

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

### INSTITUTION INFORMATION

Name: **Norwalk Community College** Contact: **Kellie Byrd Danso**

Reporting Office/Department: **Dean of 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

# NARRATIVE

## **Institution Narrative**

Norwalk Community College (NCC) is the educational center of the community that provides opportunities for intellectual inquiry, open dialogue, multicultural awareness and lifelong learning.

During the 2019 reporting period, NCC continued to strive towards creating a learning environment where faculty, staff and students feel welcome and safe. In furtherance of these objectives, NCC widely publicizes its policies and procedures related to preventing prohibited conduct, including sexual misconduct.

NCC policies included in this report affirm the College's commitment to preventing and responding to acts of sexual misconduct, by or against students, staff or visitors. Acts of sexual violence, including but not limited to, intimate partner violence, sexual assault and/ or stalking will not be tolerated on campus.

Also included in this report are statistics, data and programming materials. These documents reflect the manner in which NCC continues to work and educate members of the NCC community of the impact of sexual violence, and the various support services available to both primary and secondary survivors of sexual violence.

The compilation of this report provided NCC an opportunity to inventory and review various methods in place to prevent violence, raise awareness and also identify any trends in reporting/ disclosure.

During the reporting period, NCC received two (2) reports of stalking. The reports were made by students against other NCC students. One occurred on campus and the other occurred off campus. No contact orders were issued in both cases. Additionally, for one case a protective order was issued from Stamford court. NCC ensured that the order was carried out. The respondent was also required to complete the Not

Any more training and support services were recommended for both parties.

Through the College's HR department, Title IX Coordinator and Counseling Services Team, students and staff were provided with a variety of information on how to prevent sexual violence, how to recognize and report sexual violence and the mental health and academic impact on sexual violence.



# POLICIES

**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***

Sexual Misconduct Reporting  
Support Services and Processes Policy

**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
- display of sexually suggestive objects, pictures or photographs
- sexual jokes

Sexual Misconduct Reporting  
Support Services and Processes Policy

- 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 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.



## Sexual Misconduct Reporting Support Services and Processes Policy

Offenses that are designated as “domestic violence” are against family or household members or persons in dating or cohabitating 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 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.

## Sexual Misconduct Reporting Support Services and Processes Policy

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:

- 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.



## Sexual Misconduct Reporting Support Services and Processes Policy

- 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 CSU 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.

Sexual Misconduct Reporting  
Support Services and Processes Policy

***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.

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

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

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.



The Board of Regents for Higher Education (BOR) of the Connecticut State Colleges and Universities' respects that the educational mission of its institutions is founded on an atmosphere of mutual trust and respect between all members of the academic community. Faculty members, as well as those individuals upon whom the institution confers managerial, supervisory, or evaluative responsibilities, (including graduate assistants or undergraduate teaching assistants) carry a special responsibility to adhere to the highest ethical and professional standards and to avoid any actions that may appear to undermine this atmosphere of trust and respect and thereby hinder the institution's educational mission.

Because of the inherent imbalance of power and need for trust, faculty members, supervisory staff, and those with evaluative authority should be aware that dating or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a faculty and or staff member and a student as well as when they occur between a supervisor and employee.

Such relationships can create real conflicts, are susceptible to an appearance of exploitation, and can impair the trust and integrity of the teaching, coaching, or other supervisory or evaluative relationship and may cause a perception of favoritism or bias on the part of the staff. In addition, although these relationships may begin and remain consensual, they may easily be later characterized as non-consensual and could potentially lead to sexual harassment charges.

Affirmative consent is the standard used to determine whether sexual activity was consensual. As defined by Public Act 16-106, "Affirmative consent" means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

#### **Policy Prohibited Between Employee and Student**

Consensual romantic, dating, or sexual relationships between any employee and any student over whom that employee exercises direct or otherwise significant academic, supervisory, or evaluative authority or influence are prohibited at all State Universities and Colleges. The evaluative relationship can take a variety of forms, such as teacher to student, advisor to advisee, coach to athlete, supervisor to student employee, or similar relationship.

#### **Strongly Discouraged Between Employee and Student**

Romantic, dating or sexual relationships between employees and students over whom said employee does *not* have supervisory or evaluative authority are strongly discouraged. Such relationships are not only susceptible to future conflicts of interest, but also may present the appearance of impropriety.

If this situation exists, no employee should agree to supervise or evaluate a student with whom he or she has, or formerly had, a consensual relationship. A faculty member should inform the Dean if such a student wishes to enroll in a credit bearing course that he or she is teaching so that alternate arrangements can be made. Nor should a faculty member direct the student's independent study, internship, or thesis; participate in decisions regarding grades; or write letters of recommendation or reference

#### **Between Employee and Employee**

BOR discourages employees with supervisory or evaluative authority from engaging in romantic, dating or sexual relationships with employees who they supervise or evaluate. If such a relationship exists or develops, the supervisory employee must notify his/her manager so that

arrangements can be made for the unbiased supervision and evaluation of the employee. These situations are handled on a case-by-case basis and may require transfer or reassignment of one or more employees.

**In the Event of a Sexual Harassment Charge**

Anyone who enters into a romantic, dating or sexual relationship where a professional power differential exists must realize that if a charge of sexual harassment is subsequently filed, it may be difficult to defend the charge by claiming that there was mutual consent. Employees could be held personally liable in a criminal or civil lawsuit. Affirmative consent is the standard used to determine whether sexual activity was consensual. As defined by Public Act 16-106,

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

**Sanctions**

All violations of this policy should be reported to Human Resources for investigation and appropriate administrative action, up to and including disciplinary action.

## **Policy Regarding Reporting Suspected Abuse or Neglect of a Child**

BOR approved 1/17/14 and Revised 1/15/15; requires annual distribution to employees

The Board of Regents for Higher Education (BOR) of the Connecticut State Colleges and Universities (CSCU) accept that institutions of higher education foster educational opportunities for people under the age of 18 years. The BOR, in acknowledging the special care required for children, strives to the utmost to protect children on its campuses from any form of abuse or neglect.

Pursuant to state law, with the exception of student employees, any paid administrator, faculty, staff, athletic director, athletic coach or athletic trainer, collectively referred to as "mandatory reporters" 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 to cause a report to be made to the Department of Children and Families within 12 hours of becoming aware or suspecting abuse, neglect or imminent harm to a child.

The BOR recognizes that each CSCU campus must be a safe and secure environment for children to grow and develop. Therefore, the BOR further requires mandatory reporters to report any witnessed or suspected abuse or neglect of a child on a CSCU campus to their immediate supervisor in addition to DCF. The supervisor must report the incident to their director or vice president who must then inform the campus President and the System Office Vice President for Human Resources or his/her designee.

If the director or vice president reasonably believes that a reportable incident has occurred, and, if the suspected perpetrator is a BOR or CSCU employee, he/she will immediately contact their Chief Human Resources Officer who shall assign an objective person to investigate the report. An employee under investigation may be placed on administrative leave pending the results of the investigation. Employees who report suspicions of abuse or neglect are protected from any disciplinary action unless the report is determined to have been maliciously made. An employee who fails to report, but is later determined to have had previous knowledge of the abuse, may be subject to discipline.

A report is required if there is reasonable cause to suspect that a person under the age of 18 is in imminent harm, has had non accidental injuries or has been abused or neglected. Reasonable cause to believe or suspect that child abuse has occurred is sufficient to make a report.

All staff designated as mandatory reporters are required to take the Department of Children and Families Mandated Reporter Training, either on-line or in person, and Mandated Reporter Training will be included in New Employee Orientation. Compliance with training will be monitored by each CSCU campus's Department of Human Resources. A copy of this policy shall be disseminated annually to all employees.

Reasonable steps will be taken to preserve privacy while promptly investigating and responding to the report. While the institution will strive to maintain the confidentiality of the information reported, which information may be subject to privacy requirements of the Family Education



**Rights Privacy Act (FERPA), the institution also must fulfill its duty to protect the CSCU community and to assure that the appropriate disciplinary processes are implemented.**



## BOR/CSCU STUDENT CODE OF CONDUCT

### Contents

I. STUDENT CODE OF CONDUCT .....	1
PREAMBLE .....	1
INTRODUCTION .....	1
PART A: DEFINITIONS .....	2
PART B: APPLICATION, DISTRIBUTION, AND ADMINISTRATION OF THE STUDENT CODE OF CONDUCT .....	4
PART C: SCOPE OF AUTHORITY .....	5
PART D: PROHIBITED CONDUCT .....	6
PART E: HEARING PROCEDURES FOR SEXUAL MISCONDUCT, SEXUAL INTIMATE PARTNER, DOMESTIC VIOLENCE & STALKING REPORTS .....	11
PART F: CONDUCT AND DISCIPLINARY RECORDS .....	13
PART G: INTERPRETATION AND REVISION .....	13
II. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO STATE UNIVERSITY STUDENTS .....	14
PART A: DISCIPLINARY PROCEDURES - ACADEMIC MISCONDUCT .....	14
PART B: DISCIPLINARY PROCEDURES - NONACADEMIC MISCONDUCT .....	15
PART C: INTERIM SUSPENSIONS AND RESIDENCE HALL SEPARATIONS .....	20
PART D: DISCIPLINARY SANCTIONS .....	21
1. Sanctions Which May Be Imposed for Violations of the Code: .....	21
2. Revocation of Admission and/or Degree .....	23
3. Consequences of Failure to Comply with a Duly Assigned Sanction .....	23
4. Sanctions Which May Be Imposed on Student Organizations .....	24
III. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO COMMUNITY COLLEGE STUDENTS .....	25
PART A: DISCIPLINARY PROCEDURES .....	25
PART B: DISCIPLINARY SANCTIONS .....	27
IV. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO CHARTER OAK STATE COLLEGE STUDENTS .....	29
PART A: RIGHTS AND RESPONSIBILITIES OF HEARING PARTICIPANTS .....	29
PART B: DISCIPLINARY PROCEDURES .....	30
PART C: INTERIM ADMINISTRATIVE ACTION .....	32
PART D: DISCIPLINARY SANCTIONS .....	32

# 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 CSCU 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.

#### **PART D: PROHIBITED CONDUCT**

The following list of behaviors is intended to represent the types of acts that constitute violations of this Code.

1. Academic misconduct, which includes, but is not limited to, plagiarism and all forms of cheating.

*Plagiarism* is defined as the submission of work by a student for academic credit as one's own work of authorship which contains work of another author without appropriate attribution.

*Cheating* includes, but is not limited to: (i) use of any unauthorized assistance in taking quizzes, tests or examinations; (ii) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems or carrying out other assignments; (iii) the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff; and (iv) engaging in any other behavior specifically prohibited by a faculty member in the course syllabus.

2. Acts of dishonesty, including but not limited to the following:
  - a. Misuse of University or College documents, including, but not limited to forging, transferring, altering or otherwise misusing a student fee card, student payroll card, identification card or other College or University identification document, course registration document, schedule card, transcript, or any other institution-issued document or record.
  - b. Knowingly furnishing false information to any CSCU Official, faculty member or office.
3. Theft of property or services, or damage to, defacement or destruction of, or tampering with, real or personal property owned by the State of Connecticut, CSCU/BOR, the institution, or any member of the CSCU Community.
4. Actual or threatened physical assault or abuse, threatening behavior, intimidation, or coercion.
5. Sexual misconduct may include engaging in one of more 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; submission to or rejection of such conduct by an individual is used as a basis for academic decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile or offensive educational 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
- 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.

