

SEXUAL ASSAULT

Compelling by force or threat of force the following: sexual penetration of the vagina or anus; including by an object; oral sex; or contact with a person's genital area, groin, anus, inner thighs, buttocks or breasts for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating the victim. Sexual assault is also intentionally subjecting another to such contact without consent.

RELATIONSHIP VIOLENCE

This may be present in dating and domestic violence, sometimes also called intimate partner violence, is a pattern of behavior in which one partner uses fear and intimidation to establish power and control over the other partner, often including the threat or use of violence. This abuse happens when one person believes they are entitled to control another, and it may or may not include sexual assault.

SEXUAL HARASSMENT

Sexual harassment is defined as unwelcome gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives someone of the ability to participate in or benefit from the college's educational program or activities or employment benefits or opportunities.



UNDERSTANDING TITLE IX

No person in the United States, shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving federal assistance.

Title IX protects YOU from gender discrimination in:

- Academics
- Activities
- Admissions
- Athletics
- Employment
- Financial Assistance
- Housing
- Recruitment

Northwestern Connecticut Community College does not tolerate sexual violence.

REPORT IT PROMPTLY!



STALKING

Any behaviors or activities occurring on more than one (1) occasion that collectively instill fear in the victim and/or threaten her/his safety, mental health and/or physical health. Such behaviors or activities may include, but are not limited to, face-to-face, telephone, email, etc., threatening or obscene gestures, surveillance or being present outside the victim's classroom or workplace.

AFFIRMATIVE CONSENT LAW (*Public Act No. 16-106*): An active, clear and voluntary agreement to engage in sexual activity with another person.

You have the right to....

- Be treated with respect and dignity
- Privacy. This means you can refuse to answer any questions about the sexual assault, your sexual orientation, your sexual history (including HIV status), and your medical history

- Be notified of existing campus and community based medical, counseling, mental health and victims of sexual assault resources whether or not the crime is formally reported to campus and civil authorities
- A timely disposition if reporting an incident to the College
- Be notified of the outcome of the College's sexual assault conduct proceedings against the accused
- Have conversations with a member of the SART (Sexual Assault Resources Team)
- Have access to local sexual assault crisis center
- Have access to local sexual domestic violence agency
- Have a counselor/advocate to accompany you to medical and legal proceedings
- Decide whether or not you want the police to investigate the assault
- Request that someone you are comfortable with stay with you in the medical examination room
- Ask questions and get answers regarding any tests, exams, medications, treatment or police reports
- Not be judged on your race, age, class, marital status, gender or sexual orientation

Additional information regarding sexual misconduct and campus policies is available at nwcc.edu and on postings throughout the campus

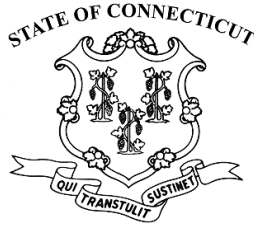
- 1. Seek Safety**
- 2. Get Medical Attention**
- 3. Seek Support**
- 4. Report Promptly**

Contact:

Ruth E Gonzalez, PhD
NCCC Title IX Coordinator
Office: GW 207
Rgonzalez@nwcc.edu
860.738.6315

The Susan B Anthony Project
Counseling & Advocacy Center
179 Water Street
Torrington, CT 06790
Hours: 8:30am - 4:30pm Mon. – Fri.
Phone: 860.489.3798 TDD/Voice
E-mail: info@sbaproject.org

CONNSACS
888.999.5545 ENGLISH
888.568.8332 ESPAÑOL



Substitute House Bill No. 5376

Public Act No. 16-106

AN ACT CONCERNING AFFIRMATIVE CONSENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10a-55m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) For purposes of this section and sections 10a-55n to 10a-55q, inclusive:

(1) "Affirmative consent" means an active, clear and voluntary agreement by a person to engage in sexual activity with another person;

[(1)] (2) "Awareness programming" means institutional action designed to inform the campus community of the affirmative consent standard used pursuant to subdivision (1) of subsection (b) of this section, and communicate the prevalence of sexual assaults, stalking and intimate partner violence, including the nature and number of cases of sexual assault, stalking and intimate partner violence reported at or disclosed to each institution of higher education in the preceding three calendar years, including, but not limited to, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars or panel discussions;

Substitute House Bill No. 5376

[(2)] (3) "Bystander intervention" means the act of challenging the social norms that support, condone or permit sexual assault, stalking and intimate partner violence;

[(3)] (4) "Institution of higher education" means an institution of higher education, as defined in section 10a-55, and a for-profit institution of higher education licensed to operate in this state, but shall not include Charter Oak State College for purposes of subsections (c) and (f) of this section and sections 10a-55n to 10a-55p, inclusive;

[(4)] (5) "Intimate partner violence" means any physical or sexual harm against an individual by a current or former spouse of or person in a dating relationship with such individual that results from any action by such spouse or such person that may be classified as a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a, stalking under section 53a-181c, 53a-181d or 53a-181e, or family violence as designated under section 46b-38h;

[(5)] (6) "Primary prevention programming" means institutional action and strategies intended to prevent sexual assault, stalking and intimate partner violence before it occurs by means of changing social norms and other approaches, including, but not limited to, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars or panel discussions;

[(6)] (7) "Sexual assault" means a sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a;

[(7)] (8) "Stalking" means stalking under section 53a-181c, 53a-181d or 53a-181e; and

[(8)] (9) "Uniform campus crime report" means a campus crime report prepared by an institution of higher education pursuant to section 10a-55a.

Substitute House Bill No. 5376

(b) Each institution of higher education shall adopt and disclose in such institution's annual uniform campus crime report one or more policies regarding sexual assault, stalking and intimate partner violence. Such policy or policies shall include provisions for: [(1) detailing]

(1) Informing students and employees that, in the context of an alleged violation of the policy or policies regarding sexual assault and intimate partner violence, (A) affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity, (B) affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity, (C) it is the responsibility of each person to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity, (D) it shall not be a valid excuse to an alleged lack of affirmative consent that the student or employee responding to the alleged violation believed that the student or employee reporting or disclosing the alleged violation consented to the sexual activity (i) because the responding student or employee was intoxicated or reckless or failed to take reasonable steps to ascertain whether the student or employee reporting or disclosing the alleged violation affirmatively consented, or (ii) if the responding student or employee knew or should have known that the student or employee reporting or disclosing the alleged violation was unable to consent because such student or employee was unconscious, asleep, unable to communicate due to a mental or physical condition, or incapacitated due to the influence of drugs, alcohol or medication, and (E) the existence of a past or current dating or sexual relationship between the student or employee reporting or disclosing the alleged violation and the responding student or employee, in and of itself, shall not be determinative of a finding of affirmative consent;

Substitute House Bill No. 5376

(2) Detailing the procedures that students and employees of the institution who report or disclose being the victim of sexual assault, stalking or intimate partner violence may follow after the commission of such assault, stalking or violence, regardless of where such incidences occurred, including persons or agencies to contact and information regarding the importance of preserving physical evidence of such assault, stalking or violence;

[(2) providing] (3) Providing students and employees of the institution who report or disclose being the victim of sexual assault, stalking or intimate partner violence both concise, written contact information for and, if requested, professional assistance in accessing and utilizing campus, local advocacy, counseling, health and mental health services, and concise information, written in plain language, concerning the rights of such students and employees to (A) notify law enforcement of such assault, stalking or violence and receive assistance from campus authorities in making any such notification, and (B) obtain a protective order, apply for a temporary restraining order or seek enforcement of an existing protective or restraining order, including, but not limited to, orders issued pursuant to section 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q or 54-82r, against the perpetrator of such assault, stalking or violence;

[(3) notifying] (4) Notifying such students and employees of any reasonably available options for and available assistance from such institution in changing academic, living, campus transportation or working situations in response to such assault, stalking or violence;

[(4) honoring] (5) Honoring any lawful protective or temporary restraining orders, including, but not limited to, orders issued pursuant to section 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q or 54-82r;

[(5) disclosing] (6) Disclosing a summary of such institution's student investigation and disciplinary procedures, including clear

Substitute House Bill No. 5376

statements advising that (A) [victims] a student or employee who reports or discloses being a victim of such assault, stalking or violence shall have the opportunity to request that [disciplinary proceedings] an investigation begin promptly, (B) the investigation and any disciplinary proceedings shall be conducted by an official trained annually in issues relating to sexual assault, stalking and intimate partner violence and shall use the preponderance of the evidence standard in making a determination concerning the alleged assault, stalking or violence, (C) both the [victim of such] student or employee who reports or discloses the alleged assault, stalking or violence and the [accused] student responding to such report or disclosure (i) are entitled to be accompanied to any meeting or proceeding relating to the allegation of such assault, stalking or violence by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled, and (ii) shall have the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding, (D) both [such victim and accused] the student or employee reporting or disclosing the alleged assault stalking or violence and such responding student are entitled to be informed in writing of the results of any disciplinary proceeding not later than one business day after the conclusion of such proceeding, [and] (E) the institution of higher education shall not disclose the identity of [the victim or the accused] any party to an investigation or disciplinary proceeding, except as necessary to carry out [a] the investigation or disciplinary proceeding or as permitted under state or federal law, and (F) a standard of affirmative consent is used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity;

[(6) disclosing] (7) Disclosing a summary of such institution's employee investigation and disciplinary procedures, including clear statements advising that a standard of affirmative consent is used in

Substitute House Bill No. 5376

determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity; and

[(7) disclosing] (8) Disclosing the range of sanctions that may be imposed following the implementation of such institution's student and employee disciplinary procedures in response to such assault, stalking or violence.

(c) Each institution of higher education shall provide (1) annual sexual assault, stalking and intimate partner violence primary prevention and awareness programming for all students and employees that includes an explanation of the definition of affirmative consent in sexual relationships, information concerning the reporting of incidences of such assaults, stalking and violence and strategies for bystander intervention and risk reduction; and (2) ongoing sexual assault, stalking and intimate partner violence prevention and awareness campaigns.

(d) Each institution of higher education may provide the option for any student or employee of such institution who is the victim of a sexual assault, stalking or intimate partner violence to report or disclose such assault, stalking or violence to such institution anonymously. Each such institution shall notify any such student or employee of the institution's obligations under state or federal law, if any, to (1) investigate or address such assault, stalking or violence and (2) assess whether the report triggers the need for a timely warning or emergency notification, as described in 34 CFR 668.46(e), which obligations, in limited circumstances, may result in the learning of such victim's identity.

