mitchell College campus community. An employee who has a warrant out for his or her arrest or an open court case cannot appeal a decision.

#### **I. Appeals**

Employees have the right to appeal sanctions or outcomes of an investigation. Appeals must be

submitted in writing within four (4) business days of notification. The employee must state, in the request for appeal, the grounds for appeal, which include only the following:

1. Failure to follow due process
2. Availability of new evidence
3. Severity of imposed sanction(s)

Written appeals submitted within four business days of notification will be reviewed by the President or designee. The petitioner will receive notification on the status of their appeal within ten (10) business days of the conclusion of the appeals investigation.

#### **J. Grievance:**

A grievance is a formal complaint about a matter which is believed to be unfair or unjust. Students should refer to the Student Code of Conduct for procedures related to filing a grievance. Employees should contact the Director of Human Resources. Employees may also contact the Mitchell College Title IX Coordinator, Christina Chappelle, Assistant Dean of Student Support, Duques' room 202, phone 860-701-5043, and email [chappelle\\_c@mitchell.edu](mailto:chappelle_c@mitchell.edu).

All employees at Mitchell College have the right to be treated fairly according to the rules and guidelines set forth by Mitchell College. Any employee who feels she/he has been treated unfairly or unjustly is entitled to make a formal grievance.

#### **Grievance Steps:**

1. The employee should attempt to resolve the matter in an informal way by addressing the matter with the person who is being grieved. If the employee is grieving a Mitchell College policy, they should attempt to resolve the matter with the department head of the department responsible for the policy. In grievances alleging sexual assault, mediation is not an appropriate method of resolution due to the risk of re-victimization of the complainant; grievors may neither volunteer nor be required to mediate a sexual assault allegation.
2. The employee may write a letter of grievance to the Director of Human Resources within fifteen (15) days of the occurrence of the matter which is being grieved unless extenuating circumstances prevent the grievant from doing so. The letter should state the item being grieved, name of grievant, name of the individual(s) or policy being grieved and what actions the grievant has already pursued to try to resolve the matter.
3. The Director of Human Resources or his/her designee will conduct an investigation into the matter being grieved and determine how best to resolve the matter. The Director of Human Resources or his/her designee is responsible for the final decision and the implementation of the decision.

#### **K. Non-Discrimination Policy:**

Mitchell College provides an educational and work environment free from prohibited discrimination, in accordance with federal, state, and local laws and College policy.

Discrimination by the members of the College community based on: race; color; sex; sexual orientation; gender identity, expression or characteristics; age; national origin; ancestry; citizenship status; religious belief or creed; political belief; marital status; status as a veteran, including veterans of the Vietnam era; disability, including pregnancy or any other protected criteria is not permitted.

If an employee believes that she/he has been discriminated against, she/he can make a formal grievance through the Mitchell College grievance process. Employees also have the right to file complaints of discrimination outside of the college. Complaints should be filed within 180 days of the date of the incident, unless the individual is granted extended time by the agency the complaint is being filed with. Listed below are the local and national contact information for The Office of Civil Rights:

Connecticut Office  
Telephone: (617) 289-0111  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

National Office  
Telephone: (800) 421-3481  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

#### **L. Disciplinary Records**

The Human Resources Office will maintain letters pertaining to sanctions and investigatory outcomes in individual personnel records. Complete files related to the investigation may be retained separately in the Human Resources Office.

#### **V. References**

- A. State of Connecticut PA 12-78-sHB5031
- B. U.S. Department of Education Office for Civil Rights' Dear Colleague letter dated April 4, 2011
- C. Mitchell College Student Code of Conduct
- D. Mitchell College Employee Code of Conduct

#### **VI. Appendice**

- A. College Resources for Reporting Alleged Violations of this Policy

##### **APPENDIX A**

Alleged violations of this policy may be reported to:

EEO Grievance Officer	Aruna Iyer Director of Human Resources Office: Montauk Office Building Phone: 860-701-5161 Email: <a href="mailto:iyer_a@itchell.edu">iyer_a@itchell.edu</a>
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Acting Title IX Coordinator(s) Christina Chappelle

Assistant Dean of Student Support

Office: Duques Center 202

Phone: 860-701-5024

Email: [chappelle\\_c@mitchell.edu](mailto:chappelle_c@mitchell.edu)

Jennifer Ryley Welsh

Assistant Dean of Academic Affairs and Director of FYE

Office: Duques Center 110

Phone: 860-701-3514

Email: [chappelle\\_c@mitchell.edu](mailto:chappelle_c@mitchell.edu)

Title IX Investigators

Director of Human Resources

Director of Campus Safety

## Appendix III

### Workplace Violence Policy:

#### Workplace Violence Prevention Policy

##### PURPOSE

Acts and threats of violence in the workplace are one of the most serious and frustrating problems facing employers and employees alike. Mitchell College will endeavor to be consistent in the handling of these behavioral issues, which potentially could cause a serious problem for employees, students, and the general public. Employees need to know that hostility, threats, intimidation, and assaults will not be tolerated.