(b) **Sexual assault** shall include but is not limited to a sexual act directed against another person when that person is not capable of giving consent, which shall mean the voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make a deliberate choice to do something proposed by another.

A person who initially consents to sexual activity shall be deemed not to have consented to any such activity which occurs after that consent is withdrawn. Consent cannot be assumed because there is no physical resistance or other negative response. A lack of consent may result from mental incapacity (e.g., ingestion of alcohol or drugs which significantly impair awareness or judgment) or physical incapacity (e.g., the person is unconscious or otherwise unable to communicate consent). Consent must be affirmative. (See Sexual Misconduct Reporting, Support Services and Processes Policy).

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 (such as letting your friends hide in the closet to watch you 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.
6. Intimate partner violence is defined as:
- Including intimate partner violence, which is any physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1) sexual assault, as defined in section 5 above; (2) sexual assault in a spousal or cohabiting relationship; (3) domestic violence; (4) sexual harassment, as defined in section 5 above or, (5) sexual exploitation, as defined in section 5 above.
  - Physical abuse, which can include but is not limited to, slapping, pulling hair or punching.
  - Threat of abuse, which can include 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, which can include 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.
7. Violations of privacy, including, but not limited to, voyeurism and the use of web-based, electronic or other devices to make a photographic, audio or video record of any person without his or her express consent, when such a recording is intended or likely to cause injury or distress. This includes, but is not limited to: (i) surreptitiously taking pictures or videos of another person in spaces such as sleeping areas, bathrooms, gymnasiums, locker rooms, and changing areas; and (ii) sexually exploiting another person by electronically recording or permitting others to view or electronically record, consensual sexual activity without a partner's knowledge or permitting others to view or listen to such video or audio tapes without a partner's knowledge and consent. Publicizing or threatening to publicize such records will also be considered a violation of this Code.
8. Hazing, which is defined as an act which endangers the mental or physical health or safety of a Student, or which destroys, damages, or removes public or private property for the purpose of initiation or admission into, affiliation with or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense to an allegation of hazing. Consenting to the activity by remaining silent or not objecting in the presence of hazing is not a neutral act and is also a violation of this Student Code.

9. Stalking, which is defined as repeatedly contacting another person when:
- a. The contacting person knows or should know that the contact is unwanted by the other person; and
  - b. 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.

10. Harassment, which is defined as conduct which is abusive or which interferes with a person's pursuit of his or her customary or usual affairs, including, but not limited to, such conduct when directed toward an individual or group because of race, ethnicity, ancestry, national origin, religion, gender, sexual orientation or expression, age, physical attribute, or physical or mental disability or disorder, including learning disabilities and mental retardation.
11. Conduct that is disorderly, lewd or indecent (including, but not limited to, public nudity and sexual activity in areas generally open to members of the campus community), breach of peace or aiding, abetting or procuring another person to breach the peace on CSCU premises or at functions sponsored by, or affiliated with the University or College.
12. Behavior or activity which endangers the health, safety, or well-being of oneself or others.
13. Offensive or disorderly conduct which causes interference, annoyance or alarm or recklessly creates a risk thereof at CSCU or CSCU premises, CSCU web or social media sites, at a CSCU-sponsored activity or in college or university courses, including cyber bullying. This offense does not apply to speech or other forms of constitutionally protected expression.
14. Unauthorized possession, duplication or use of keys (including, but not limited to, card access, card keys, fobs, etc.) to any CSCU premises or forcible and/or unauthorized entry on or into CSCU premises.
15. Starting fires, causing explosions, falsely reporting the presence of fire, bombs, incendiary or explosive devices, or falsely reporting an emergency.
16. Unauthorized or improper possession, use, removal, tampering or disabling of fire and/or safety equipment and warning devices, failure to follow standard fire and/or emergency safety procedures, or interference with firefighting or emergency response equipment or personnel.



17. Use, possession, purchase, sale or distribution of alcoholic beverages, except as expressly permitted by law and CSCU regulations. Alcoholic beverages may not, under any circumstances, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.
18. Use, possession, purchase, sale, distribution or manufacturing of narcotics, controlled substances and/or drugs, including, but not limited to, marijuana and heroin, or drug paraphernalia, except as expressly permitted by law.
19. Use, possession or distribution of firearms, ammunition for firearms, other weapons or dangerous instruments, facsimiles of weapons or firearms, fireworks, explosives or dangerous chemicals. A dangerous instrument is any instrument, article or substance that, under the circumstances in which it is being utilized, is capable of causing death or serious physical injury. The possession of a deadly weapon or dangerous instrument on campus is strictly prohibited, even if such item is legally owned.
20. Gambling, including, but not limited to, promoting, wagering, receiving monies for wagering or gambling for money or property on CSCU premises.
21. Disruption or obstruction of any College or University function, activity or event, whether it occurs on or off the campus, or of any non-University or College function, activity or event which is authorized by the institution to occur on its premises.
22. Intentional obstruction of the free flow of pedestrian or vehicular traffic on CSCU premises or at University or College-sponsored or supervised functions or interference with entry into or exit from CSCU premises or with the free movement of any person.
23. Failure to comply with the directions of CSCU officials or law enforcement officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
24. Conduct that violates published BOR/CSCU policies, rules, and regulations, including, but not limited to, residence hall rules and regulations.
25. Conduct prohibited by any federal, state, and/or local law, regulation or ordinance.
26. Unauthorized use of CSCU property or the property of members of the CSCU Community or of CSCU Affiliates.
27. Theft, unauthorized use, or abuse of University or College computers and/or peripheral systems and networks, including, but not limited to:
  - a. Unauthorized access to CSCU computer programs or files;
  - b. Unauthorized alteration, transfer or duplication of CSCU computer programs or files;
  - c. Unauthorized use of another individual's identification and/or password;



- d. Deliberate disruption of the operation of CSCU computer systems and networks;
  - e. Use of the Institution's computing facilities and resources in violation of copyright laws (including unauthorized peer-to-peer file sharing of copyrighted material, including, but not limited to, copyrighted music, movies, and software);
  - f. Use of computing facilities and resources to send obscene messages (which are defined as messages which appeal mainly to a prurient, shameful or morbid interest in nudity, sex, excretion, sadism or masochism, go well beyond customary limits of candor in describing or representing such matters, and are utterly without redeeming social value); and
  - g. Violation of the BOR Policy Statement on Acceptable and responsible use of Information Technology resources and/or any applicable BOR computer use policy.
28. Abuse of the CSCU conduct and disciplinary system, including but not limited to:
- a. Failure to obey the notice from a Hearing Body or CSCU Official to appear for a meeting or hearing as part of the Student Conduct system;
  - b. Falsification, distortion, or intentional misrepresentation of information to a Disciplinary Officer or Conduct Administrator, or before a Hearing Body;
  - c. Initiation of a conduct or disciplinary proceeding knowingly without cause;
  - d. Disruption or interference with the orderly conduct of a disciplinary proceeding;
  - e. Attempting to discourage an individual's proper participation in, or use of, the disciplinary system;
  - f. Attempting to influence the impartiality of a Disciplinary Officer, Conduct Administrator or member of a Hearing Body prior to, and/or during the course of, the disciplinary proceeding;
  - g. Harassment (verbal or physical) and/or intimidation of a Disciplinary Officer, Conduct Administrator, or member of a Hearing Body prior to, and/or during the course of the disciplinary proceeding;
  - h. Failure to comply with the sanction(s) imposed under the Student Code; and
  - i. Influencing or attempting to influence another person to commit an abuse of the disciplinary system.

**PART E: HEARING PROCEDURES FOR SEXUAL MISCONDUCT, SEXUAL INTIMATE PARTNER, DOMESTIC VIOLENCE & STALKING REPORTS**

In addition to disciplinary procedures applicable to State University students in Section II, Community College students in Section III, or Charter Oak State College Students in Section IV, for any hearing

conducted involving allegations of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking and intimate partner violence the reported victim and the accused student shall each have the following rights::

1. At any meeting or proceeding, both the reported victim and accused student may be accompanied by an advisor or support person of the student's choice provided the advisor or support person does not cause a scheduled meeting or hearing to be delayed or postponed and provided an advisor or support person may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process (or other proceeding or pertaining to a report of sexual misconduct);
2. The reported victim of sexual misconduct is entitled to request that disciplinary proceedings begin promptly;
3. Any hearing regarding an accusation of sexual misconduct shall (i) be fair, prompt and impartial; (ii) be conducted by a Hearing Body annually trained in issues relating to sexual misconduct (iii) use the preponderance of evidence (more likely than not ) standard; (iv) shall allow both the accused student and reported victim the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding; (v) shall provide both the accused student and the reported victim with equal access to any information that will be used during meetings and hearings; and (vi) invoke the standard of "affirmative consent"<sup>1</sup> in determining whether consent to engage in sexual activity was given by all persons who engaged in sexual activity .
4. 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;
5. Any reported victim shall be provided written notice of the decision of the Hearing Body at the same time as the accused student, normally within one (1) business day after the conclusion of the Hearing. In accordance with the Family Educational Rights and Privacy Act (FERPA) the notice to any reported victim of sexual misconduct shall contain only the following: the name of the accused student, the violation committed, if any, and any sanction imposed against the accused student.
6. The reported victim shall have the same right to request a review of the decision of the Hearing Body (appeal rights) in the same manner and on the same basis as shall the accused student; however, if a request for review by a reported victim is determined to be properly made and if the review determines there is sufficient grounds for altering the decision of the Hearing Body, among the other actions that may be taken as set forth above, the sanction of the hearing may also be increased. Notwithstanding the foregoing, in any hearing pertaining to sexual misconduct both the reported victim and the accused student are entitled to be simultaneously provided notice of any change in the results of the hearing prior to the time when the results become final as well as to be notified when such results become final.

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<sup>1</sup>The standard of "Affirmative Consent" is set forth in the BOR Sexual Misconduct Reporting, Support Services and Processes Policy and is incorporated herein by reference.

***PART F: CONDUCT AND DISCIPLINARY RECORDS***

The written decision resulting from an administrative conference or a hearing under this Code shall become part of the student's educational record and shall be subject to the provisions of the Family Educational Rights and Privacy Act (FERPA). A student's disciplinary record shall be maintained separately from any other academic or official file maintained by the Institution. Disciplinary records will be maintained for a period of five (5) years from the date of the incident, except that the sanction of expulsion shall be noted permanently.

While student education records are generally protected from disclosure by FERPA, there are a number of exceptions to this rule. Students should be aware that a record concerning his/her behavior while a student at the College or University may be shared with other colleges or universities to which the student may subsequently wish to transfer or be admitted. Similarly, prospective employers may require a student to provide access to his/her education records as part of the employment application process. A record of having been sanctioned for conduct that violates Section I.D. of the Code may disqualify a student for admission to another college or university, and may interfere with his/her selection for employment.

***PART G: INTERPRETATION AND REVISION***

Questions regarding the interpretation of this Code shall be referred to the University's and Charter Oak State College's Provost or a Community College's Dean of Students or their designees for the administration of the Non-Academic Misconduct portion of the Student Code and to the University's Vice President for Student Affairs, a Community College's Dean of Academic Affairs or Charter Oak State College's Provost or their designees for the administration of the Academic Misconduct portion of the Student Code.

This Code shall be reviewed and revised, if and as necessary, every five (5) years, or as directed by the President of the Board of Regents for Higher Education.