(e) Each institution of higher education shall provide concise notification, written in plain language, to each student and employee of such institution who [has] reports or discloses having been the victim of sexual assault, stalking or intimate partner violence,

Substitute House Bill No. 5376

immediately upon receiving a report or disclosure of such assault, stalking or violence, of such [victim's] student's or employee's rights and options under such institution's policy or policies regarding sexual assault, stalking and intimate partner violence adopted in accordance with subsection (b) of this section.

(f) Not later than October 1, 2015, and annually thereafter, each institution of higher education shall report to the joint standing committee of the General Assembly having cognizance of matters relating to higher education, in accordance with the provisions of section 11-4a, concerning, for the immediately preceding calendar year, (1) a copy of its most recent policies regarding sexual assault, stalking and intimate partner violence adopted in accordance with subsection (b) of this section, or any revisions thereto, (2) a copy of its most recent concise written notification of [a victim's] the rights and options [under] of a student or employee who reports or discloses an alleged violation of its sexual assault, stalking and intimate partner violence policy or policies required pursuant to subsection (e) of this section, (3) the number and type of sexual assault, stalking and intimate partner violence prevention, awareness and risk reduction programs at the institution, (4) the type of sexual assault, stalking and intimate partner violence prevention and awareness campaigns held by the institution, (5) the number of incidences of sexual assault, stalking and intimate partner violence reported or disclosed to such institution, (6) the number of confidential or anonymous reports or disclosures to the institution of sexual assault, stalking and intimate partner violence, (7) the number of disciplinary cases at the institution related to sexual assault, stalking and intimate partner violence, and (8) the final outcome of all disciplinary cases at the institution related to sexual assault, stalking and intimate partner violence, including, but not limited to, the outcome of any appeals of such final outcome, to the extent reporting on such outcomes does not conflict with federal law.

Substitute House Bill No. 5376

(g) Nothing in this section shall be interpreted to prohibit Charter Oak State College from providing, either in person or electronically, optional sexual assault, stalking and intimate partner violence prevention and awareness programming for all students and employees of said college.

(h) Nothing in this section shall be interpreted as requiring an institution of higher education to adopt, verbatim, the definition of "affirmative consent" set forth in subsection (a) of this section, provided the institution of higher education, in the exercise of its sole authority to adopt a definition of "affirmative consent", uses a definition of "affirmative consent" that has the same meaning as or a meaning that is substantially similar to the definition set forth in subsection (a) of this section.

Approved June 2, 2016



Northwestern Connecticut Community College
Park Place East
Winsted, CT 06098

PRESS RELEASE

Please publish the following at your earliest convenience

Media Contact: Grantley S. Adams
Director of Marketing & Public Relations
(860) 738-6333 or gadams@nwcc.commnet.edu

Annual Public Notice of Nondiscrimination

July 30, 2020 - WINSTED, CT - Northwestern Connecticut Community College does not discriminate on the basis of race, color, religious creed, age, sex, including pregnancy, sexual harassment and sexual assault, marital status, national origin or ancestry, sexual orientation, transgender status, gender identity or expression, genetic information, workplace hazards to reproductive systems, present or past history of mental disability, intellectual disability, learning disability or physical disability in its programs and activities. In addition, the College does not discriminate in employment on the basis of veteran status or prior criminal record.

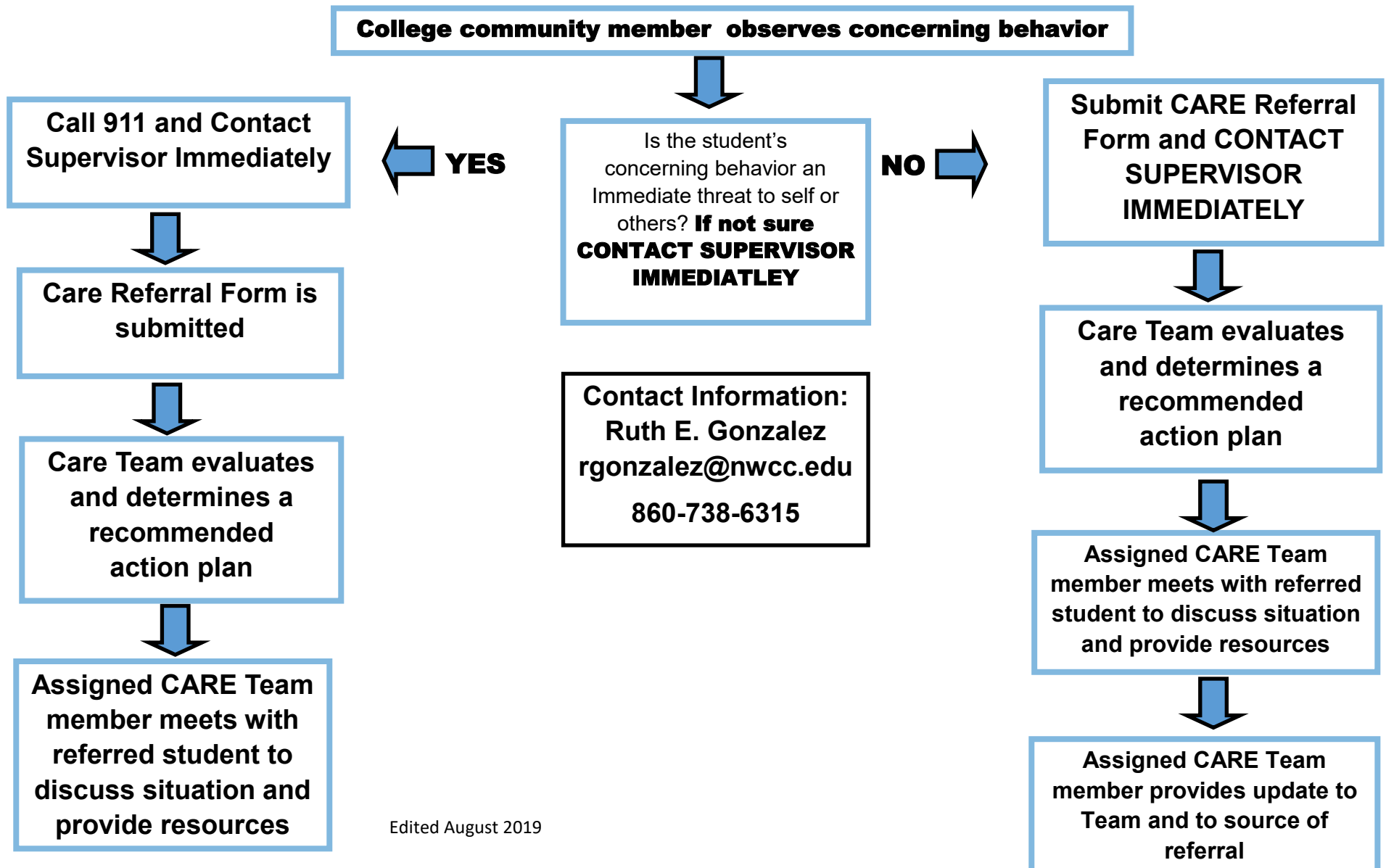
NCCC offers Associate in Art and Associate in Science degrees in 45 degree programs, including: Nursing RN, Veterinary Technology, Medical Assisting, Early Childhood Education, Criminal Justice, Interpreter Preparation ASL, Fine Arts, Business and Management Administration, Human Services, Computer Systems Technology, Environmental Science, Deaf Studies, Allied Health Administration, Liberal Arts and Sciences and General Studies. In addition, credit and non-credit Certificate Programs are offered. Admission to the college is open to high school graduates upon submission of a completed college admissions application accompanied by official high school diploma or equivalency, payment of the application fee and proof of immunization. Courses are generally open to anyone with an interest in a subject area. Some programs of study have additional admissions requirements.

The following person has been designated to handle inquiries regarding the non-discrimination policies: Dr. Ruth Gonzalez, Director of Student Development, (Title IX and Section 504/ADA Coordinator) Northwestern Connecticut Community College, Park Place East, Winsted, CT 06098, Green Woods Hall, (860) 738-6315, RGonzalez@nwcc.edu.



CAMPUS ASSESSMENT, RESPONSE AND EVALUATION (CARE) TEAM

FLOW CHART





Connecticut State
Colleges & Universities

CHECKLIST FOR CONN. GEN. STAT. § 10a-55m(f)
SEXUAL VIOLENCE REPORT 2019 SUBMISSION

INSTITUTION INFORMATION

Name: Northwestern Connecticut Community College **Contact:** Ruth E Gonzalez, PhD, LPC

Reporting Office/Department: Student Affairs **Report Year:** 2019

NARRATIVE

Institution's narrative explaining the reported sexual violence statistics and data, including: ☒ Brief introduction about the institution, its history, its population and its efforts to ensure a safe and comfortable learning environment with respect to sexual violence.

POLICIES

Institution's most recent policies regarding sexual assault, stalking, and intimate partner violence.* ☒ BOR/CSCU Sexual Misconduct Reporting, Support Services and Processes Policy (Effective 6/16/2016)
☒ BOR/CSCU Policy on Consensual Relationships (Effective 10/20/2016)
☐ BOR/CSCU Policy Regarding Reporting Suspected Abuse or Neglect of a Child (Effective 1/10/2015)
☒ BOR/CSCU Student Code of Conduct (Effective 6/16/2016)

Note: * It is permissible to reference links to the above-listed policies in institution reports. BOR policies are listed on the following web page: <http://www.ct.edu/regents/policies>.

WRITTEN NOTIFICATION

☒ Institution's most recent concise written notification of the rights and options of a student or employee who reports or discloses an alleged violation of its sexual assault, stalking and intimate partner violence policy or policies.

SEXUAL VIOLENCE STATISTICS AND DATA

Institution reports containing the following statistics and data on sexual assault, stalking, and intimate partner violence for the preceding calendar year:

(See Conn. Gen. Stat. § 10a-55m(f) Reportable Statistics and Data Template)

☒ Sexual Violence Reportable Statistics and Data
☒ Concise and informative explanation of reportable sexual violence statistics and data, including clarification of number of incidents, reports, disclosures, discipline, and final outcomes.

PUBLIC AWARENESS, PREVENTION, AND RISK REDUCTION INFORMATION

Public awareness, prevention, and risk reduction information submitted by institution: ☒ Title IX Related Training Provided Spreadsheet
☒ Brochures
☒ Handbooks/Booklets/Pamphlets
☒ Bulletin Boards Information
☒ Flyers
☒ Online Statements of Campus Safety and Support Services (e.g., Women's Centers, etc.)
☒ PowerPoint Presentations

OTHER SUPPLEMENTAL INFORMATION

Supplemental information submitted by institution: ☐ Public Safety Materials
☒ Institution Sexual Violence Reporting Procedures
☐ Institution Sexual Violence Forms
☐ Redacted Sample of Investigation Results
☐ Sexual Violence Website Information
☒ Documentation of Training Offerings, if available, including number of participants
☐ Other Sexual Violence Reports
☐ Other Supplemental Material



Title IX & Section 504 Training

Northwestern Connecticut Community College

Allison P. Dearington
Jackson Lewis, P.C.
90 Statehouse Square
Hartford, CT 06103
allison.dearington@jacksonlewis.com
860-331-2585

Why Are We Here?