##### THE POLICY

Mitchell College seeks to have a workplace free of violence and the threat of violence. All employees should note that **THERE WILL BE ZERO TOLERANCE OF ACTS OR THREATS OF VIOLENCE IN OUR WORKPLACE BY EMPLOYEES, STUDENTS, MEMBERS OF THE GENERAL PUBLIC, AND/OR ANYONE WHO CONDUCTS BUSINESS WITH MITCHELL COLLEGE.**

It is the intent of Mitchell College to provide a workplace which is free from physical attacks, harassment, property crimes, threats, or any other violent act(s). The College has developed the following procedures and principles with regard to violence in the workplace. It is imperative that each employee familiarizes him/herself with these policies and regulations to facilitate the goals of the College in this regard.

#### Workplace Misconduct

- A. The possession of firearms, whether or not licensed, and including, but not limited to, models, replicas, or an object whose outline represents a firearm, and/or ammunition, in the workplace is grounds for discipline up to and including termination. The use of a weapon or any other dangerous instrument in a fight or disagreement with another employee or member of the general public is grounds for an immediate termination. Similarly, threatening anyone with a weapon also may be treated as grounds for immediate termination.
- B. An employee who starts a fight with anyone will be subject to discipline, up to and including termination.
- C. Employees who feel they are being provoked or harassed by co-workers or a member of the general public should discuss this problem with the Director of Human Resources or the Director of Campus Safety.
- D. All employees are required to meet the College's standards of courtesy to students, members of the general public, co-workers, and College officials.



## **Prevention**

The College subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting system within which to report incidents of violence without fear of reprisal.

## **PROCEDURE**

### **Reporting Procedures**

- A. It is the duty and obligation of all employees who either experience or observe any act or threat of violence in the workplace to immediately report such behavior to his or her Supervisor/Department Head. Failure to report such behavior may result in disciplinary action, up to and including termination, for the employee involved.
- B. Employees may sometimes be involved in personal disputes with family members, neighbors, etc., that can sometimes escalate to the point that injunctions, restraining orders, and other court orders are sometimes sought. We request that employees who have experienced domestic violence or who have restraining orders against individuals or who have experienced "stalking" problems, advise their Supervisor/Department Head, and provide a description of the individual(s). Even in the case where an employee has not secured a court order but fears for his or her safety, we request that the employee notify the police department immediately, and inform the Director of Human Resources and/or the Director of Campus Safety as soon as practicable.
- C. The Supervisor/Department Head will immediately investigate and evaluate the situation. In situations involving weapons, or, in situations where the threat of bodily harm is immediate and readily apparent, the Supervisor/Department Head may suspend the individual(s) in question and provide a written summary of the incident to the Director of Human Resources and/or Director of Campus Safety for further action. Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a member of the general public or vendor, must be reported. The College (police, or representatives, as appropriate) will assess and investigate the incident and determine the appropriate recommended action to be taken.
- D. In situations involving physical altercations or weapons, a Supervisor/Department Head may request the aid and presence of police personnel.
- E. Call 911 or 9-911, if you believe there is an immediate emergency.

### **Disciplinary Remedies**

- A. Each incident will be evaluated independently, and a proper remedy will be provided based upon the nature of the offense, duration, totality of the circumstances, and past offenses. Remedies could range from an oral reprimand to suspension and/or immediate termination, depending upon the severity of the offense. The employee may be subject to criminal charges and penalties.
- B. Incidents involving weapons or other dangerous instruments are grounds for immediate suspension and may be subject to further disciplinary action, up to including termination from employment.

- C. Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment. Any action of this type resulting from a report of violence must be reported to the Director of Human Resources and/or the Director of Campus Safety for investigation and decision regarding proper action and sanctions. Conversely, false, or malicious reporting will also result in investigation and appropriate sanctions.

### **Exceptions**

Police called to the campus are exempted from these regulations concerning weapons or dangerous instruments.