## II. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO STATE UNIVERSITY STUDENTS

Procedures for University students differ from those procedures applicable to either the Community Colleges or Charter Oak State College. This is due to the environmental, cultural, and administrative differences within the types of the institutions comprising CSCU. Procedures for addressing allegations and sanctions regarding academic misconduct (as defined in Section I.D.1) for University Students as set for in this Section II of the Code.

### PART A: DISCIPLINARY PROCEDURES - ACADEMIC MISCONDUCT

1. Instructor's Role:  
When the instructor of record or his or her designee believes that an act of academic misconduct has occurred, he or she shall notify the student of the allegation and save any evidence of such misconduct in its original form. (Copies of the Accused Student's work will be provided to the Student upon request.) In addition, the instructor shall not transmit a final grade to the Registrar until such time as the allegation(s) of academic misconduct are finally determined. Each institution shall establish implementation guidelines in accordance with this Code.
2. Information from Person Other than Student's Instructor: Any member of the CSCU Community may provide information which might lead to a complaint against a Student alleging academic misconduct.
3. The Academic Misconduct Hearing Board: There shall be an academic misconduct hearing board convened by the University's Disciplinary Officer to consider allegations of academic misconduct lodged against a Student. The University's disciplinary officer shall be a non-voting member of the board and act as convener.
4. Hearing Process: The Accused Student shall be afforded adequate notice of the allegation, an opportunity to discuss the allegation with the instructor, and adequate time to request and prepare for a hearing. All parties shall have an opportunity to be heard and a record of the proceedings shall be made. The decision of a hearing board shall be communicated in writing.
5. Sanctions: If the academic misconduct hearing board determines that the Accused Student is "Not Responsible," the board shall not impose any sanctions. The board shall so advise the Student's instructor and the instructor shall reevaluate the student's course grade in light of the Board's determination. If the academic misconduct hearing board determines that the Accused Student is "Responsible," the academic sanction set forth in the instructor's course syllabus shall be imposed.

The academic misconduct hearing board may make a recommendation to change the academic sanction imposed by the instructor on the basis of its hearing of the evidence of academic misconduct. (Should the academic sanction not be changed pursuant to this recommendation, the University reserve the right to change the academic sanction.) Upon

consideration of the Accused Student's record of misconduct and/or the nature of the offense, the academic misconduct hearing board may impose additional non-academic sanctions in proportion to the severity of the misconduct. These sanctions may include the following: warning, written reprimand, discretionary sanctions, suspension and/or expulsion, as described in II.D of this Student Code of Conduct.

6. Appeals: The decision rendered by the academic misconduct hearing board may be appealed to the Provost/Academic Vice President, who shall review the record of the hearing, including any and all documents presented to the academic misconduct hearing board. An appeal shall be in writing and shall be delivered to the Provost/Academic Vice President within three (3) calendar days of receipt of the academic misconduct hearing board's written decision.

An appeal may be brought on any of four grounds: (a) a claim that error in the hearing procedure substantially affected the decision; (b) a claim that new evidence or information material to the case was not known at the time of the hearing; (c) a claim that the non-academic sanction(s) imposed were not appropriate for the violation of the Code for which the accused student was found responsible; and/or (d) a claim that the academic sanction imposed has resulted in a palpable injustice. The Provost/Academic Vice President shall have the right to deny an appeal not brought on any of the foregoing grounds. The decision rendered by the Provost/Academic Vice President shall be final and there shall be no further right of appeal.

## PART B: DISCIPLINARY PROCEDURES - NONACADEMIC MISCONDUCT

The following procedures shall be followed in addressing allegations of non-academic misconduct.

1. Providing Information leading to a Complaint: Any person may provide information leading to the filing of a complaint against a Student or a Student Organization alleging a violation of the Student Code. A complaint must be made in writing and submitted to the University's Disciplinary Officer or Conduct Administrator.
2. Disciplinary Proceedings Against a Student Charged with a Violation of Law and a Violation of the Code: University proceedings may be instituted against an Accused Student who has been charged with a violation of state or federal law for conduct which also constitutes a potential violation of this Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following the institution of civil or criminal court proceedings against the Accused Student. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.



3. Disciplinary Proceedings Against a Student Charged with Sexual Assault, Sexual, Intimate Partner, Domestic Violence or Other Sex Related Offense: See Section I.E
4. Pre-Hearing Investigation and Administrative Disposition:
  - a. The Disciplinary Officer or Conduct Administrator may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the Accused Student and the Disciplinary Officer or Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Disciplinary Officer or Conduct Administrator may also present the case for the University at any subsequent hearing, but if he or she does, he or she shall not serve as a member of the Hearing Body.
  - b. The Disciplinary Officer or Conduct Administrator may conduct an investigation to determine if there is reason to believe the student has committed a violation of any part of Section I.D. of the Code and, after considering both the possible violation and the prior conduct record of the student, if the Disciplinary Officer or Conduct Administrator determines that a sanction of less than residential hall separation or suspension or expulsion from the University is appropriate, the Disciplinary Officer or Conduct Administrator shall schedule an administrative conference with the student. The student shall be given reasonable notice of the time and place of the conference. At the administrative conference, the student shall have the opportunity to present information for the Disciplinary Officer's or Conduct Administrator's consideration. At the conclusion of the administrative conference, the Disciplinary Officer or Conduct Administrator shall determine whether it is more likely than not that the student has violated the Policy and, if so, impose a sanction less than residential hall separation, or suspension or expulsion from the University. The Disciplinary Officer or Conduct Administrator shall provide the student with a written explanation for the determination. The decision of the Disciplinary Officer or Conduct Administrator shall be final.
5. Hearing Bodies: A Student accused of misconduct has the right to be heard by an impartial Hearing Body. Any concern surrounding the impartiality of the Hearing Body or any member thereof will be referred to the Vice President for Student Affairs or his or her designee, who will review the matter and make a determination. Any Hearing regarding an accusation of sexual assault, sexual misconduct, intimate partner, domestic violence or other sex related offense or intimate partner violence shall be conducted by an impartial Hearing Body trained in issues relating to sexual assault, sexual violence, intimate partner, and domestic violence.
6. Hearing Procedures:
  - a. Notice of Hearing: Normally, a hearing will be conducted within ten (10) calendar days of the Accused Student being notified of the charges. Notice may be provided to the Accused Student by in-hand delivery, by registered mail, with delivery receipt attached or by certified mail, return receipt requested by University email or by overnight delivery with signature of recipient required. Should the



Accused Student refuse to accept in-hand delivery, a written statement of the attempted delivery of the notice signed by the person attempting to make such delivery shall constitute notice. Should the Accused Student refuse to sign for registered or certified mail, the postal document indicating such refusal shall constitute notice.

The notice shall advise the Accused Student of each section of the Student Code alleged to have been violated and, with respect to each such section, a statement of the acts or omissions which are alleged to constitute a violation of the Code, including the approximate time when and the place where such acts or omissions allegedly occurred.

The Accused Student shall be afforded a reasonable period of time to prepare for the hearing, which period of time shall not be less than three (3) Calendar Days. The Accused Student, the Reporting Party and/or any alleged victim may request a delay of the hearing due to extenuating circumstances. Any decision to postpone the hearing shall be made by the Disciplinary Officer or Conduct Administrator or by the Hearing Body, or by the designee of the Vice President for Student Affairs.

- b. Hearing: Hearings shall be closed, but the Hearing Body may, in its discretion, admit any person into the hearing room. The Hearing Body shall have the authority to discharge or to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.

The Accused Student, the Reporting Party and any alleged victim shall have the right to be present at all stages of the hearing process except during the private deliberations of the Hearing Body and the presentation of sanctions. In hearings involving more than one Accused Student, the Hearing Body may determine that, in the interest of fairness, separate hearings should be convened.

In any Hearing alleging sexual assault, sexual, intimate partner, domestic violence or other sex related offense, any alleged victim and the Accused Student are entitled to:

- 1) be accompanied to any meeting or proceeding by an advisor or support person of their choice, provided that the advisor or support person does not cause a scheduled meeting to be delayed or postponed;
- 2) present evidence and witnesses on their behalf;
- 3) in accordance with the Family Educational Rights and Privacy Act (FERPA), to have their identities kept confidential.

In addition, the alleged victim of sexual assault, sexual, intimate partner, domestic violence or other sex related offense is entitled to request that disciplinary proceedings begin promptly.

- c. Record of Hearing: When expulsion or suspension from the University or residence hall separation is a possibility, the University shall make a recording of the hearing. The recording shall be the property of the University. No other recordings shall be made by any person during the hearing. Upon request, the Accused Student may

review the recording in a designated University office in order to prepare for an appeal of the decision rendered by the Hearing Body. Further disclosure of the recording shall be governed by applicable state and federal law.

- d. Opportunity to Present a Defense: The Accused Student shall have the full opportunity to present a defense and information, including the testimony of witnesses, in his or her behalf. The Reporting Party and the Accused Student may question the statements of any person who testifies in a manner deemed appropriate by the Hearing Body. The Reporting Party and the Accused Student may make concluding statements regarding the charges made and the information presented during the hearing. The Hearing Body may question the Accused Student and the Reporting Party, any witness presented by the Accused Student or the Reporting Party, and any other witness(es) the Hearing Body may choose to call to testify.
- e. Accused Student Can Choose Whether or Not to Testify in His or Her Own Defense: The Accused Student who is present at the hearing shall be advised by the Hearing Body that he or she is not required to testify, to answer questions, or to make any statement regarding the complaint or the allegations set forth in the complaint. Refusal to do so shall not be considered by the Hearing Body to constitute evidence of responsibility.
- f. Non-Appearance of Accused Student at Disciplinary Hearing: If an Accused Student does not appear at a disciplinary hearing, the Hearing Body shall enter a plea of "not responsible" on behalf of such student and the hearing shall proceed in the normal manner of hearing evidence, weighing facts, and rendering judgment. The failure of an Accused Student to appear at the disciplinary hearing shall not be considered by the Hearing Body to constitute evidence of responsibility.
- g. Advisors and Support Persons: The Reporting Party, any alleged victim, and the Accused Student shall each have the right to be accompanied by an Advisor and Support Person. The Advisor and the Support Person should be someone whose schedule allows attendance at the scheduled date and time for the disciplinary hearing because delays will not normally be allowed due to the scheduling conflicts of an Advisor or Support Person.
- h. Presentation of Evidence: Only evidence introduced at the hearing itself may be considered by the Hearing Body in determining whether it is more likely than not that the alleged violation was committed by the accused student.
- i. Evidence of Prior Convictions or Disciplinary Actions: Evidence of prior criminal convictions or University disciplinary actions may be presented to the Hearing Body only after a determination of responsibility has been made and only for consideration in connection with determining the sanction.
- j. Accommodation of Witnesses: The Hearing Body may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Reporting Party, the Accused Student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting



participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Hearing Body to be appropriate.

- k. Written Notice of Decision: The Accused Student shall receive written notice of the decision of the Hearing Body that shall set forth the decision rendered, including a finding of "responsible" or "not responsible," and the sanctions imposed, if any. The decision of the Hearing Body, as well as the sanction(s) imposed, if any, generally will not be released to third parties without the prior written consent of the Accused Student. However, certain information may be released if and to the extent authorized by state or federal law.

With respect to Hearings alleging sexual assault, sexual, intimate partner, domestic violence or other sex related offense, any alleged victim shall receive written notice of the decision of the Hearing Body at the same time as the Accused Student, normally within one (1) business day after the conclusion of the Hearing.