- 1 in 5 women and 1 in 16 men are sexually assaulted while in college
- 63.3% of men at one university who self-reported acts qualifying as rape or attempted rape admitted to committing repeated rapes
- The number of reported forcible sex offenses on campus increased from 2,200 in 2001 to 8,000 in 2015

Why Are We Here?

- 60% of sexual assaults occurred on campus
- 90% of victims of completed and attempted rapes knew their attacker
- On average, at least 50% of sexual assaults of college students involve the use of alcohol or other drugs by the perpetrator, victim, or both
- 1 in 3 victims were drunk, passed out or asleep
- Sexual assault victims are more likely to suffer from depression, post-traumatic stress disorder, to abuse alcohol and drugs, and to contemplate suicide

Why Are We Here?

- In January of 2017, The Department of Education's Office for Civil Rights (OCR) reported that it had 304 investigations underway related to sexual violence issues at 223 colleges and universities.
- There has been a dramatic upswing over the last few years in the number of complaints filed with the OCR, which now outnumber lawsuits filed, due to recent focus on the issue of sexual assault and violence on campus.

Why Are We Here?

- **University of Connecticut**

- Paid \$1.3 million to 5 students who claimed the university treated their claims of sexual assault and harassment with indifference; \$900,000 of the settlement will go to one student who claims she was cut from the hockey team after she reported to her coach that she had been raped

- **University of Colorado**

- Paid \$825,000 to a female philosophy graduate student who claims she was sexually assaulted by a peer and then retaliated against by a tenured professor who accused her of falsifying her report and who performed an independent investigation during which he discussed her sexual history and behavior with faculty members and students

- **University of Illinois at Urbana-Champaign**

- Paid more than \$77,000 to a former student who claims to have been assaulted while attending an on-campus frat party and then learning that the incident had been videotaped and photographed by several other students

Why Are We Here?

- Approximately 11.1% of all undergraduates enrolled in college have a disability
- Just 17% of learning-disabled college students receive some kind of help and just 34% complete a four-year degree within eight years of finishing high school.

So What Are We Doing Today?

- Review of Title IX
- Reporting Obligations
- Investigation, Grievance Best Practices, Remedies/Sanctions/Anti-Retaliation
- Section 504 of the 1973 Rehabilitation Act Overview
- Section 504 Accommodations and Modifications

Title IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”

Title IX

- Title IX does not apply to sports only; it is a federal civil rights law enacted to eradicate sex discrimination, in general, in all facets of the educational setting.
- By accepting federal funds, institutions agree not to discriminate on the basis of sex or allow the separation of the sexes in curriculum and extracurricular activities, unless permitted by the statute.
- Failure to comply may result in liability on the part of the institution.

Title IX

- “No person”
 - Applies to everyone in the university setting.
- “. . . on the basis of sex”
 - Applies to sexual discrimination only
- “. . . any education program or activity”
 - Covers all academic, educational, extra-curricular, athletic, and programming on and off campus.
 - Applies to off-campus conduct where effects are felt on campus.



Sexual Discrimination

● “On the basis of sex”

- No person can be *discriminated against* on the basis of his/her sex
 - Disparate treatment: treating people differently based on sex
 - Disparate impact: policy or practice has an adverse effect on a protected group
- Various forms of discrimination
 - Sexual misconduct
 - Sexual harassment

Sexual Misconduct

- Sexual Violence:
 - Physical acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol
- Nonconsensual sexual contact (or attempt to commit)
- Nonconsensual sexual intercourse (or attempt to commit)
- Sexual exploitation

Sexual Discrimination

- Sexual Harassment:
 - Unwelcome conduct of a sexual nature that denies or limits a student's ability to benefit from or participate in an education program.
 - Can include unwelcome sexual advances; requests or demands for sexual favors; indecent exposure; sexually explicit drawings and writings; and other verbal, nonverbal, or physical conduct of a sexual nature.

Sexual Harassment

Three Key Elements of Sexual Harassment

1. Conduct that is sexual in nature;
2. That is unwelcome; and,
3. That denies or limits a student's ability to participate in or benefit from a school's educational program.

****Sexual harassment includes sexual violence.**

Sexual Harassment

Conduct of a Sexual Nature

- Determining whether conduct is of a sexual nature is very fact-specific, but examples may include:
 - Unwelcome sexual advances,
 - Requests for sexual favors,
 - Comments about an individual's body, sexual activity or sexual attractiveness,
 - Sexually suggestive touching, leering, gestures, sounds, comments, or displays of sexually suggestive objects,
 - Graphic and written statements, and
 - Circulating or showing emails or websites of a sexual nature.

Sexual Harassment

Conduct of a Sexual Nature

- Such conduct may also be criminal in nature, such as:
 - Rape
 - Sexual assault
 - Sexually motivated stalking
 - Relationship violence



Sexual Harassment

Conduct is unwelcome

- Conduct is unwelcome if the student did not request or invite it and considered the conduct to be undesirable or offensive.
- Acquiescence in the conduct or the failure to complain does not always mean that the conduct is welcome.

Sexual Harassment

Conduct Denies or Limits

Often “harassment” is thought of as a series of events, or a pattern of conduct. However, schools must weigh all the relevant facts in a given situation, including the severity of the conduct.

- The more severe the conduct, the less the need to show repeated incidents.
- Sexual violence is a severe type of sexual harassment. The OCR letter clarified that **a single incident of rape is sufficiently severe to create a hostile environment.**

Sexual Harassment

- DOES NOT have to include an intent to harm
- DOES NOT need to involve repeated incidents
- DOES NOT need to be directed at a specific target
- DOES NOT have to be by a member of the opposite sex

3 Forms of Sexual Harassment

● Quid pro quo

- Submission to, or rejection of, unwelcome sexual conduct is used as the basis for educational decisions affecting a student.

● Retaliation

- Occurs when an adverse educational action is taken against a person because of the person's participation in a complaint or investigation.

● Hostile environment

- Harassment is sufficiently severe or pervasive so as to interfere with or limit a person's ability to participate in or benefit from an education program or activity.

Sexual Harassment Quid Pro Quo

- Can only be carried out by a teacher, administrator, or staff member
- Two factors:
 - Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
 - Submission to, or rejection of, such conduct results in adverse educational or employment action.

Sexual Harassment Hostile Environment

- Occurs when harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a person's ability to participate in or benefit from the services, activities, or opportunities offered by an educational institution. Fact-based inquiry.
- Can be created by teachers, administrators, staff members, other students, and third parties visiting the educational institution.
- Can occur off campus.

Sexual Harassment Retaliation

● Retaliatory Harassment

- Occurs when an adverse educational action is taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.
- Subjecting an individual to negative treatment as a result of engaging in behavior protected by Title IX.



Sexual Harassment Retaliation

● Examples of Retaliation

- Giving a student a lower grade in a class because she has complained of sexual harassment.
- Cutting a student from a sports team because he has complained of sexual harassment.
- Taking adverse action against a faculty member who brought sexual harassment allegations concerning another faculty member to the attention of administration.
- Firing a faculty member after the individual complains that the institution is not in compliance with Title IX.

Sexual Harassment

● Other Possible Forms of Sexual Harassment:

- Stalking
- Bullying
- Cyber-bullying
- Relationship violence



COMPLIANCE

Guidance offered by the Office of Civil Rights:

April 4, 2011 “Dear Colleague” Letter (DCL)

April 29, 2014 “Questions And Answers On Title IX and Sexual Violence” (Q&A)

April 24, 2015 “Dear Colleague” Letter

DCLS AND Q&A

● **Reinforces School's duty to:**

- Investigate – prompt, thorough and impartial
- Type of investigation will depend on situation
- Whether to contact local law enforcement
- Eliminate Harassment; Prevent its Recurrence; Address its Effects

DCLS AND Q&A

Three Important Requirements

- Disseminate a notice of nondiscrimination—implement a policy
- Designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX
- Adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee sex discrimination complaints

DCLS AND Q&A

Role of the Title IX Coordinator

- Report directly to senior leadership, such as President
- Oversight
- Identify and address any patterns or systemic problems
- Be involved in drafting of policies and procedures
- Implement policies and procedures
- Notify students of right to file Title IX complaint according to the school's policies
- Train employees on policies and procedures
- Identify and train investigators on policies and procedures
- Train law enforcement on Title IX policies and procedures
- Prevent and remedy retaliation

DCLS AND Q&A

“Responsible Employees”

Any employee who:

- Has the authority to take action to redress sexual violence;
- Has been given the duty of reporting incidents to the Title IX Coordinator or designee; or
- ***Whom a student could reasonably believe has this authority or duty.***

CONSEQUENCES OF FAILING TO ACT

Remember – if a responsible employee has notice, then the School is on notice for purposes of Title IX liability

THE CLERY ACT

- Adopted by Congress in 1990 at the urging of Connie and Howard Clery, after the rape and murder of their daughter Jeanne at Lehigh University a year earlier
- Under this statute, university policy “must encourage individuals to report all crimes to campus police and police agencies...in a timely manner”
- Schools may no longer keep such matters confidential while they conduct an investigation

THE CLERY ACT

Basic Requirements of Clery Act:

- Campus crime reporting
 - *By October 1 of each year, institutions are required to publish & disseminate crime reporting statistics occurring on campus for the current calendar year and two preceding years, and a description of certain security-related policies*
- Timely warning notices
- Emergency notifications and emergency response testing
- Fire safety reporting and missing student procedures
- Notices to prospective students and employees
- Policy statements

VAWA

Violence Against Women Act (VAWA) which imposes new obligations on colleges and universities under its Campus Sexual Violence Act (“SaVE Act”) provision:

- Expanded list of reportable offenses
- Requires adoption of student discipline procedures
- Requires adoption of institutional policies to address and prevent campus sexual violence

VAWA

The final VAWA regulations which imposed expanded obligations on colleges and universities:

- Additional crimes of domestic violence, dating violence and stalking are added to the Clery Act
- Institutions must adopt policy statements regarding sexual assault, domestic violence, dating violence and stalking which must include: educational programs for new students and employees, ongoing prevention programs, reporting procedures, institutional disciplinary procedures
- Institutions must address how they complete publically available record-keeping while still maintaining the confidentiality of those who choose to report a violation
- Updates to reporting obligations

Enforcing Title IX – Department of Education OCR

● OCR

- Complaints (filed within 180 days)
 - Attempts to obtain voluntary compliance before instituting any judicial or administrative proceedings
- “voluntary compliance investigations”
- Technical assistance
- More comprehensive review of a school’s policies and procedures for preventing sexual discrimination
- More comprehensive review of previous investigations

Enforcing Title IX – Private Litigation

- Private litigation
- Monetary damages are available in the implied private right of action
- Causes of action:
 - “deliberate indifference”
 - Erroneous outcome
 - Breach (or implied breach) of contract
 - Due process/fundamental fairness
 - *All relate to the underlying investigation*

Baseline Requirements for an Effective Investigation

- Prompt
- Impartial
- Adequate, reliable, thorough

Basic Requirements - Promptness

● Timelines and Timeliness

- In general, your investigation should take 60 days or less.
- Schools should not delay in beginning its own investigation.
- Update parties every 10 days in writing



Basic Requirements - Promptness

● Parallel Criminal Proceedings:

- You may not rely on police investigations or wait for court proceedings.
 - You must conduct an investigation, regardless of whether criminal complaint was filed.
 - Some delay (3-10 days) is acceptable
 - If you've already started the investigation, do not stop
- Monitor progress as well as the impact it may have on your investigation

Basic Requirements - Impartial

- The investigator must not have an actual conflict/ bias or the appearance of one.
- The investigation must be fair and balanced.