In accordance with the Family Educational Rights and Privacy Act (FERPA) the notice to any alleged victim of sexual assault, sexual, intimate partner, domestic violence or other sex related offense shall contain only the following: the name of the student, the violation committed and any sanction imposed against the student.

6. Review: An Accused Student may request that the decision of the Hearing Body be reviewed by the Vice President for Student Affairs or his or her designee. A request for review must be made in writing to the Vice President for Student Affairs or his or her designee within three (3) Calendar Days of the Accused Student's receipt of the written notice of decision. For good cause shown, the Vice President for Student Affairs may extend the three-University Calendar Day limitation on filing a request for a review. An Accused Student may request only one review of each decision rendered by the Hearing Body. A decision reached as a result of an Administrative Disposition may not be reviewed.
- a. Grounds for Review: The Accused Student has the right to request a review of the decision of the Hearing Body on the grounds that: (i) the procedures set forth in this Code were not followed and, as a result, the decision was substantially affected; (ii) the sanction(s) imposed were not appropriate for the violation of the Code for which the Accused Student was found responsible; and/or (iii) new information, sufficient to alter the decision, or other relevant facts were not brought out in the original hearing because such information and/or facts were not known to the Accused Student at the time of the original hearing. The review shall be limited to a review of the record except as required to explain the basis of new information.
- b. Review Procedures: In order to prepare for the review, the Accused Student may review the recording of the original hearing in a designated University office but will not be permitted to remove the recording from that office or make copies. The review will not be heard by anyone involved in the initial hearing. The review shall be considered and a decision rendered within ten (10) Calendar Days of the filing of the request for review.



If a request for review is granted, the matter shall be referred to the original Hearing Body for reconsideration of its original determination or to a newly-constituted Hearing Body for a new hearing, or the sanction imposed may be reduced, as appropriate. If a request is not granted, the matter shall be considered final and binding upon all involved.

- c. Status of Student Pending Review: All sanctions imposed by the Hearing Body shall be and continue in effect pending the outcome of a review. Any request to delay the commencement of sanctions pending a review must be made by the Accused Student, in writing, to the Vice President for Student Affairs or his or her designee.
- d. With respect only to Hearings related to sexual assault, sexual, intimate partner, domestic violence or other sex offense, the alleged victim shall have the same right to request a review in the same manner and on the same basis as shall the Accused Student as set forth above; however, in such cases, if a review by any alleged victim is granted, among the other actions that may be taken as set forth above, the sanction of the Hearing may also be increased.

Upon review, if the decision or sanction of the disciplinary proceeding is changed, any alleged victim must be notified in writing of the change in decision or sanction at the same time that the Accused Student is notified.

### **PART C: INTERIM SUSPENSIONS AND RESIDENCE HALL SEPARATIONS**

In certain circumstances, the Vice President for Student Affairs, or his or her designee, may impose an interim suspension or residence hall separation on an Accused Student prior to the hearing before the Hearing Body.

1. Basis for Imposition of Interim Suspension or Residence Hall Separation: An interim suspension may be imposed upon an Accused Student only: (i) to ensure the safety and well-being of members of the University Community or preservation of University property; (ii) to ensure the Student's own physical or emotional safety and well-being; or (iii) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.

A residence hall separation may be imposed if a Student's continued presence will disrupt the academic and social well-being of the residential community. Residence hall separation is the removal of a student from the University residence hall in which he or she resides. Such separation may include a restriction of access to all or designate University residence halls. During the period of the separation, the removed Student shall not be permitted to enter the designated hall(s) as a guest of another resident.

An interim suspension or residence hall separation is not a sanction and will continue in effect only until such time as a hearing on the alleged violation has been completed.

2. Effect of Interim Suspension or Residence Hall Separation: During the interim suspension or residence hall separation, the removed Student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the Student might otherwise be eligible, as the Vice President for Student Affairs, or his or her designee, may determine to be appropriate.
3. Procedure: The Accused Student shall be notified, either orally or in writing, of the pending imposition of an interim suspension or residence hall separation. Whenever possible prior to the imposition of the interim suspension or suspension, the affected Student will be afforded an opportunity to meet with the Vice President for Student Affairs, or his or her designee. Otherwise, the meeting will be held on the first Calendar Day that the Student is available.

At that meeting, the Accused Student will be advised of his/her reported behavior and be offered the opportunity to provide information upon which the determination may be based whether or not the Student engaged in conduct warranting an interim suspension or residence hall separation.

Any Student placed on an interim suspension will be given an opportunity to appear at an administrative conference or a formal hearing on the misconduct charges lodged against him or her in accordance with II.B.5 of this Code within ten (10) Calendar Days of being placed on such suspension, or as soon as practical after the Accused Student is prepared to participate in such a hearing.

#### **PART D: DISCIPLINARY SANCTIONS**

Sanctions which may be imposed for violations of the Student Code are listed below. In determining appropriate sanctions, the Hearing Body may take into consideration any and all prior violations of the Code for which the Accused Student was determined to be responsible. The Hearing Body shall have the authority to defer the imposition of any sanction when deemed appropriate. The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code, including the completion of all sanctions imposed, if any.

1. Sanctions Which May Be Imposed for Violations of the Code: The following sanctions may be imposed, individually or in various combinations, on any student found to have violated the Student Code, and will be entered into the Student's disciplinary records. Notation of disciplinary sanctions shall be on file only in the appropriate office in the Division of Student Affairs and shall not be released without the written consent of the Student except to appropriate University enforcement personnel, University police, staff and administrators, or as required by law.
  - a. Warning: A disciplinary warning is a written notice to a Student advising him or her that specific behavior or activity constitutes a violation of the Code and that the repetition of such behavior will likely result in the commencement of more serious disciplinary action by the University.

- b. Fine: A sanction involving the imposition of a specified dollar amount due and payable by a specified date.
- c. Probation: Disciplinary probation is a designated period of time during which a Student is given the opportunity to modify unacceptable behavior and/or to complete specific assignments in an effort to regain full student privileges within University Community. Disciplinary probation may involve the imposition of certain restrictions and/or conditions upon the Student including, but not limited to, financial restitution, community service, fines, referral for professional services such as counseling, participation in educational programs, parental notification under limited circumstances, and ineligibility to participate in University activities or events. Periodic contact with a designated member of the University Community or non-college professional may be required. If the Student fully complies with the terms and conditions imposed in connection with the disciplinary probation, full student privileges will be restored to the student upon termination of the probationary period. Failure to comply with the terms and conditions of the probation constitutes prohibited conduct that is separate from and in addition to the conduct for which the probation was imposed. A Student accused of violation of probation will be given due notice of the alleged violation and the procedures set forth in this Code shall be followed.
- d. Loss of Privileges: Denial of specified privileges for a designated period.
- e. Restitution: Compensation for loss, damage to real or personal property. This may take the form of appropriate service and/or monetary or material replacement.
- f. Discretionary Sanctions: Work assignments, essays, service to the University, or other related discretionary assignments, referral for professional services such as counseling, participation in educational programs, parental notification under limited circumstances, and ineligibility to participate in University activities or events. Periodic contact with a designated member of the University Community or non-college professional may be required.
- g. Residence Hall Warning: A written notice to a Student advising him or her that specific behavior or activity constitutes a violation of the Code and that the repetition of such behavior will likely result in the commencement of more serious disciplinary action by the University.
- h. Residence Hall Probation: Residence hall probation is a designated period during which an Accused Student is given the opportunity to modify unacceptable behavior and/or to complete specific assignments in an effort to regain full student privileges within the residence hall in which the Student resides. Residence hall probation may include restrictions and/or conditions on the exercise of residence hall activities and privileges. Periodic contact with a designated member of the residence hall staff or professional may be required. If the Accused Student fully complies with the terms and conditions imposed in connection with the residence hall probation,



full residence hall privileges will be restored to the Student upon termination of the probationary period. Failure to comply with the terms and conditions of the probation constitutes prohibited conduct that is separate from and in addition to the conduct for which the probation was imposed. A Student accused of violation of probation will be given due notice and the procedures set forth in this Code shall be followed.

- i. Residence Hall Separation: Separation of the Student from the residence halls for a definite period of time, after which the Student is eligible to return. Conditions for readmission may be specified.
  - j. Residence Hall Expulsion: Permanent separation of the Student from the residence halls.
  - k. Suspension: Suspension is temporary disciplinary separation from all universities among CSCU and the denial of all student privileges. Suspension shall be effective on the date that notice of the suspension is provided to the Accused Student, or later, if so stated in the notice, and shall prescribe the date and conditions upon which the Student may petition for readmission to the University. A Student separated from all universities within CSCU by suspension may under the terms of the suspension be excluded from the premises of all CSCU premises when in the judgment of the suspending authority, the Student's continued presence would constitute a danger to persons or property or a threat to the academic process. Notwithstanding the foregoing, the suspending authority of the suspended Student's home University or his or her designee may authorize a suspended student who has been excluded from all University premises to enter the premises of the student's home University for designated purposes.
  - l. Expulsion: Expulsion is permanent disciplinary separation from all universities within CSCU and the denial of all student privileges. Expulsion shall be effective on the date that notice of expulsion is provided to the Accused Student, or later, if so stated in the notice. A student separated from all universities of CSCU by expulsion may under the terms of the expulsion be excluded from all CSCU Premises when in the judgment of the expelling authority the Student's presence would constitute a danger to persons or property or a threat to the academic process.
2. Revocation of Admission and/or Degree: Upon the recommendation of the Hearing Body, admission to or a degree awarded from the University may be revoked by the University, acting through its President (or his or her designee) for fraud, misrepresentation, or other violation of University standards in obtaining admission or the degree.
  3. Consequences of Failure to Comply with a Duly Assigned Sanction: Failure to comply with sanctions which have been assigned through a formal judicial process may lead to one or more of the following consequences:
    - a. Denial of access to certain university services, including, but not limited to housing and parking;

- b. Denial of access to administrative processes, including, but not limited to, course add/drop, pre-registration, registration, and room selection; and/or
- c. Withholding of the privilege of participation in university sponsored activities and/or public ceremonies, or formal disciplinary charges under II.B hereof.

4. **Sanctions Which May Be Imposed on Student Organizations**

- a. **Sanctions:** Those sanctions listed in subsections 1.a through f of Section II.D.
- b. **Loss of recognition:** Loss of recognition for a specified period of time results in the loss of privileges, such as the use of university space, access to student activity fee funding, and/or the privilege of functioning as a student organization. Loss of recognition for more than two (2) semesters shall require that an organization reapply for University recognition. Conditions for future recognition may be imposed by the hearing body.

### **III. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO COMMUNITY COLLEGE STUDENTS**

Procedures for Community College students differ from those procedures applicable to either the Universities or Charter Oak State College. This is due to the environmental, cultural and administrative differences within the types of the institutions comprising CSCU. Procedures for addressing allegations and sanctions regarding academic misconduct (as defined in Section I.D.1 above) for Community College Students as set for in this Section III of the Code.