Basic Requirements – Adequate, Reliable, Thorough

- Define the scope of the investigation.
- Review the written complaint and response with care and revisit them during the interviewing process.
- View the scene of the incident.
- Interview the right witnesses.
- Gather all the tangible evidence, including all of the electronic communications.
- Know the institution's relevant policies re: cooperation, confidentiality, retaliation, etc.

Basic Guidelines

- “Preponderance of Evidence”
 - 50.1%
 - “More likely than not”
 - The “tipped scale”
 - Try NOT to just use the term “preponderance of the evidence” – it is not common language

Basic Guidelines

- Pursuant to VAWA, parties are entitled to an “advisor of their choice”
 - Cannot prevent attorneys from being present
 - Must allow in all phases of the process
 - Do not have to provide an advisor, but can make advisors available
 - Can limit the role

General Investigation Tips

- Continually evaluate what you know and what you need to know
- Continually update the Title IX Coordinator
- Continually evaluate interim measures
- Evaluate need for outside expert
- Properly record information
- Be aware of external “issues”
 - Family, media, etc.

General Investigation Tips

46

- Be thoroughly prepared before commencing the investigation or conducting an investigatory interview.
- Interview all relevant witnesses – if in doubt, interview.
- Maintain neutrality throughout and do not make assumptions or accusations.
- Fairness, due process, and equal dignity to both parties is essential.
- Maintain appropriate privacy – do not require confidentiality.

10 Steps to an Effective Investigation

1. Prepare Investigation Plan



2. Collect Documents



3. Conduct Interviews



4. Gather and Review Other Information



5. Analyze Information

10 Steps to an Effective Investigation

6. Conclude Your Investigation



7. Prepare Investigative Report



8. Recommend Remedial Action



9. Communicate and Monitor



10. Prepare Investigatory File

SCHOOLS TAKING AFFIRMATIVE STEPS

- Schools nationwide are taking steps to curtail sexual harassment, assault and violence by developing/implementing new/more comprehensive policies and procedures to prevent and/or investigate incidences of sexual assault:
- Dartmouth College – ban of hard liquor on campus; Dartmouth Bystander Initiative (DBI) training for students, faculty, staff; 4-year mandatory sexual assault education program for students starting fall 2015
- USNH – mandatory Title IX training for all faculty/staff; increases in staff to handle Title IX issues; new educational programs for freshmen & student athletes; Title IX sessions during orientation for incoming students/parents
- UC Berkeley - “It’s On Us” campaign to promote bystander intervention and sexual assault awareness
- Penn State – new protocol for sexual assault investigations and creation of new administrative center for gender-equity issues
- UVA – sorority national chapters forbade members from participating in fraternity parties
- University of Colorado – overhaul of investigation procedures; hiring of 3 additional investigators and Director of Education and Prevention; individual sexual assault prevention training to 16 fraternity chapters

Section 504 - Overview

"No otherwise qualified individual with handicaps in the United States . . . shall, solely by reason of her or his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...."

Section 504 - Overview

- Admissions requirements cannot screen out people with physical or mental disabilities.
- Programs (including extracurricular activities) must be accessible to qualified students with disabilities.

Section 504 – What Qualifies As A Disability?

- Any person who:
 - (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

Physical or Mental Impairment:

- (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
- (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Key Factor: whether the physical or mental impairment results in a substantial limitation of one or more major life activities.

- Major life activities, as defined in the regulation, include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Reporting a Disability

- *Post Admission*, colleges may make confidential inquiries as to whether a student has a disability for purposes of determining whether certain academic adjustments or auxiliary aids or services may be needed.
- Otherwise, it is the student's responsibility to make his or her condition known and to request academic adjustments.

Section 504 – Making Programs Accessible

- Architectural Access
- Policies and Procedures
- Accommodations

Examples of Accommodations

- A student with cancer may need a class schedule that allows for rest and recuperation following chemotherapy.
- A student with a learning disability that affects the ability to demonstrate knowledge on a standardized test or in certain testing situations may require modified test arrangements, such as oral testing or different testing formats.
- A student with a learning disability or impaired vision that affects the ability to take notes in class may need a notetaker or tape recorder.
- A student with walking difficulties may require special parking space, sufficient time between classes, or other considerations, to conserve the student's energy for academic pursuits.
- An emotionally or mentally ill student may need an adjusted class schedule to allow time for regular counseling or therapy.



jackson | lewis
all we do is work

QUESTIONS?

Allison P. Dearington
Jackson Lewis, P.C.
90 Statehouse Square
Hartford, CT 06103
allison.dearington@jacksonlewis.com
860-331-2585

**Fresh Check Day
Wednesday, February 6th
GW Multipurpose Rm
11:00 AM – 1:00 PM**

Booths and Activities

Nine out of Ten* Jane O’Grady, Connie, Lori, ED Advance

Pledge Banner

Design and create your own pledge banner that students can sign or take photos of people holding up the message “I pledge to be One of the Nine”.

Mini Golf - developing activity

Common Thread

Each person attending uses one piece of string or yarn to connect points of personal attributes, which are attached by pegs to a large board. Each person is able to see the many ways they are similar or connected to others.

Know Your Limit – McCalls Center, CJS Club

Walk the Line

Have participants attempt to walk in a straight line, one foot in front of the other, while wearing fatal vision goggles that simulate different levels of intoxication. This activity provides an example of how alcohol impairs motor skills.

Fatal Vision Goggle Games (thank you!!!! Mike E for purchasing Goggles)

Show how alcohol impairs motor skills by having participants engage in a game while wearing fatal vision goggles. Examples include maze drawings, Jenga, Lego building, bocce ball, etc.

We will be using legos to build towers

It Takes a Village – Community Health and Wellness, ECE Club, DCF

Flower Pots

Participants decorate a small flowerpot, plant a flower in it and are instructed to give it to someone who needs it, even if that person is them.

We will be using large plastic cups to decorate, potting soil and seeds.

Tip: Have participants insert a hopeful message written on a jumbo popsicle stick. The Counseling Center or Lifeline number can be pre-written on the back.

Rise Up – SART, New Opportunities, SBAP

Clothesline Project

Clothesline Projects use decorated T-shirts to promote awareness about sexual and domestic violence, hate crimes, and child abuse. Then the shirt is hung on a clothesline to be viewed by others as testimony to the problem of sexual violence. Consider including a shirt-making session prior to Fresh Check Day in conjunction with a display of recently or previously created shirts.

Teal Ribbon Campaign

Provide teal ribbons with information about sexual assault awareness. Encourage participants to write on the ribbon one thing they vow to do personally to help prevent sexual violence and end rape culture

At Ease – Veteran’s Club, waiting to hear from local reps

Balance Activity

Fill a bucket with water and write things people need to juggle (i.e. exams, a job, homework, getting enough sleep, relationships, etc.) on ping pong balls. Have a separate set of ping pong balls that include service-member specific challenges (i.e. transition to civilian life, drill weekends, PTSD, etc.). Have participants toss all the ping pong balls they deal with in the bucket and try to hold them underwater with their hands, then add some of the ping pong balls specific to service members. Explain that extra support can go a long way to helping student service members balance their civilian and military lives!

Community Engagement:

Community Health and Wellness

Ed Advance Early Childhood and Youth Mental Health Coalition

New Opportunities

The Susan B Anthony Project

McCall Center for Behavioral Health

DCF - Foster Care Unit

Smoke Free Campus – Connie H. and Lori F.

MADD – CT? Waiting on confirmation

FISH – waiting on confirmation

**Board of Regents for Higher Education
Connecticut State Colleges and Universities**

**Policy Regarding
Sexual Misconduct Reporting, Support Services and Processes Policy**

Statement of Policy

The Board of Regents for Higher Education (BOR) in conjunction with the Connecticut State Colleges and Universities (CSCU) is committed to insuring that each member of every BOR governed college and university community has the opportunity to participate fully in the process of education and development. The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual misconduct, intimate partner violence and stalking. It is the intent of the BOR and each of its colleges or universities to provide safety, privacy and support to victims of sexual misconduct and intimate partner violence.

The BOR strongly encourages victims to report any instance of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking and intimate partner violence, as an effective means of taking action by reporting such acts to the appropriate officials and pursuing criminal or disciplinary remedies, or both. The only way that action can be taken against anyone who violates another in such a manner is through reporting. Each and every BOR governed college and university shall provide those who report sexual misconduct with many supportive options, including referral to agencies that provide medical attention, counseling, legal services, advocacy, referrals and general information regarding sexual misconduct. Each and every BOR governed college and university will preserve the confidentiality of those who report sexual misconduct to the fullest extent possible and allowed by law. All BOR and CSCU employees, victim support persons and community victim advocates being consulted will make any limits of confidentiality clear before any disclosure of facts takes place. Other than confidential resources as defined above, in addition to employees who qualify as Campus Security Authorities under the Jeanne Clery Act, all BOR and CSCU employees are required to immediately communicate to the institution's designated recipient any disclosure or report of sexual misconduct received from a student as well as communicate any disclosure or report of sexual misconduct the employee received from another employee when misconduct is related to the business of the institution.

Affirmative consent must be given by all parties before engaging in sexual activity. Affirmative consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person. Sexual misconduct, as defined herein, is a violation of BOR policies and, in addition, may subject an accused student or employee to criminal penalties. The BOR and each of its governed colleges and universities are committed to providing an environment free of personal offenses. Sexual relationships of any kind between staff/faculty and students are discouraged pursuant to BOR policy.

The Board of Regents for Higher Education hereby directs the Connecticut State Colleges and Universities to implement the Policy stated above pursuant to the following provisions:

Terms, Usage and Standards

Consent must be affirmed and given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is a mutually affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. Consent may be revoked at any time during the sexual activity by any person engaged in the activity.

Affirmative consent may never be assumed because there is no physical resistance or other negative response. A person who initially consents to sexual activity shall be deemed not to have affirmatively consented to any such activity which occurs after that consent is withdrawn. It is the responsibility of each person to assure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that affirmative consent is sustained throughout the sexual activity. It shall not be a valid excuse to an alleged lack of affirmative consent that the student or employee responding to the alleged violation believed that the student reporting or disclosing the alleged violation consented to the activity (i) because the responding student or employee was intoxicated or reckless or failed to take reasonable steps to ascertain whether the student or employee reporting or disclosing the alleged violation affirmatively consented, or (ii) if the responding student or employee knew or should have known that the student or employee reporting or disclosing the alleged violation was unable to consent because the student or employee was unconscious, asleep, unable to communicate due to a mental or physical condition, or incapacitated due to the influence of drugs, alcohol or medication. The existence of a past or current dating or sexual relationship between the persons involved in the alleged violation shall not be determinative of a finding of affirmative consent.

Report of sexual misconduct is the receipt of a communication of an incident of sexual misconduct accompanied by a request for an investigation or adjudication by the institution.

Disclosure is the receipt of any communication of an incident of sexual misconduct that is not accompanied by a request for an investigation or adjudication by the institution.

Sexual misconduct includes engaging in any of the following behaviors:

- (a) **Sexual harassment**, which can include any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment; submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive educational or employment environment. Examples of conduct which may constitute sexual harassment include but are not limited to:
- sexual flirtation, touching, advances or propositions
 - verbal abuse of a sexual nature
 - pressure to engage in sexual activity
 - graphic or suggestive comments about an individual's dress or appearance
 - use of sexually degrading words to describe an individual

Sexual Misconduct Reporting
Support Services and Processes Policy

- display of sexually suggestive objects, pictures or photographs
- sexual jokes
- stereotypic comments based upon gender
- threats, demands or suggestions that retention of one's educational status is contingent upon toleration of or acquiescence in sexual advances.

Retaliation is prohibited and occurs when a person is subjected to an adverse employment or educational action because he or she made a complaint under this policy or assisted or participated in any manner in an investigation.

- (b) **Sexual assault** shall include but is not limited to a sexual act directed against another person without the consent (as defined herein) of the other person or when that person is not capable of giving such consent:

Sexual assault is further defined in sections 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b and 53a-73a of the Connecticut General Statutes.

- (c) **Sexual exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
- Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- Going beyond the bounds of consent (for example, an individual who allows friends to hide in the closet to watch him or her having consensual sex);
- Engaging in non-consensual voyeurism;
- Knowingly transmitting an STI, such as HIV to another without disclosing your STI status;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; or
- Possessing, distributing, viewing or forcing others to view illegal pornography.

Sexual exploitation is further defined as a crime in Connecticut State Law.

- (d) **Intimate partner, domestic and/or dating violence means** any physical or sexual harm against an individual by a current or former spouse of or person in a dating or cohabitating relationship with such individual that results from any action by such spouse or such person that may be classified as a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes, stalking under section 53a-181c, 53a-181d or 53a-181e of the general statutes, or domestic or family violence as designated under section 46b-38h of the general statutes. This includes any physical or sexual harm against an individual by a current or

Sexual Misconduct Reporting Support Services and Processes Policy

former spouse or by a partner in a dating relationship that results from (1) sexual assault (2) sexual assault in a spousal or cohabiting relationship; (3) domestic violence; (4) sexual harassment (5) sexual exploitation, as such terms are defined in this policy.

Offenses that are designated as “domestic violence” are against family or household members or persons in dating or cohabiting relationships and include assaults, sexual assaults, stalking, and violations of protective or restraining orders issued by a Court. Intimate partner violence may also include physical abuse, threat of abuse, and emotional abuse.

- Physical abuse includes, but is not limited to, slapping, pulling hair or punching.
 - Threat of abuse includes but is not limited to, threatening to hit, harm or use a weapon on another (whether victim or acquaintance, friend or family member of the victim) or other forms of verbal threat.
 - Emotional abuse includes but is not limited to, damage to one’s property, driving recklessly to scare someone, name calling, threatening to hurt one’s family members or pets and humiliating another person.
 - Cohabitation occurs when two individuals dwell together in the same place as if married.
 - The determination of whether a “dating relationship” existed is to be based upon the following factors: the reporting victim’s statement as to whether such a relationship existed, the length of the relationship, the type of the relationship and the frequency of the interaction between the persons reported to be involved in the relationship.
- (e) **Stalking**, which is defined as repeatedly contacting another person when contacting person knows or should know that the contact is unwanted by the other person; and the contact causes the other person reasonable apprehension of imminent physical harm or the contacting person knows or should know that the contact causes substantial impairment of the other person’s ability to perform the activities of daily life.

As used in this definition, the term “contacting” includes, but is not limited to, communicating with (including internet communication via e-mail, instant message, on- line community or any other internet communication) or remaining in the physical presence of the other person.

Confidentiality

When a BOR governed college or university receives a report of sexual misconduct all reasonable steps will be taken by the appropriate CSCU officials to preserve the privacy of the reported victim while promptly investigating and responding to the report. While the institution will strive to maintain the confidentiality of personally identifiable student information reported, which information is subject to privacy requirements of the Family Education Rights Privacy Act (FERPA), the institution also must fulfill its duty to protect the campus community.

Confidential resources are defined as follows: For the Universities, entities with statutory privilege, which include campus based counseling center, health center and pastoral counseling staff members whose official responsibilities include providing mental health counseling to members of the University community as well as off campus counseling and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center and Domestic

Sexual Misconduct Reporting Support Services and Processes Policy

Violence Center. For the Colleges, confidential resources are limited to entities with statutory privilege, such as off campus counseling and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center and Domestic Violence Center. The personnel of these centers and agencies are bound by state statutes and professional ethics from disclosing information about reports without written releases.

Information provided to a confidential resource by a victim of a sexual misconduct or the person reported to have been the victim of sexual misconduct cannot be disclosed legally to any other person without consent, except under very limited circumstances, such as an imminent threat of danger to self or others or if the reported victim is a minor. Therefore, for those who wish to obtain the fullest legal protections and disclose in full confidentiality, she/he must speak with a confidential resource. Each BOR governed college and university will provide a list of such confidential resources in the College or University's geographic region to victims of sexual misconduct as well as publish these resources on-line and in various publications.

Where it is deemed necessary for the institution to take steps to protect the safety of the reported victim and/or other members of the campus community, the institution will seek to act in a manner so as not to compromise the privacy or confidentiality of the reported victim of sexual misconduct to the extent reasonably possible.

Mandated Reporting by College and University Employees

Other than confidential resources as defined above, in addition to employees who qualify as Campus Security Authorities under the Jeanne Clery Act, all employees are required to immediately communicate to the institution's designated recipient (e.g., Title IX Coordinator) any disclosure or report of sexual misconduct received from a student regardless of the age of the reported victim. All employees are also required to communicate to the institution's designated recipient (e.g., Title IX Coordinator) any disclosure or report of sexual misconduct received from an employee that impacts employment with the institution or is otherwise related to the business of the institution.

Upon receiving a disclosure or a report of sexual misconduct, employees are expected to supportively, compassionately and professionally offer academic and other accommodations and to provide a referral for support and other services.

Further, in accordance with Connecticut State law, with the exception of student employees, any paid administrator, faculty, staff, athletic director, athletic coach or athletic trainer who, in the ordinary course of their employment, has a reasonable cause to suspect or believe that a person under the age of 18 years has been abused or neglected, has been placed in imminent harm or has had a non-accidental injury is required by law and Board policy to report the incident within twelve hours to their immediate supervisor and to the Department of Children and Families.

Rights of Parties

Those who report any type of sexual misconduct to any BOR governed college or university employee will be informed in a timely manner of all their rights and options, including the necessary steps and potential outcomes of each option. When choosing a reporting resource the following information should be considered:

Sexual Misconduct Reporting
Support Services and Processes Policy

- All reports of sexual misconduct will be treated seriously and with dignity by the institution.
- Referrals to off-campus counseling and medical services that are available immediately and confidential, whether or not those who report feel ready to make any decisions about reporting to police, a college or university employee or the campus's Title IX Coordinator.
- Those who have been the victim of sexual misconduct have the right to take both criminal and civil legal action against the individual allegedly responsible.
- Those who seek confidentiality may contact a clergy member(s), a University counseling center psychologist, a University health center care provider, the Sexual Assault Crisis Center of Connecticut and/or the Connecticut Coalition Against Domestic Violence – all of whom are bound by state statutes and professional ethics to maintain confidentiality without written releases.

Right to Notify Law Enforcement & Seek Protective and Other Orders

Those who report being subjected to sexual misconduct shall be provided written information about her/his right to:

- (1) notify law enforcement and receive assistance from campus authorities in making the notification; and,
- (2) obtain a protective order, apply for a temporary restraining order or seek enforcement of an existing order. Such orders include:
 - standing criminal protective orders;
 - protective orders issued in cases of stalking, harassment, sexual assault, or risk of injury to or impairing the morals of a child;
 - temporary restraining orders or protective orders prohibiting the harassment of a witness;
 - family violence protective orders.

Options for Changing Academic, Housing, Transportation and Working Arrangements

The colleges and universities will provide assistance to those involved in a report of sexual misconduct, including but not limited to, reasonably available options for changing academic, campus transportation, housing or working situations as well as honoring lawful protective or temporary restraining orders. Each and every BOR governed college and university shall create and provide information specific to its campus detailing the procedures to follow after the commission of such violence, including people or agencies to contact for reporting purposes or to request assistance, and information on the importance of preserving physical evidence.

Support Services Contact Information

It is BOR policy that whenever a college or university Title IX Coordinator or other employee receives a report that a student, faculty or staff member has been subjected to sexual misconduct, the Title IX Coordinator or other employee shall immediately provide the student, faculty or staff member with contact information for and, if requested, professional assistance in accessing and using any appropriate campus resources, or local advocacy, counseling, health, and mental health services. All

Sexual Misconduct Reporting
Support Services and Processes Policy

CSCU campuses shall develop and distribute contact information for this purpose as well as provide such information on-line.