#### **PART A: DISCIPLINARY PROCEDURES (Academic and Non-Academic Misconduct)**

In regard to College Students, the following procedures shall govern the enforcement of the Code:

1. Information that a student may have violated the Code should be submitted to the Dean of Students, Dean of Academic Affairs or other designee of the President (hereinafter referred to as "the Dean"), normally within thirty (30) calendar days of the date of a possible violation or within thirty (30) calendar days of the date that the facts constituting a possible violation were known.
2. Upon receipt of information relating to a possible violation, the Dean may immediately place restrictions on or suspend a student on an interim basis if, in the judgment of the Dean, the continued presence of the student at the College or continued participation in the full range of college activities poses a danger to persons or property or constitutes an ongoing threat of disrupting the academic process.
  - a. "Interim restrictions" are limitations on the Student's participation in certain College functions and activities, access to certain locations on campus or access to certain persons, that do not prevent the Student from continuing to pursue his/her academic program. A Student upon whom the Dean has placed interim restrictions shall be afforded written reasons for the restrictions, as well as the time period during which the interim restrictions shall apply. The decision of the Dean regarding interim restrictions shall be final.
  - b. "Interim suspension" is the temporary separation of the Student from the College that involves the denial of all privileges, including entrance to College premises. Prior to imposing an interim suspension, the Dean shall make a good faith effort to meet with the Student. At this meeting, the Dean shall inform the Student of the information received and provide the Student an opportunity to present other information for the Dean's consideration. Based upon the information available at that time, the Dean shall determine whether the Student's continued presence on campus poses a danger to persons or property or constitutes an ongoing threat of disrupting the academic process. A Student suspended on an interim basis by the Dean shall be provided written reasons for the suspension and shall be entitled to an administrative conference or a hearing as soon as possible, normally within ten (10) calendar days from the date the interim suspension was imposed. The decision of the Dean regarding an interim suspension shall be final.
3. Following the imposition of interim restrictions or interim suspension, if any, the Dean shall promptly investigate the information received by meeting with individuals who may have knowledge of the matter, including the accused Student, and by reviewing all relevant documents.



If upon the conclusion of the Dean's investigation, the Dean determines that there is insufficient reason to believe the Student has committed a violation of any part of Section I.D. of this Policy, the Dean shall dismiss the matter and shall so inform the Student in writing.

4. If upon the conclusion of the Dean's investigation, the Dean determines that there is reason to believe the Student has committed a violation of any part of Section I. D. of this Code and, after considering both the possible violation and the prior conduct record of the Student, that a sanction of less than suspension or expulsion is appropriate, the Dean shall schedule an administrative conference with the Student. The Student shall be given reasonable notice of the time and place of the conference. At the administrative conference, the Student shall have the opportunity to present information for the Dean's consideration. At the conclusion of the administrative conference, the Dean shall determine whether it is more likely than not that the Student has violated the Policy and, if so, impose a sanction less than suspension or expulsion. The Dean shall provide the Student with a written explanation for the determination. The decision of the Dean shall be final.
5. If upon the conclusion of the Dean's investigation, the Dean determines that there is reason to believe the Student has committed a violation of any part of Section I.D. of this Code and, after considering both the violation and the prior conduct record of the Student, that a sanction of suspension or expulsion is appropriate, the Dean shall provide the Student with reasonable written notice of a meeting and shall inform the Student that his/her failure to attend the meeting or to respond to the notice may result in the imposition of the maximum permissible sanction. At the meeting, the Dean shall provide the Student with a written statement that shall include the following:
  - a. a concise statement of the alleged facts;
  - b. the provision(s) of Section I.D. that appear to have been violated;
  - c. the maximum permissible sanction; and
  - d. a statement that the student may resolve the matter by mutual agreement with the Dean, or may request a hearing by notifying the Dean in writing, which must be received by 5:00pm on the following business day.
6. If the Student requests a hearing, he/she is entitled to the following:
  - a. to be heard within five (5) days or as soon as reasonably possible, by an impartial party or panel whose members shall be appointed by the Dean;
  - b. if the Dean appoints an impartial panel, to have a Student on the panel if requested by the Student;
  - c. to appear in person and to have an advisor who not shall attend as a representative of the Student. However, if there is pending at the time of the hearing a criminal matter pertaining to the same incident that is the subject of the hearing, a lawyer may be present for the sole purpose of observing the proceedings and advising the Student concerning the effect of the proceedings on the pending criminal matter;
  - d. to hear and to question the information presented;
  - e. to present information, to present witnesses, and to make a statement on his or her behalf; and
  - f. to receive a written decision following the hearing.
7. As used herein, the term "impartial" shall mean that the individual was not a party to the incident under consideration and has no personal interest in the outcome of the proceedings. Prior to the

- commencement of the hearing, the Student who is subject to the hearing may challenge the appointment of an impartial party or panel member on the ground that the person(s) is (are) not impartial. The challenge shall be made in writing to the Dean and shall contain the reasons for the assertion that the person(s) is (are) not impartial. The decision of the Dean shall be final.
8. The written decision of the impartial party or panel shall specify whether, based on the information presented, it is more likely than not that the Student committed the violation(s) reported and shall state the sanction to be imposed, if any. The written decision shall be provided to the Student.
  9. Sanctions imposed by an impartial party or panel are effective immediately. The President may, for good cause, suspend imposition of the sanctions imposed by the impartial party or panel to allow the Student time to prepare a written request for review. If a written request is received, the President may continue to suspend imposition of the sanctions until he has reviewed and acted on the Student's request.
  10. A written request for review of the decision of the impartial party or panel must be received by the President within three (3) calendar days after the Student is notified of the decision and must clearly identify the grounds for review. The review by the President is limited to the record of the hearing, the written request, and any supporting documentation submitted with the request by the Student. The decision of the impartial party or the panel shall be upheld unless the President finds that:
    - a. a violation of the procedures set forth herein significantly prejudiced the Student; and/or
    - b. the information presented to the impartial party or panel was not substantial enough to justify the decision; and/or,
    - c. the sanction(s) imposed was (were) disproportionate to the seriousness of the violation.
  11. Decisions under this procedure shall be made only by the college officials indicated.

#### **PART B: DISCIPLINARY SANCTIONS**

The prior conduct record of a Student shall be considered in determining the appropriate sanction for a Student who has been found to have violated any part of Section I.D. of this Code. Sanctions shall be progressive in nature; that is, more serious sanctions may be imposed if warranted by the prior conduct record of the Student.

A "sanction" may be any action affecting the status of an individual as a Student taken by the College in response to a violation of this Policy, and for the purposes of this Section III of the Code include but are not limited to the following:

1. "Expulsion" is a permanent separation from the College that involves denial of all Student privileges, including entrance to College premises;
2. "Suspension" is a temporary separation from the College that involves denial of all Student privileges, including entrance to college premises for the duration of the suspension, and may include conditions for reinstatement;

3. "Removal of College Privileges" involves restrictions on Student access to certain locations, functions and/or activities but does not preclude the Student from continuing to pursue his/her academic program;
4. "Probation" is a status that indicates either (a) serious misconduct not warranting expulsion, suspension, or removal of College privileges, or (b) repetition of misconduct after a warning has been imposed;
5. A "Warning" is a written notice to the Student indicating that he or she has engaged in conduct that is in violation of Section I.D. of this Code and that any repetition of such conduct or other conduct that violates this Code is likely to result in more serious sanctions;
6. "Community Restitution" requires a Student to perform a number of hours of service on the campus or in the community at large.



## **IV. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO CHARTER OAK STATE COLLEGE STUDENTS**

Procedures for Charter Oak State College students differ from those procedures applicable to either the Community Colleges or the Universities. This is due to the environmental, cultural, and administrative differences within the types of the institutions comprising CSCU. Procedures for addressing allegations and sanctions regarding academic misconduct (as defined in Section I.D.1 above) for Charter Oak State College Students as set for in this Section IV of the Code.

### **PART A: RIGHTS AND RESPONSIBILITIES OF HEARING PARTICIPANTS**

Hearing participants may include the accused student(s), a complainant, witnesses, support person(s), and the members of the hearing body.

The complaining party, any alleged victim, and the student who has been charged shall each have the right to:

1. Be notified of all charges.
2. Review any written complaint(s) submitted in support of the charge(s).
3. Be informed of the hearing process.
4. Request a delay of a hearing due to extenuating circumstances.
5. Be accompanied by an advisor or support person during the hearing.
6. Be present at all stages of the hearing process except during the private deliberations of the hearing body.
7. Submit a written statement regarding the incident.
8. Give a personal statement.
9. Question all statements and other information presented at the hearing.
10. Present information and witnesses when deemed appropriate and relevant by the hearing body.
11. Be informed of the finding(s) as well as any sanctions imposed.
12. Present a personal or community impact statement to the hearing body upon a finding of "Violation."

In addition to the above-mentioned rights, a student who has been charged with a violation of the Student Code of Conduct shall have the right to:

1. Be notified of the proposed information to be presented and to know the identity of witnesses who have been called to speak at the hearing when the Chair of the disciplinary hearing knows such information.
2. Request an alternate hearing panel member when there is reasonable cause to believe that the hearing panel will be unable to conduct an impartial hearing.
3. Be presumed not to be in "violation" of the code unless the facts presented at the hearing prove otherwise.
4. Deny or admit violating the Code of Conduct.
5. Decline to give a personal statement.
6. Present Character Witnesses, if appropriate.
7. Receive a written notice of the sanction(s) imposed.

**PART B: DISCIPLINARY PROCEDURES**

The Administration and the Faculty of Charter Oak State College believe that all members of the academic community are entitled to expect compliance with Section I.D.1 Prohibited Conduct. Accordingly, any Student or employee of the College may initiate a disciplinary process in the manner specified by this section. Once the process has been initiated, all subsequent decisions concerning possible discipline of a Student or students rest with the appropriate College officials. The President shall designate the Provost or another College official to have responsibility for the disciplinary procedures.

1. A statement of possible violation must be filed in writing with the Provost within thirty (30) business days of the date of the alleged violation or within thirty (30) business days of the date the alleged violation was known. Said statement must specify the Student conduct in question and the part or parts of Section I.D.1 Prohibited Conduct, which it is alleged said conduct violates, if applicable.
2. If the Provost determines that the alleged conduct may violate the provisions of the Code or otherwise threatens the safety or order of the College, the Provost shall, within ten (10) business days of receiving a written statement, provide written notice to the Student of the statement of possible violation(s) and the fact that the allegations will be investigated. The investigation shall be conducted by the Provost and/or his or her designee(s), and may include but not be limited to interviews with witnesses, the complainant(s), and review of any pertinent materials and information, and shall include an interview with the Student suspected in engaging in misconduct conduct unless the Student suspected declines to be interviewed. The investigation shall be completed within thirty (30) business days of the Provost's receipt of the written statement of possible violation. A record of the investigations will be maintained.
3. Following completion of the informal investigation specified above, the Provost will (a) determine that there is insufficient basis in fact and dismiss the matter or (b) conclude that there is a sufficient factual basis for discipline.
4. If the Provost determines there is a sufficient factual basis for moving forward with disciplinary proceedings, he or she shall cause a written statement of charges to be provided to the Student. Said statement shall contain (a) a concise statement of the facts on which the charge is based; (b) a citation of the rule or rules alleged to have been violated; (c) a statement of the maximum penalty sought; (d) a statement that the Student may request a hearing by responding in writing to the Provost within thirty (30) business days requesting such hearing; and (e) a statement that failure to request a hearing may result in imposition of the penalty sought.
5. If the Student requests a formal hearing, the Student is entitled to the following: (a) a hearing be conducted within thirty (30) business days after receipt by Provost of a written request for a hearing; (b) to be heard by an impartial panel chaired by the Dean of the Faculty or his/her designee and composed of no fewer than two members of the Charter Oak State College Faculty, one appointed by the Dean of the Faculty and one Student appointed by the Student Association; (c) to appear in person or through a conference call or other mutually agreed upon electronic means, or to have a representative attend on his/her behalf; (d) be accompanied by a support person during the hearing; (e) to hear and have a reasonable opportunity to question adverse witnesses and to present evidence and testimony in his/her behalf; and (f) to receive a written decision within ten (10) business days following the hearing specifying the panel's

findings and the penalty assessed, if any. The hearing shall be taped and a record shall be maintained of this hearing.