Employee Conduct Procedures

Employees who are reported to have engaged in sexual misconduct are subject to discipline in accordance with the procedures applicable to the employee's classification of employment.

Student Conduct Procedures

The **Student Code of Conduct** provides the procedures for the investigation, definitions of terms, and resolution of complaints regarding student conduct, including those involving sexual misconduct, as defined herein.

The Title IX Coordinator can assist in explaining the student conduct process. The Student Code of Conduct provides an equal, fair, and timely process (informal administrative resolution or a formal adjudication) for reported victims and accused students.

Reported victims of sexual misconduct shall have the opportunity to request that an investigation or disciplinary proceedings begin promptly; that such disciplinary proceedings shall be conducted by an official trained annually in issues relating to sexual misconduct and shall use the preponderance of the evidence (more likely than not) standard in making a determination concerning the alleged sexual misconduct.

Both the reported victim of sexual misconduct and the accused student are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual misconduct by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled and provided such an advisor or support person may not directly address the Hearing Body, question witnesses or otherwise actively participate in the hearing process or other meeting pertaining to a report of sexual misconduct and each student shall have the opportunity to present evidence and witnesses on her/his behalf during any disciplinary proceeding.

Both the reported victim and accused student are entitled to be provided at the same time written notice of the results of any disciplinary proceeding, normally within one (1) business day after the conclusion of such proceeding, which notice shall include the following: the name of the accused student, the violation committed, if any, and any sanction imposed upon the accused student. Sanctions may range from a warning to expulsion, depending upon the behavior and its severity of the violation(s). The reported victim shall have the same right to request a review of the decision of any disciplinary proceeding in the same manner and on the same basis as shall the accused student; however, in such cases, if a review by any reported victim is granted, among the other actions that may be taken, the sanction of the disciplinary proceeding may also be increased. The reported victim and the accused student are entitled to be simultaneously provided written notice of any change in the results of any disciplinary proceeding prior to the time when the results become final as well as to be notified when such results become final.

Sexual Misconduct Reporting
Support Services and Processes Policy

In accordance with the Family Educational Rights and Privacy Act (FERPA), the accused student and the reported victim have the right to keep their identities confidential.

Dissemination of this Policy

Upon adoption by the Board all CSCU institutions shall, upon receipt, immediately post and maintain this policy at all times in an easily accessible manner on each institution's website. This policy shall thereafter be annually provided to all Title IX Coordinators, campus law enforcement officers and security personnel, and other campus personnel. Further, this policy shall be presented at student orientation and at student awareness and prevention trainings, and made broadly available at each campus. The policy shall be expanded upon by each institution to provide resources and contact information specific to their institution and geographic area as set forth above.

Sexual Violence Reporting Compliance Narrative

CSCU INSTITUTION: NORTHWESTERN CONNECTICUT COMMUNITY COLLEGE

REPORTING OFFICE/DEPARTMENT: CENTER FOR STUDENT
DEVELOPMENT/TITLE IX COORDINATOR

INSTITUTION CONTACT: RUTH E. GONZALEZ, PH.D., LPC
TITLE IX COORDINATOR SAVE and SART CHAIR

YEAR: 2019

Brief introduction about the institution, its history, its population, and its efforts to ensure a safe and comfortable learning environment with respect to sexual violence

The mission of Northwestern Connecticut Community College (NCCC) is to inspire learning through accessible, high quality education. Northwestern is devoted to enriching lives by meeting individual and community needs in a supportive environment, while facilitating access to lifelong learning opportunities. NCCC is located in Winsted, a bucolic small town, and serves primarily rural section of the state. Winsted is situated in the northwestern region of Connecticut, twenty-five miles west of Hartford and twenty-seven miles north of Waterbury. The student body is typically made up of people who come from about half of the 169 towns in Connecticut, the other New England states and New York. At NCCC, we are committed to meeting individual and community needs in a supportive environment, which includes issues of sexual/intimate partner violence.

NCCC joins the nation in its efforts to attend to the matter of sexual/intimate partner violence in our nation's higher education system. The White House and Congressional leaders, spurred by student activists on college and university campuses, convened various groups to discuss the issue. As a result, multiple federal guidelines have been published and enacted.

To this end, we continue to strengthen our collaborative efforts with the Susan B. Anthony Project, whose mission is to promote safety, healing, and growth for all

survivors of domestic and sexual abuse and advocates for the autonomy of women and the end of interpersonal violence, for residents of Litchfield county. In addition, NCCC works closely with the Connecticut State Police, Troop B. An officer is on campus Monday – Thursday evenings during the academic semester. The Winchester Police Officers along with the Winsted Area Ambulance, who are always available to respond to campus emergency.

Institution's narrative explaining the reported sexual violence statistics and data, including: Concise and informative explanation of reportable sexual violence statistics and data, including clarification of number of incidents, reports, disclosures, discipline, and final outcomes

In the spring of 2014, NCCC established a representative Support and Resource Team (SART) of members from the campus and community. NCCC's SART, a multidisciplinary team, that collaboratively responds when a sexual assault is reported, and seeks to improve community responses and services for survivors of sexual assault. The SART meets four (4) times (and as necessary) per semester.

The SART developed detailed informational resources, which include state and federal policies for the Student Handbook and hard copies can be accessed in the Information Center, Library, and Center for Student Development and the College's website. A brochure and flyer are updated annually and distributed within the campus community during the semester.

New students hear of our services firsthand during New Student Orientation to which over one hundred and fifty new students attend. A member of the SART presents and information, thereby, establishing a pseudo relationship with new students. The SART participates in a variety of campus events such as, Club Council fair, Fresh Check Day, Comm Conn, Health and Wellness Fair, Welcome Fair and collaborates with clubs, i.e. Student Nursing Association, Criminal Justice club and the Student Senate. These events provide an opportunity for the campus community to meet and connect with members of the SART as well as gain awareness of the resources available to them both on campus and the community.

The SART, NCCC's Women Center and the Susan B. Anthony Project worked in partnership to facilitate the following campaigns:

- **Sexual Assault Awareness Month Vigil**
Held in April at Coe Park in Torrington. The vigil supports and gives a voice to survivors of sexual violence. SBAP honors community members who have collaborated and supported their work throughout the year.
- **Faces of Survival**
A photo exhibition of survivors of sexual violence who have chosen to "break the silence" and tell the story of their journey as a survivor. Susan B. Anthony Project displayed this exhibit at the Northwestern Connecticut Community College library.
- **Ribbons**
In support of Domestic Violence and Sexual Assault Awareness months, ribbons were distributed on campus for the entire months of October and April.
- **The Clothes Line Project**
"The Clothes Line Project is a program started in 1990 to address the issue of violence against women. It is a vehicle of women affected by violence to express their emotions by decorating a shirt.
- **Fresh Check Day**
Fresh Check Day, the signature program of the Jordan Porco Foundation, is an uplifting mental health promotion and suicide prevention event that includes interactive expo booths, peer-to-peer messaging, support of multiple campus departments and groups, free food, entertainment, and exciting prizes and giveaways. Fresh Check Day aims to create an approachable and hopeful atmosphere where students are encouraged to engage in dialogue about mental health and helps to build a bridge between students and the mental health resources available on campus, in the community, and nationally.

Sexual Violence Advocacy Training

- **Not Anymore-** is a suite of interactive online sexual assault prevention programs that features numerous true student testimonials to foster genuine empathy in viewers. Designed to prevent sexual assault, dating and domestic violence and stalking, *Not Anymore* helps institution meet Title IX education mandates. Made available to all CSCU institutions by the SAFE Grant and the Board of Regents. Two Hundred and Thirty-five (235) students completed the online training
- **"Intervene" Bystander/Discussion Campaign:** in collaboration Professor Emanuel - Criminal Justice. Two (2) sessions were facilitated which included a

video of scenarios and discussion questions, 20 students participated in two sessions.

- **Bystander Training:** Nursing Students in collaboration with Nursing Professor Roberson and facilitated by Susan B. Anthony Project Staff, 25 students participated.
- **Empty Chairs:** The Empty Chairs campaign were displayed during the months of October and April. It aimed to create awareness about dating violence, stalking and sexual assault on campus and the services the SART provides. During the week, purple and teal chairs were displayed in different spots around campus. Each containing a sheet with several fictional accounts from victims of these forms of violence under the banner "Why I'm Not on Campus Today". Educational materials were also available to highlight the fact that this sort of violence affects many facets of a person's life and can impede their participation in various activities.

In summary, the above noted narrative demonstrates Northwestern Connecticut Community Colleges' commitment to providing a learning environment free from sexual harassment, sexual assault, domestic violence, dating and stalking. However, we acknowledge that while we are committed to making our campus safe, as a commuter college, our students may be experiencing said situations at home. Studies show that enrolling in college is often perceived as a threat to partners who then sometimes used psychological violence in return. As a focus group participant said, "...sometimes, if he sees you studying, he might be like, 'Why are you studying for? You do not need that; you do not need school. That's not going to give you anything, I give you everything.'" Commuter college students may experience related risks that are distinct from those of residential college students because of their movement between on- and off-campus social environments. Furthermore, students experience a wide range of forms of violence, not just sexual assault, the focus of recent action on college campuses.

Participants' report that in addition to creating stress, controlling relationships can directly impact grades and progress toward degree by interrupting the time required to study; which sometimes leads to dropping out of school entirely as a result of the shame from experiencing above referenced situations (Tsui & Santamaria, 2015). NCCC faculty and staff work with students who may be experiencing above noted situation and find solutions to aid in degree completion.

Research further indicates that commuter students often feel low levels of connectedness to their college campus, likely because of competing work and family responsibilities. At the same time, members of commuter students' support networks may be less familiar with college demands and stresses. Disclosure and help seeking is often dependent on having access to relevant information and building trusting relationships. Therefore, disconnectedness from on-campus and off-campus social environments may generate perceptions of low social support, which can lead to trauma related stigma and social isolation, both known risk factors for interpersonal violence (Tsui & Santamaria, 2015). NCCC's faculty and staff work towards strengthening individual relationships with students and decrease levels of disconnectedness.

NCCC SART members have heeded the call to employ a Trauma-Informed Approach when interacting/responding to a disclosure and/or incident. Becoming "trauma-informed" means recognizing that people often have many different types of trauma in their lives. People who have been traumatized need support and understanding from those around them. Often, trauma survivors can be re-traumatized by well-meaning caregivers and community service providers. Understanding the impact of trauma is an important first step in becoming a compassionate and supportive community.

According to SAMHSA's concept of a trauma-informed approach, "A program, organization, or system that is trauma-informed:

- *Realizes* the widespread impact of trauma and understands potential paths for recovery;
- *Recognizes* the signs and symptoms of trauma in clients, families, staff, and others involved with the system;
- *Responds* by fully integrating knowledge about trauma into policies, procedures, and practices; and
- *Seeks to actively resist re-traumatization."*

A trauma-informed approach can be implemented in any type of service setting or organization and is distinct from trauma-specific interventions or treatments that are designed specifically to address the consequences of trauma and to facilitate healing. To this end, NCCC SART members receive training from the Susan B Anthony's

executive director and the Campus Resource Team training calendar for academic year 2018-2019. All trainings are free and open to all campuses through the CSCU SAFE project, our system wide grant through the Office on Violence Against Women.

References:

Trauma-Informed Approach and Trauma-Specific Interventions

Retrieved on June 5, 2018 from <https://www.samhsa.gov/nctic/trauma-interventions>

Tsui, E.K. and Santamaria, E. K. (2015). Intimate Partner Violence Risk among Undergraduate Women from an Urban Commuter College: the Role of Navigating Off- and On-Campus Social Environments. *Journal of Urban Health*, 2015 Jun; 92(3): 513–526. Retrieved on June 6, 2018 from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4456483/> Published online 2015 Feb 3. doi: [10.1007/s11524-014-9933-0](https://doi.org/10.1007/s11524-014-9933-0)



STATUTORY REFERENCES AND DEFINITIONS

SEXUAL ASSAULT

Sec. 53a-70. *Sexual assault in the first degree: Class B or A felony.* (a) A person is guilty of sexual assault in the first degree when such person (1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or (4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.

(b) (1) Except as provided in subdivision (2) of this subsection, sexual assault in the first degree is a class B felony for which two years of the sentence imposed may not be suspended or reduced by the court or, if the victim of the offense is under ten years of age, for which ten years of the sentence imposed may not be suspended or reduced by the court.

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

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

Sec. 53a-71. *Sexual assault in the second degree: Class C or B felony.* (a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or (2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C)

a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age; or (11) such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

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

Sec. 53a-72a. *Sexual assault in the third degree: Class D or C felony.* (a) A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.

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

Sec. 53a-73a. *Sexual assault in the fourth degree: Class A misdemeanor or class D felony.* (a) A person is guilty of sexual assault in the fourth degree when: (1) Such person subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or (D) physically helpless, or (E) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (F) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (8) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of

power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age; or (9) such person subjects another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

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

SEXUAL ASSAULT/INTIMATE PARTNER VIOLENCE

Sec. 10a-55m. (a) (1) “*Affirmative Consent*” means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

Sec. 10a-55m. (a) (5) “*Intimate partner violence*” means any physical or sexual harm against an individual by a current or former spouse of or person in a dating relationship with such individual that results from any action by such spouse or such person that may be classified as a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a, stalking under section 53a-181c, 53a-181d or 53a-181e, or family violence as designated under section 46b-38h.

Sec. 53a-70b. Sexual assault in spousal or cohabiting relationship: Class B felony. (a) For the purposes of this section:

(1) “Sexual intercourse” means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body; and

(2) “Use of force” means: (A) Use of a dangerous instrument; or (B) use of actual physical force or violence or superior physical strength against the victim.

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

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

STALKING

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

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

Sec. 53a-181d. *Stalking in the second degree: Class A misdemeanor.* (a) For the purposes of this section, "course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, (1) follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communicates with or sends unwanted gifts to, a person, or (2) interferes with a person's property.

(b) A person is guilty of stalking in the second degree when:

(1) Such person knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for such person's physical safety or the physical safety of a third person; or

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

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

Sec. 53a-181e. *Stalking in the third degree: Class B misdemeanor.* (a) A person is guilty of stalking in the third degree when he recklessly causes another person to reasonably fear for his physical safety by willfully and repeatedly following or lying in wait for such other person.

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

PROGRAMMING:

Sec. 10a-55m. (a) (2) "*Awareness programming*" means institutional action designed to inform the campus community of the affirmative consent standard used pursuant to subdivision (1) of subsection (b) of this section, and communicate the prevalence of sexual assaults, stalking and intimate partner violence, including the nature and number of cases of sexual assault, stalking and intimate partner violence reported at or disclosed to each institution of higher education in the preceding three calendar years, including, but not limited to, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars or panel discussions;

Sec. 10a-55m. (a) (6) "*Primary prevention programming*" means institutional action and strategies intended to prevent sexual assault, stalking and intimate partner violence before it occurs by means of changing social norms and other approaches, including, but not limited to, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars or panel discussions;

"Risk Reduction"

"*Risk Reduction*" is not statutorily defined. However, the Federal regulations for the Violence Against Women Act amendments to the Clery Act (VAWA), provides the following definition:

- Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

While VAWA's definition is criticized as implying that victims can prevent sexual violence by participating in risk reduction programs, it is still helpful in categorizing institution's sexual violence programs and initiatives for reporting purposes. Examples of risk reduction programs related to sexual violence include, but are not limited to, the following: blue safety lights on campus, self-defense classes, safety tips, bystander intervention techniques, the buddy system, rape whistles, and related educational programming.

I. STUDENT CODE OF CONDUCT PREAMBLE

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. In line with this purpose, the Board of Regents for Higher Education (“BOR”) in conjunction with the Connecticut State Colleges and Universities (“CSCU”) has the duty to protect the freedoms of inquiry and expression, and furthermore, has the responsibility to encourage all of its members to develop the capacity for critical judgment in their sustained and independent search for truth.

CSCU has certain self-defined institutional values. Principal among these values is respect for the safety, dignity, rights, and individuality of each member of the CSCU Community. The opportunity to live, study, and work in an institution which values diverse intellectual and cultural perspectives and encourages discussion and debate about competing ideas in an atmosphere of civility is a basic component of quality higher education.

All members of CSCU must at all times govern their social and academic interactions with tolerance and mutual respect so that the students who pass through a CSCU door are enriched by these experiences and are prepared for full and enlightened participation in a multi-cultural society. Because of the BOR’s and CSCU’s commitment to principles of pluralism, mutual respect, and civility, certain activities are not acceptable on CSCU campuses. Acts of intolerance, of hatred or violence based on race, religion, sexual orientation or expression, disability, gender, age, or ethnic background are antithetical to the BOR’s and CSCU’s fundamental principles and values. It is the BOR’s and CSCU’s responsibility to protect our students’ right to learn by establishing an environment of civility.

The disciplinary process is intended to be part of the educational mission of CSCU. Student disciplinary proceedings are not criminal proceedings and are not subject to court rules of procedure and evidence.

INTRODUCTION

This Student Code of Conduct (hereinafter the “Student Code” or “Code”) is intended to present a clear statement of student rights and responsibilities established by the Board of Regents for Higher Education. The BOR has charged the President of the Board of Regents for Higher Education with developing procedures to protect those rights and to address the abdication of responsibilities in collaboration with the four State Universities, the twelve Community Colleges and Charter Oak State College. The Student Code describes the types of acts that are not acceptable in an academic community.

Disclaimer: This Code is neither a contract nor an offer of a contract between any BOR governed institution and any student. The provisions of this Code are subject to revision at any time.

Part A: Definitions

The following list of defined terms utilized throughout this Student Code is provided in an effort to facilitate a more thorough understanding of the Code. This list is not intended to be a complete

list of all the terms referenced in the Student Code that might require interpretation or clarification. The Vice President for Student Affairs at a University, the Dean of Students at a Community College, the Provost at Charter Oak State College or their designee shall make the final decision of the interpretation of the definition of any term found in the Student Code. For purposes of interpretation and application of the Student Code only, the following terms shall have the following meanings:

1. **“Accused Student”** means any student accused of violating this Student Code.
2. **“Advisor”** means a person who accompanies an Accused Student or an alleged victim to a hearing (or a proceeding pertaining to a report of sexual violence) for the limited purpose of providing advice and guidance to the student. An advisor may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process (or other proceeding pertaining to a report of sexual violence).
3. **“Appellate Body”** means any person or persons authorized by the University Vice President for Student Affairs, Community College Dean of Students, Charter Oak State College Provost or their designee to consider an appeal from a determination by a Hearing Body that a student has violated the Student Code.
4. **“Calendar Days”** means the weekdays (Mondays through Fridays) when the University or College is open.
5. **“College”** means either collectively or singularly any of the following institutions: Asnuntuck Community College, Capital Community College, Gateway Community College, Housatonic Community College, Manchester Community College, Middlesex Community College, Naugatuck Valley Community College, Northwestern Connecticut Community College, Norwalk Community College, Quinebaug Valley Community College, Three Rivers Community College, Tunxis Community College, and Charter Oak State College.
6. **“Complainant(s)”** means the person(s) who initiates a complaint by alleging that a Student(s) violated the Code.
7. **“CSCU”** means either collectively or singularly, any of the following institutions: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, Western Connecticut State University; Asnuntuck Community College, Capital Community College, Gateway Community College, Housatonic Community College, Manchester Community College, Middlesex Community College, Naugatuck Valley Community College, Northwestern Connecticut Community College, Norwalk Community College, Quinebaug Valley Community College, Three Rivers Community College, Tunxis Community College, and Charter Oak State College.
8. **“CSCU Affiliates”** means individuals and/or entities with whom or with which the College or University has a contractual relationship.
9. **“CSCU Official”** means any person employed by the College or University to perform assigned administrative, instructional, or professional responsibilities.

10. **“CSCU Premises”** means all land, buildings, facilities, and other property in the possession of, or owned, used, and/or controlled by, the University or College, either solely or in conjunction with another entity.

11. **“Disciplinary Officer”** or **“Conduct Administrator”** means a University, College or CSCU official who is authorized to determine the appropriate resolution of an alleged violation of the Code, and/or to impose sanctions or affect other remedies as appropriate. Subject to the provisions of this Code, a disciplinary officer or conduct administrator is vested with the authority to, among other duties: investigate a complaint of an alleged violation of the Code decline to pursue a complaint, refer identified disputants to mediation or other appropriate avenues of resolution, establish charges against a student, enter into an administrative agreement developed with an Accused Student in accordance with Section II-B-3 of this Code, advise a Hearing Body, and present the case before the Hearing Body.

12. **“Hearing Body”** or **“Hearing Panel”** means any person or persons authorized by the

University Vice President for Student Affairs, Community College Dean of Students or Charter Oak State College Provost to determine whether a student has violated the Code and to impose sanctions as warranted, including a hearing officer or hearing board.

13. **“Institution”** means the University or College within CSCU.