6. Hearing: A hearing shall be conducted following the guidelines specified below:

*On-site:*

- a. A hearing shall be conducted in private.
- b. Admission of any person into the hearing room shall be at the discretion of the chair of the hearing body. The chair, who is the Dean of the Faculty or his/her designee, shall have the authority to discharge or to remove any person whose presence is deemed unnecessary or obstructive to the proceeding.
- c. Except as directed by the chair, support persons shall limit their role in a hearing to that of a consultant to the accused, to the complainant or to the victim.
- d. The complainant and the accused are responsible for presenting their respective witnesses, any additional information, and any concluding statements regarding the charges and the information.
- e. In a manner deemed appropriate by the chair, the complainant and/or the accused may question the statements of any person who testifies.
- f. The hearing panel may question any witness presented by the accused and the complainant, including the complainant and the accused as well as any other witnesses the chair may choose to call.
- g. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Hearing Body at the discretion of the chair.
- h. All procedural questions are subject to the final decision of the chair or the Provost.
- i. After the hearing has concluded, the hearing panel, in private, will decide whether the Student charged with misconduct is in violation of the Student Code of Conduct. The Dean of the Faculty or his/her designee may participate in the discussion, but is a non-voting member. Only evidence introduced at the hearing shall be considered in the determination of the decision. Each decision shall be made on the basis of whether or not the information presented at the hearing substantiates the charges in a more likely than not manner.
- j. If the panel finds that the student violated the Student Conduct Code, the panel, in private, shall review the Student's academic transcript and disciplinary record, hear a character witness, if appropriate, and impose the appropriate sanction (s). The decision of the panel will be provided in writing to the Provost. The decision and sanction will be sent to the student in writing by the Provost.
- k. A taped record of the hearing will be maintained. The record shall be the property of the College.

*Via the Phone:*

- a. For the accused or complainant who cannot attend in person, Charter Oak State College will set up a conference call.
- b. Twenty-one (21) business days before the hearing, the Provost must receive all materials to be presented by the accused and by the complainant, including the names and relationships of the character witnesses and support persons. The Provost will send copies of the materials to the hearing panel, the accused, and



- the complainant at least seven (7) business days before the hearing. The Provost will arrange for the conference call.
- c. The procedures outlined in the "on-site" section will be followed, unless they specifically apply only to the on-site hearing.
  - d. Within ten (10) business days of the conclusion of the formal hearing, a Student may appeal the decision, in writing, to the President. An appeal shall be limited to a consideration of the verbatim record of the hearing and supporting documents for one or more of the following: a.) the process set forth in the guidelines was not followed and resulted in prejudice to the Student; b.) the evidence presented was insufficient to justify the decision; and c.) sanction(s) imposed was/were disproportionate to the gravity of the offense. The President may accept the decision of the hearing panel, overturn their decision, return the matter to the original hearing panel, or appoint a new hearing panel. The decision of the original hearing panel or the new hearing panel or the President will be sent to the Student in writing by the President and will be final.
  - e. During any appeal period, any sanctions will remain in place and the Student will not be allowed to participate in a graduation ceremony nor graduate until the review process has been completed and a final decision rendered.

#### **PART C: INTERIM ADMINISTRATIVE ACTION**

The President or his/her designee may impose an interim "College Suspension" and/or other necessary restrictions on a Student prior to a hearing on the Student's alleged violation. Such action may be taken when, in the professional judgment of the President or his/her designee, a threat of imminent harm to persons or property exists.

Interim Administrative Action is not a sanction. Rather, it is an action to protect the safety and well-being of an accused Student, or other members of the College community, or greater community or to protect property. Such action is in effect only until a hearing is completed.

#### **PART D: DISCIPLINARY SANCTIONS**

Disciplinary penalty shall mean any action affecting the status of an individual as a Student taken by the College in response to a Student's misconduct in violation of Section I.D.1 Prohibited Conduct above, which penalties shall include but not be limited to:

1. Warning - A written notice that the Student has violated College Policy and a warning that another violation will likely result in a more severe sanction.
2. Restitution - Compensation for loss of or damage to property.
3. Academic Sanctions
4. Suspension - Suspension is a temporary disciplinary separation from the College involving denial of all Student privileges, including entrance to College premises. A notation of "suspension" will be placed in the Student database but will not be placed on the Student transcript. Charter Oak State College will not accept credits earned at another institution or through any other means during a period of suspension. Suspensions shall range from one semester to two years.
5. Students who are suspended will receive no refund of tuition or fees.
6. A Student who has been suspended must apply for re-matriculation if he/she plans to return.
7. Expulsion - Expulsion is mandatory separation from the College involving denial of all Student privileges, including entrance to college premises for a minimum of 5 years.

After the length of the term for expulsion has expired, the Student may request in writing directed to the Provost permission to re-matriculate. That permission must indicate why Charter Oak State College should allow the Student to return.

8. Charter Oak State College will not accept credits earned at another institution or through any other means during a period of expulsion. A permanent notation of "Dismissed" shall be placed on the Student's transcript.

Failure to comply with requirements of Restitution or Academic Sanctions above will result in dismissal from the institution. The Student must complete the requirements of the sanction before he/she would be allowed to apply for readmission and/or graduate.

# **WRITTEN NOTIFICATION**



## POLICY STATEMENT

Section 46a-68-78

Norwalk Community College continues to be committed to the principles of affirmative action and equal employment opportunity. The College adopted the Affirmative Action Policy Statement approved by The Board of Regents for Higher Education.

This equal employment opportunity policy statement represents a commitment to a program of positive affirmative action and the taking of vigorous steps to overcome the present effects of past discrimination. Norwalk Community College will not discriminate against any person on the grounds of race, color, religious creed, age, national origin, sex, (including pregnancy), gender identity and expression, sexual orientation, ancestry, present or past history of mental disability, genetic information, marital status, intellectual disability, learning disability, pregnancy, physical disability, including, but not limited to blindness, or prior criminal record, workforce hazards to reproductive systems, unless the provisions of section 46a-60(b), 46a-80(b) or 46a-81(b) of the Connecticut General Statutes are controlling, or there is a bona fide occupational qualification excluding persons in one of the above protected groups. With respect to the foregoing, discrimination on the basis of sex shall include sexual harassment as defined in section 46a-60(8) of the Connecticut General Statutes. Although it is recognized that there are bona fide occupational qualifications in which provide for exception from employment prohibitions, it is understood these exceptions are to be applied pursuant to Section 46a-68-78 of the administrative regulations. In addition, Norwalk Community College will not discriminate against any person on the grounds of political beliefs, or veteran status.

Norwalk Community College recognizes the hiring difficulties experienced by persons with disabilities and by many older persons.

If necessary, program goals shall be established with the Affirmative Action Plan for action eliminating hiring barriers and actively recruiting members from these groups, to overcome any remaining effects of past discrimination against these groups and to achieve full and fair utilization of such persons in the workforce.

Norwalk Community College's Affirmative Action Plan containing the internal complaint procedure is readily available to all employees. A copy can be found in the Library and the Human Resources Office. Additionally, during all training sessions provided to employees, information on where, when and how to file a complaint are provided.

To ensure that Norwalk Community College achieved its affirmative action goals, I appointed Lucy Brown as NCC's Equal Opportunity Employer Officer (EEO). The role of the EEO Officer is to, among other duties, develop, maintain, and monitor the College's affirmative action plan, programs and obligations. Ms. Brown's telephone number is (203) 857-6841, and she is located at East Campus room 305, 188 Richards Avenue.

As The Chief Executive Officer (CEO) of Norwalk Community College, I am committed to the goals and timetables set forth in this Plan and will continue to urge all parts of the Norwalk Community College community to assist us in achieving our stated goals.



Cheryl De Vonish, J.D.  
Chief Executive Officer

1/29/2020

( Date )

[Home](#) / [About NCC](#) / [Continuing Notice of Non-Discrimination](#)

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## Continuing Notice of Non-Discrimination

Norwalk Community College does not discriminate on the basis of race, color, religious creed, age, sex, national origin, marital status, ancestry, present or past history of mental disorder, learning disability or physical disability, sexual orientation, gender identity and expression or genetic information in its programs and activities. In addition, the College does not discriminate in employment on the basis of veteran status or criminal record.

The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Norwalk Community College no discrimina ninguna raza, color, religión, edad, sexo, nacionalidad, estado civil, ascendencia, antecedentes de trastornos mentales, problemas de aprendizaje o discapacidad física, orientación sexual, Identidad y expresión de género o información general en sus programas y actividades. Además, Norwalk Community College no discrimina por condición de veteranos o antecedentes penales.

Si tiene alguna consulta o inquietud acerca de las políticas de no discriminación, contacte las siguientes personas:

**Cheryl DeVonish**

*Chief Executive Officer*

203.857.7016

CDevonish@norwalk.edu

**Fran Apfel**

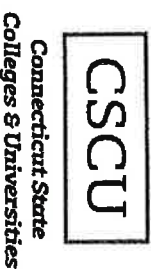
*Americans with Disabilities Act (ADA) Coordinator*

203.857.7192

fapfel@norwalk.edu

**SEXUAL  
VIOLENCE  
STATISTICS  
AND DATA**





# SEXUAL VIOLENCE REPORTABLE STATISTICS AND DATA

**CSCU INSTITUTION: Norwalk Community College**  
**REPORTING OFFICE/DEPARTMENT: Dean of Student Affairs**  
**INSTITUTION CONTACT: Kellie Byrd Danso**  
**YEAR: 2019**

Incidents of Sexual Assault, Stalking and IPV Reported to CSCU in 2019					
Type of Incident	Number of Incidents Reported	Incident Reported to Have Occurred in 2019	Respondent Identified as Connected to the Reporting Institution	Respondent Identified as Connected to CSCU Institution	Confidential or Anonymous Reports
Sexual Assault					
Stalking	2	2			
Intimate Partner Violence (IPV)					

Disciplinary Cases Resulting from Investigations of Sexual Assault, Stalking and Intimate Partner Partner Violence						
Type of Incident	Number of Investigations	Finding of No Violation or Not Responsible	Finding of Responsible & Expulsion	Finding of Responsible & Suspension	Finding of Responsible & Probation/Warning	Number of Findings Appealed
Sexual Assault						
Stalking	2	1			1	0
Intimate Partner Violence (IPV)						

Link to the CSCU Student Code of Conduct: <http://www.ct.edu/files/policies/5.1%20StudentCodeofConduct.pdf> Link to the CSCU Sexual Misconduct Policy: <http://www.ct.edu/files/policies/5.2%20Sexual%20misconduct%20reporting%20support%20and%20processes.pdf>

## EXPLANATION OF REPROTABLE SEXUAL VIOLENCE STATISTICS AND DATA

During the reporting period, NCC received (2) reports of sexual assault/ harassment. One occurred on campus and the other occurred off campus. Both instances were made by NCC students against other NCC students. In one case a protective order was issued and the two students were mandated to remain 100 yards apart from one another. NCC accommodated the order and provided information on support services. Respondent was also required to complete the Not Anymore training. The other case was not substantiated; however, support services were also offered.

**PUBLIC  
AWARENESS,  
PREVENTION,  
AND RISK  
REDUCTION  
INFORMATION**



Title IX Related Training Provided by INSERT YOUR INSTITUTION/ OFFICE/DEPT. HERE

[illegible]

## NCC- Promoting A Diverse & Equitable Workplace

Understanding & Preventing Employment Discrimination

Cheryl C. De Vries, Esq.  
Chief Diversity Officer & Special Advisor to the President

## Ground Rules

- Silence electronics
- Pay attention
- Be respectful of all opinions, statements & comments, even if you disagree with what is being said
- Ask for clarification if you do not understand something
- Please save specific/fact-based questions for after the training session

## State of Connecticut Mandatory Training Topics

- ♦ Statutory provisions concerning sexual harassment & remedies available to victims
- ♦ Federal & State provisions concerning discrimination, and hate crimes
- ♦ Working with and servicing persons from diverse populations
- ♦ Strategies for addressing differences that arise from diverse environments
- ♦ Remedies for victims of unlawful harassment/discrimination

## Morning Agenda

Overview of Employment Discrimination Laws & Policies

Theories of Discrimination

Types of Discrimination

- Sexual Harassment
- Disability Discrimination/Reasonable Accommodation
- Retaliation

Preventing unlawful harassment/discrimination

How to address & report unlawful harassment/discrimination

NCC's Office of Diversity & Equity Programs

## Important Terms.....And Symbol

Affirmative Action - Effort to achieve parity in organization's workforce, through very defined outreach efforts.

Equal Employment Opportunity (EEO) - combination of statutes designed to ensure equal employment opportunities for all employees and all applicants for employment

CHRO - Connecticut Commission on Human Rights & Opportunities

EEOC - Equal Employment Opportunities Commission

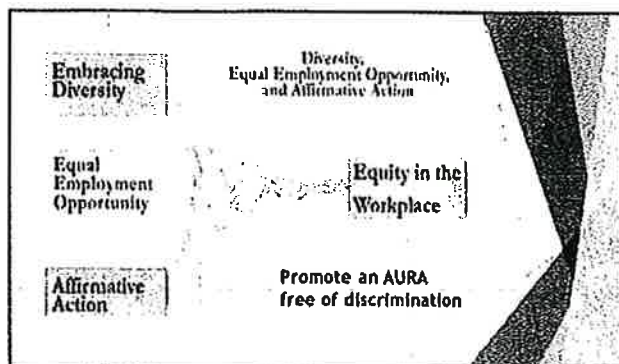
Best Practice - method that has been shown, through research to produce desired results

Rights & Responsibilities

Protected Characteristics

 **HOT TOPIC**

Diversity & Inclusion - Business strategy that leverages the diversity of an organization's workforce to promote innovation and creativity.



### What Do We Mean by AURA?

As employees, we are all expected to make sure there is an atmosphere where diversity is celebrated and where discrimination and harassment does not thrive.

- Acquaint yourself with NCC's Affirmative Action, EEO and Diversity policies
- Understand the policy so that you can
- Recognize harassment /discrimination when you see it &
- Address any issues/concerns immediately

### Federal Anti-Discrimination Laws

- ▶ Title VII of Civil Rights Act of 1964 -prohibits employment discrimination based on race, color, religion or sex
- ▶ Uniformed Services Employment & Reemployment Rights Act of 1994 -prohibits discrimination based on past, current or future military obligation
- ▶ Age Discrimination in Employment Act of 1967 -prohibits employment discrimination against persons 40 years of age or older
- ▶ Americans with Disabilities Act -prohibits employment discrimination against qualified individuals with disabilities

- ▶ Equal Pay Act of 1963 - Protects men and women who perform substantially equal work from sex-based wage discrimination (equal work=equal pay)
- ▶ Civil Rights Act of 1991 -provides monetary damages in cases of intentional employment discrimination
- ▶ Immigration Reform and Control Act of 1986 prohibits discrimination based on National origin and citizenship status

### Connecticut Anti-Discrimination & Laws

- ▶ Connecticut General Statutes (CGS) 46a-81 a -prohibits discrimination based on pregnancy
- ▶ (CGS) 46a-60(7) -prohibits discrimination based on sexual orientation
- ▶ (CGS) 46a-80 -prohibits discrimination based on prior criminal record

### Connecticut Hate Crimes Laws

Connecticut has a number of statutes on hate crimes that protect a range of people, enhance penalties for bias crimes, and allow an injured person to sue for money damages.



### Connecticut Hate Crimes Laws

- ▶ **(CGS) 46a-58** - makes it a crime to deprive someone of his/her legal rights based on religion, national origin, alienage, color, race, sex, blindness or physical disability
- ▶ **(CGS) 53-37** - provides for fine and/or prison time as penalty
- ▶ **(CGS) 53-37a** - provides for increase in penalty if harasser desecrates property burns cross, wears a mask or hood.
- ▶ **(CGS) 53-37b** - If harasser uses force or threat of force, punishable by fine up to \$15,000 and up to 20 years in prison.

### NCC's & BOR Policies

### Policy on Racism & Acts of Intolerance

1. NCC has obligation to punish acts of racism and/or intolerance
2. Provide programs which promote diversity
3. Provide college community that is free from harassment, hostility and violence.
4. Supervisor are on the front line of defense.

### List of Protected Classes

- |   |                                      |
|---|--------------------------------------|
| ▶ Age                                   | Race                                 |
| ▶ Religion                              | Genetic Information                  |
| ▶ Color                                 | Religion/Creed                       |
| ▶ Sex (including Pregnancy)             | ▶ Gender, Gender Identity/Expression |
| ▶ Disability (mental/learning/physical) | Criminal record                      |
| ▶ National Origin/Ancstry               | Citizenship Status/Alienage          |
| ▶ Sexual Orientation                    | Marital/Familial Status              |
| ▶ Military Status                       | ▶ Political Belief                   |

### Employment Decisions Covered by EEO Laws

- |   |  |
|---|--|
| ▶ Recruitment                             | ▶ Performance Evaluations (negative evaluations) |
| ▶ Hiring (refusal to hire)                | ▶ Training and apprenticeship programs           |
| ▶ Promotion (denial of promotion)         | ▶ Discipline (suspension, reprimands)            |
| ▶ Transfer                                | ▶ Layoffs and Terminations                       |
| ▶ Wages and benefits (denial of benefits) |  |
| ▶ Work assignments                        |  |
| ▶ Leave                                   |  |

### UNDERSTANDING the Theories of Discrimination

## Theories of Discrimination

- Disparate Treatment (Being treated differently)
- Adverse Impact
- Harassment/Hostile Environment
- Retaliation

## Disparate Treatment Discrimination

This type of discrimination exists when similarly situated individuals are treated differently because of their membership in a protected class.

A complainant must allege

- ▶ He/She is a member of a protected class
- ▶ He/She suffered some adverse action
- ▶ A similarly situated individual outside of his/her class was treated more favorably

## Hypothetical

EA Ellen and EA Eric are both absent from work. Neither Ellen nor Eric call out and are AWOL. Supervisor Sam gives Ellen a written reprimand that will be included in Ellen's professional file. However, Eric does not receive a reprimand. Based on these facts do you think Ellen could file a discrimination claim based on disparate treatment.

- ▶ Is Ellen in a protected class?
- ▶ Was Ellen subjected to an adverse employment action?
- ▶ Are Ellen and Eric similarly situated?

- ▶ Once a complainant establishes case for disparate treatment discrimination the employer must then provide a legitimate non discriminatory reason for taking the action

- ▶ For example: If Ellen has history with time/attendance issues and was previously warned, and it was Eric's first time being AWOL, she may not have valid claim.

## Hypothetical

Peter has been Records Clerk working in the Academic Records Office. Peter is the only White employee assigned to the Records Office. Isabelle, his Manager, is a Hispanic female. The remaining 4 employees are Black or Hispanic.

This week the Records Office was offered 20 hours of overtime to respond to an audit request. Isabelle authorizes every employee, except Peter, to work overtime this week.

Based on this information can Peter file a valid discrimination claim?

## Adverse Impact

- ▶ The adverse impact theory of discrimination is when a member of protected class claims that a neutral policy or procedure disproportionately impacts members of a protected class
- ▶ If a complainant alleges discrimination based on adverse impact the employer must provide a business justification for the policy AND
- ▶ The employer must show that there is no alternative practice that would accomplish the same business objective with a less adverse impact on the protected class

### Employment Policies That May Trigger Adverse Impact Analysis

- ▶ Minimum height requirements
- ▶ Educational requirements
- ▶ Physical ability tests
- ▶ "No beards" policies
- ▶ Credit Checks
- ▶ "Word of Mouth" recruitment strategies ➤

### Workplace Harassment

Laws and policies on Workplace Harassment are founded in the belief that all employees have a right to work in an environment free from discrimination, intimidation, ridicule and insult.

### What is "the workplace"?

Anti-Harassment policies/uncover any location that could be regarded as an extension of the workplace

- Vehicle ➤
- Any location where NCC official business is being conducted
- Conferences, Off-site meetings, Hartford ➤
- What about Holiday Parties/Barbeque?
- Happy Hour ➤

### Dealing with Workplace Harassment

- ▶ Workplace harassment is unacceptable and will not be tolerated at any level at NCC. Any employee who believes he or she was a victim of unlawful harassment, including sexual harassment, should report the harassment to a supervisor/manager or HR
- ▶ Any Supervisor or Manager that suspects an employee is being subjected to unlawful harassed MUST report it to HR

### NCC's Liability

- ▶ If an employee is subjected to harassment which created a hostile work environment, an employer can be held liable if it knew or should have known of the conduct and failed to take immediate and appropriate corrective action.
- ▶ If supervisor is engaging in the offensive conduct the employer will be automatically liable If Harassment by supervisor results in a  tangible employment action, such as, termination or material change in duties employer is liable without regard to whether employer knew or should have known.

➤ Manager Not Topic

### Hypo

Nadia is a new Program Coordinator working in the Finance Department. Tim & Keith have worked in Finance for 15 years and often discuss politics and sports. Tim often share stories about the women he has dated, and has made some offensive comments about women.

Nadia is never included in those conversations but she has overheard some of the offensive comments

After 2 weeks in the office, Nadia approaches Tim and explains that she is offended by his vulgar language and his jokes offensive. Tim tells Nadia to "lighten up" and get use to it because she's new to the office and this is how it is.

If you are Nadia how would you handle this situation?



### Hypo Continued

Nadia decides to speak to her supervisor and threatens to go to the Chief Diversity Officer to file a complaint. Sam, Nadia's supervisor knows Tim & Keith did not intend to offend Nadia.

In an effort to address Nadia's concerns he moves Nadia to a bigger cubicle across the hall and no longer assigns Nadia any work that requires her to work with Tim or Keith. Sam gives himself a pat on the back for tackling this without getting the COO involved.

By a show of hands who else would like to give Super Sam a pat on the back?

### RECOGNIZING Harassment & Discrimination

### Workplace Harassment

A claim of harassment must assert that the employee was subjected to:

1. Unwelcome verbal or physical conduct
2. The conduct was based on an employee's protected status (i.e. sex, gender identity, race, color, sexual orientation, disability, age)
3. The conduct resulted in an adverse employment action OR the conduct is so offensive that it creates a hostile work environment

### How Do We Know If a Work Environment Is Hostile or Abusive?

Depends on TOTALITY of CIRCUMSTANCES:

- FREQUENCY - How Often does offensive conduct occur
- SEVERITY - how severe is it
- Is it physically threatening or humiliating
- Did it REASONABLY interfere with employee's ability to function in workplace
- VERSUS
- One Offensive comment or petty inconveniences

### The One Offensive Comment "Rule"

EEO related court cases, consistently hold that there are some words that when used even once in the workplace may amount to an automatic finding of harassment based on a protected characteristic.