14. **“Instructor”** means any faculty member, teaching assistant or any other person authorized by the University to provide educational services, including, but not limited to, teaching, research, and academic advising.

15. **“Member of the CSCU Community”** means any person who is a student, an official or any other person who works for CSCU, either directly or indirectly (e.g., for a private enterprise doing business on a CSCU campus).

16. **“Policy”** means the written regulations, standards, and student conduct expectations adopted by the BOR and found in, but not limited to the Student Handbook, the Residence Life Handbook, the housing contract, the graduate and undergraduate catalogs, and other publicized University and College notices.

17. **“Prohibited Conduct”** means the conduct prohibited by this Code, as more particularly described in Part I-D of this Code.

18. **“Reporting Party”** means any person who alleges that a student has violated this Code.

19. **“Student”** means either (1) any person admitted, registered, enrolled or attending any CSCU course or CSCU conducted program, whether full-time or part- time, and whether pursuing undergraduate, graduate or professional studies, or continuing education; (2) any person who is not officially enrolled for a particular term but who has a continuing relationship with a CSCU; or (3) any person within two calendar years after the conclusion of their last registered Community College course unless the student has formally withdrawn, graduated or been expelled from the College.

20. **“Student Code”** or **“Code”** means this Student Code of Conduct.

21. **“Student Organization”** means an association or group of persons that have complied with the formal requirements for University or College recognition.

22. **“Support Person”** means a person, who accompanies an Accused Student, a Reporting Party or a victim to a hearing for the limited purpose of providing support and guidance. A support person may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process.

23. **“University”** means any of the following institutions: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, and Western Connecticut State University, whichever the alleged violation of the Code occurred.

24. **“Shall”** and **“will”** are used in the imperative sense.

25. **“May”** is used in the permissive sense.

Part B: Application, Distribution And Administration Of The Student Code Of Conduct

1. Application of the Student Code: The Student Code shall apply to the four Connecticut State Universities, the twelve Community Colleges, and the on-line college: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, Western Connecticut State University; Asnuntuck Community College, Capital Community College, Gateway Community College, Housatonic Community College, Manchester Community College, Middlesex Community College, Naugatuck Valley Community College, Northwestern Connecticut Community College, Norwalk Community College, Quinebaug Valley Community College, Three Rivers Community College, Tunxis Community College, and Charter Oak State College.

An alleged violation of the Student Code shall be addressed in accordance with the Code of Conduct, even if the accused Student has withdrawn from the Institution prior to the completion of the disciplinary procedures. The Student Code shall apply to Students and to University Student Organizations. The term “student” shall generally apply to the student as an individual and to a Student Organization as a single entity. The officers or leaders of a particular Student Organization usually will be expected to represent the organization during the disciplinary process. Nothing in this Student Code shall preclude holding certain members of a Student Organization accountable for their individual acts committed in the context of or in association with the organization’s alleged violation of this Code.

2. Distribution of the Student Code: The Student Code shall be made readily available electronically and/or in a printed publication to students, faculty and staff. The office responsible for Student Affairs will annually distribute and make available to students, faculty and staff, electronically and/or in a printed publication, any revisions to the Code.

3. Administration of the Student Code: A University’s and Charter Oak State College’s Provost or a Community College’s Dean of Students shall be the person designated by the institution President to be responsible for the administration of the Academic Misconduct portion of the

Student Code. A University's Vice President for Student Affairs, a Community College's Dean of Students, or Charter Oak State College's Provost shall be the person designated by the institution President to be responsible for the administration of the Non-Academic Misconduct portion of the Student Code.

Part C. Scope of Authority

A Student who is found responsible for engaging in conduct that violates the Student Code on any CSCU campus or on property controlled by the BOR or by any CSCU Affiliate or any CSCU sponsored function or event shall be subject to the sanctions described in this Code. The Student Code of Conduct also applies to online activities, where applicable. Students who attempt to engage in conduct that violates this Code, who knowingly encourage, aid or assist another person in engaging in such conduct, or who agree with another person, explicitly or otherwise, to engage in such conduct, may also be subject to disciplinary action.

Off-campus misconduct by University students may be subject to the jurisdiction of the University and addressed through its disciplinary procedures if one of the following conditions is met: (i) a Student engages in prohibited conduct at an official University event, at a University-sanctioned event, or at an event sponsored by a recognized University Student Organization; or (ii) a Student engages in prohibited conduct under such circumstances that reasonable grounds exist for believing that the Accused Student poses a threat to the life, health or safety of any member of the CSCU or to the property of the CSCU.

Community College students conduct is subject to the Code on campus and off-campus whenever such conduct impairs College-related activities or affairs of another member of the College community or creates a risk of harm to a member or members of the College community. Students must be aware that, as citizens, they are subject to all federal and state laws in addition to all regulations governing student conduct and responsibilities. Students do not relinquish their rights nor do they shed their responsibilities as citizens by becoming members of the CSCU Community. However, where a court of law has found a student to have violated the law, an institution has the right to impose the sanctions of this Code even though the conduct does not impair institution-related activities of another member of the university or college community and does not create a risk of harm to the college or university community. The decision to exercise this right will be in the sole discretion of the President of the impacted institution or his/her designee.

Charter Oak State College applies this Code to matriculated and non-matriculated students, including those participating in portfolio assessment, credential evaluation, testing, or contract learning. Jurisdiction shall be limited to student conduct that occurs while students are taking Charter Oak State College courses or availing themselves of Charter Oak State College services. However, if a matriculated Charter Oak State College student is found guilty of student misconduct at another institution, including but not limited to misrepresentation of records from other institutions, the student may be subject to disciplinary action at Charter Oak State College.

Title IX September 2019

Title IX Coordinator

Ruth E. Gonzalez, Ph.D., LPC

Director of Student Development

rgonzalez@nwcc.edu

860.738.6315



What is Title IX?

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.

Title IX of the Education Amendments of 1972

Rights Under Title IX

Students, Faculty, and Staff have the right to:

- Be free from all types of sex discrimination including sexual misconduct, sexual harassment, and sexual violence
- Bring forward a complaint in good faith
- Be informed of complaint procedures and options for resolution
- Expect a complaint to be thoroughly investigated
- Interim measures to ensure safety pending outcome of investigation
- Be advised of outcome of investigation
- Be free from retaliation

NCCC's Responsibilities

- NCCC must take prompt and effective action to stop harassment, eliminate a hostile environment and address its effects
- Adopt equitable grievance procedures
- Use preponderance of evidence and a reasonable person standard
- Conduct investigations separate from and independent of any criminal investigation or proceeding
- NCCC has 60 days from the time we learn about an issue to complete an investigation
- Conduct extensive training
- Designate Title IX Coordinators

NCCC's Title IX Coordinators

Faculty and Staff:

Wendy Bovia, Director of Human Resources/EEO Officer

860.738.6325

wbovia@nwcc.edu

Students:

Ruth E. Gonzalez, Ph.D., LPC

Director of Student Development

Title IX Coordinator

rgonzalez@nwcc.edu

860.738.6315

Title IX Coordinators

The Title IX Coordinator oversees and provides leadership for NCCC's Title IX activities. Some of the many responsibilities include:

- Disseminate and implement NCCC's policies and procedures regarding Title IX
- Oversee training initiatives for the campus community
- Serve as a resource for the community
- Oversee initial investigations of complaints
- Work closely with the Dean of Academic & Student Affairs

Examples of Sexual Misconduct

- Unwelcome sexual advances
- Sexual epithets, jokes, gossip regarding another's sex life, sexual orientation, or gender identity
- Leering, whistling, obscene gestures
- Sexual assault, violence, threats, stalking
- Insults or threats based on sex or gender
- Change of academic or employment responsibilities based on sex, gender identity or expression, or sexual orientation
- Quid pro quo: "This for that"

Not all reports need to lead to an investigation.

If you are unsure or uneasy, report it.

Who needs to report?

Anyone who experiences, witnesses, or hears about an incident of sexual harassment or sex discrimination should report it to the Title IX Coordinator, a member of the SART, or College official.

Making a Report

- First, speak to the Title IX Coordinator.
- If needed, will provide information regarding available resources such as SART or Community Services.
- Together, we will complete a Sexual Misconduct Report Form which will go to the Dean of Academic & Student Affairs for review, follow up, and if necessary, investigation.

Mandatory Reporting

Faculty and staff **are** mandatory reporters of sexual misconduct.

Students are **not** mandatory reporters unless they hold some sort of authority/supervisory role over others on Campus.

Faculty and Staff cannot promise confidentiality!

What about confidentiality?

- The Title IX Coordinator is a professional and information reported is never broadcast or otherwise made public.
- The college will protect your privacy to the extent possible under the law.
- The college is required to investigate, but that investigation will be limited by the information provided by victims and the victim's interest in pursuing a formal complaint process.

Confidential Resources

- Charlotte Hungerford Hospital
www.charlottehungerford.org
- Connecticut Alliance to End Sexual Violence www.endsexualviolencect.org
- Jane Doe No More <https://www.janedoenomore.org>
- National Sexual Assault Hotline www.rainn.org
- State and Local Police Departments
 - State Police Troop “B” - Lt. William Baldwin Jr. 860.626.1860
 - Winsted Police Department – Sgt. Kevin Kinahan 860.379.2721
 - Torrington Police Department - Chief Michael Maniago 860.489.2007
- The Susan B Anthony Project www.sbaproject.org

NCCC's Sexual Assault Resource Team (SART)

- SART provides rapid, confidential, support and advocacy for victims of sexual assault.
- SART members are available Monday – Friday from 8:30am – 4:30pm. Faculty SART members may be on campus during evening hours.
- SART works closely with many NCCC departments including The President, Deans of Administration and Academic & Student Affairs.
- NCCC SART **IS NOT** confidential!

NCCC's Policies

- Affirmative Action Policy Statement
- BOR Sexual Misconduct, Sexual Assault and Intimate Partner Violence Policy
- Americans with Disabilities Act (ADA) Policy Statement
- Consensual Relationships
- Drug Free Workplace
- Ethics Statement
- Jean Clery Act
- Reporting Suspected Abuse or Neglect of a Child

Resources

- [NCCC's Position Statement](#)
- [Sexual Assault Resource Team](#)
- [SART Booklet](#)
- [Who To Contact for Help](#)
- [How Northwestern SART Works](#)
- [Victim Options](#)
- [What To Do](#)
- [Connecticut Alliance to End Sexual Violence](#)
<http://endsexualviolencect.org/resources/useful-links>
- [LGBTQ survivors](#) <http://www.lgbtcenters.org/Centers/find-a-center.aspx>
- [male survivors](#) malesurvivor.org

[illegible]