## The List

- The "N" word
- The "C", "B" "H" or "S" word when referring to a woman
- The "F" word when referring to someone because of their actual or perceived sexual orientation
- Referring to someone as a terrorist because of the national origin or religion

While this list is not exhaustive, the use of any racial, ethnic slur or derogatory term in the workplace is unacceptable and will result in immediate discipline

## Intent v. Impact

When addressing issues of workplace harassment, the intent is irrelevant.

The impact of the behavior is what matters, not the intent of the person who did the behavior that will determine if harassment has occurred.

## HYPO

Jenny is a student worker, assigned to Career Services. When Jenny turned 16 her sister introduced her to the Pagan religion. Paganism is a religion which worships nature as well as a variety of gods and goddesses.

Robert, an NCC employee shares some of his beliefs as a Jehovah Witness with Jenny.

Jenny explains to Robert that she is Pagan and mentions that she will be participating in a very special Pagan ritual this weekend. Over the next 4 days Robert presents Jenny with several pamphlets about Jehovah Witness' beliefs and shares with Jenny what will happen to her if "she worships the devil". Robert explains to Jenny that he is her friend, he loves her and wants to save her soul.

## Sexual Harassment

Sexual harassment is a form of sex discrimination and is defined as: *Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.*

*There are 2 types of sexual harassment.*

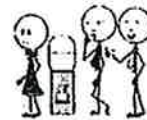
1. Hostile work environment- occurs when an employee is placed in an uncomfortable, intimidating or threatening environment due to unwelcome sexual behavior in the workplace.
2. Quid Pro Quo- this for that- when submission to or rejection of sexual advances affects one's employment, basically a trade involving sexual favors.
  1. The request for a sexual favor can be explicitly or implicitly a term or condition of a person's employment.

## Conduct Must be Unwelcome

- ▶ Courts have held voluntary does not necessarily mean welcome.
- ▶ For sexual harassment to be actionable, it must be unwelcome and sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment.

Would you recognize sexual harassment...What does sexual harassment look like?

Is this sexual harassment?



What about this?



Tommy the Telecomm Tech can be engaging in sexual harassment.



What about Research Supervisor Rena?



What about Research Supervisor Rena?



Research Supervisor Rena asked Research Analyst Randy to go out with her over and over and over until he said yes. Now the two are in a consensual relationship, and Rena allows Randy to leave early each day and get paid for full day.



### Hypo

Paul is an employee of UPS. Paul delivers boxes from Staples every day to NCC. Carla is an NCC Security Guard.

Paul thinks Carla is very attractive and decides to ask Carla out on a date. Carla declines Paul's offer. Paul begins complimenting Carla on how sexy she looks in her uniform, and on one occasion brushed up against her.

Carla complains about Paul to her supervisor. Carla's supervisor tells to avoid Paul, when he arrives to deliver packages. However on a subsequent visit Paul asks Carla to go out with him again, asks to see her baton and offers to "show her his stick." Carla files an EEOC complaint against NCC.

### Hypo Follow Up

An employer can be held liable for the actions of non-employee because NCC had power to control Paul's access to the Rec. Center, and was aware of the offensive conduct and did not take corrective action.

### What You Need to Know about Sexual Harassment

- ▶ Sexual harassment can occur between members of the same sex
- ▶ Harassment can be found when complainant overhears comments or is told about comments by another co-worker
- ▶ Unwanted touching, including neck massages, touching, hugging, kissing, patting, stroking, brushing up against someone could lead to a sexual harassment complaint
- ▶ Sexual harassment complaints that include allegations of grabbing, touching or harassing an individual without consent can also be basis of criminal complaint
- ▶ Engaging in sexual explicit conversations, sharing sexual experiences in the workplace
- ▶ Inappropriate pictures, calendars, magazines, faxes, playing sexually explicit songs, videos in the workplace
- ▶ Sexual comments, sounds (i.e. moans)
- ▶ Licking lips or staring at someone's face or body


### Preventing Claims of Sexual Harassment

- ▶ Avoid behavior that may be misconstrued as possible sexual harassment
- ▶ Avoid sexual jokes, comments, and e-mails
- ▶ Respect a person's indication that your conduct or attention is not welcome
- ▶ Try not to invade another individual's personal space
- ▶ Avoid touching anyone without their permission
- ▶ Clearly inform those engaging in inappropriate sexual oriented behavior that they find it objectionable
- ▶ Seek assistance promptly if they are the target of or observe severe or repeated instances of behavior that they believe qualifies as sexual harassment

### Hot Topic Round Up



### Hot Topic Round Up

- ▶  Pay Equity- More state implementing equal pay initiatives
- ▶ Effective January 2019 CT employers can no longer ask for your salary history

## Text Messages & Social Media

- ▶ Before you hit send consider how you would feel if that text, image or post was on display for all to see

## #METOO

Historically NCT CHRO complaints were due to:

1. Race
2. Age
3. Disability
4. Color

In 2018 CT CHRO saw 20% increase in sex discrimination complaints

## Retaliation

Retaliation, which is a form of workplace harassment, occurs when

1. an employee engages in a protected activity and
  2. then is subjected to an adverse employment action.
- Courts have adopted a very broad application of "adverse"
  - A claim of retaliation must also show a causal connection between protected activity and agency's action. (usually 6 months is red flag)
  - Protected activity includes, filing complaint, participating in investigation or objecting to/opposing workplace discrimination or harassment.

## Examples of Conduct That Can Be Considered Retaliation

- Non renewal of an employee who was a witness/complainant in an EEO investigation
- Denial of promotion/tenure after filing complaint
- Failing to hire or promote an employee based on an EEO complaint
- Changing employee's shift or schedule after participating in an EEO protected activity
- Increased surveillance
- Negative evaluations after engaging in protected activity
- Reassigning an employee who objects to workplace harassment & discrimination

## Title IX

- ▶ What is Title IX?
- ▶ What does it require of NCC?
- ▶ What does it require of you?
- ▶ BOR and NCC policies

## What is Title IX

- Title IX of the Education Amendments of 1972
- Protects all students at educational institutions that receive federal funding.
- All students attend school in an environment free of harassment and gender based violence.
- Violations of Title IX include sexual assault, sexual harassment, sex discrimination or gender discrimination

### IMPORTANT TERMS FROM TITLE IX

- ▶ Responsible Employee
- ▶ On Notice

### WHAT SPECIFIC TYPES OF MISCONDUCT DOES TITLE IX PROTECT YOU FROM?

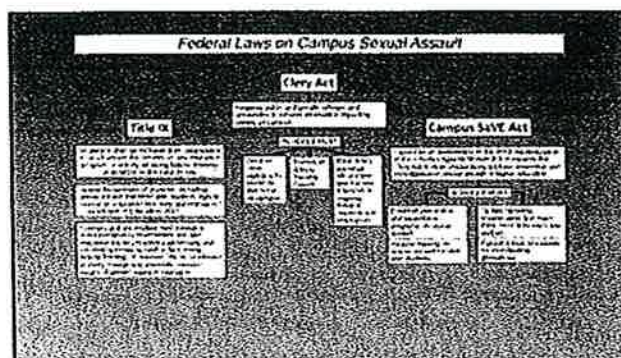
- ▶ Sexual Harassment
- ▶ Sexual Assault
- ▶ Sexual Exploitation
- ▶ Domestic Violence and Dating Violence
- ▶ Stalking
- ▶ Violations of privacy

### WHAT TITLE IX REQUIRES OF NCC:

- ▶ Address violations of the rights protected by the law
- ▶ Apply it equally to all students regardless of sex and gender
- ▶ Proactive in ensuring the campus is free of sex discrimination
- ▶ Established procedure for handling Title IX violations
- ▶ Immediate action so a victim can continue their education w/o harassment
- ▶ Protection from retaliation for complainants and other involved parties
- ▶ Provide no contact directives when appropriate

### TITLE IX AND YOU

- ▶ All NCC Employees are Responsible Employee and expected to
  - ▶ Notify Title IX Coordinators of any Disclosures or Reports
  - ▶ Explain to students the limits of confidentiality (handout)
  - ▶ Treat anyone who discloses and/or report with respect



### Title IX Reporting Procedures



### Relevant CSCU & NCC Policies

- ▶ Policy Against Sexual Harassment
- ▶ Domestic Violence
- ▶ Sexual Misconduct, Sexual Assault & Intimate Partner Policy
- ▶ Affirmative Consent Policy
- ▶ Policy on Consensual Relationships

All of these Policies are Available on NCC Webpage

### The Americans with Disabilities Act (ADA)

The Americans with Disabilities Act gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services,

### Who is protected under the ADA?

- Any individual who currently has a physical or mental impairment that substantially limits one or more of the major life activities (i.e. Not being able to walk)
- Any individual who is regarded as having an impairment. For example an individual who has a facial deformity and is perceived as disabled
- Any individual because of his/her known association or relationship with a person who is disabled
- An individual who has a record of having an impairment

### CT's Disability Statutes

CT law differs substantially from the ADA. It is broader. CT law focuses more on the condition and not the effect the condition has on major life activities. This makes it easier for one to establish a disability.

Who is covered under CT statutes: "Any individual who has any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes or from illness."

#### Covered

Anxiety/Depression  
Back Problems  
Cancer  
Carpal Tunnel  
Asthma  
Arthritis  
Diabetes  
Morbid Obesity

#### Not Covered Under Statute

"Non-Complicated" Broken Leg  
Viral Conjunctivitis  
Common Cold

### HYP0

Jose is a supervisor in his unit. Several years ago, Jose experienced severe forms of anxiety and depression that made it impossible to function at work and in day-to-day life. His condition required a month of hospitalization and a year of outpatient treatment, including psychotherapy and medication.

Jose has made a full recovery and recently applied for a managerial position. Jose's director, Kim, explains to him that the manager position will require long hours, lots of travel and will be extremely stressful. Kim believes the stress of the manager position will cause Jose to relapse. Kim states, "If you are still doing well a year from now, you will be promoted to manager."

Can Jose file a complaint under ADA, alleging discrimination?

## Accommodations

Reasonable Accommodation: the Americans with Disabilities Act (ADA) requires an employer to provide reasonable accommodations to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause an undue hardship

## What types of accommodations can we make?

- Ramps, that make facilities physically accessible to persons with disabilities.
- Job restructuring
- Schedule/shift changes, like flex time, unpaid leave
- Modifications of training materials and examinations
- Reassignments

## Requesting a reasonable accommodation

- A request need not be in writing and does not need to mention ADA
- An employer may request documentation
- An employer may require an employee to go to a Physician designated by the employer if the employee initially provides insufficient information to substantiate request for accommodation.

## Undue Hardships

An employer is not required to lower standards to make an accommodation. Employers can consider the following in determining if a reasonable accommodation is a hardship.

- 1- any costs associated with accommodation
- 2- nature of accommodation
- 3- impact on the operation
- 4- impact on Agency's ability to conduct business

## ADDRESSING Concerns

- If something happens in the workplace that makes you feel uncomfortable, speak up for yourself! And ask the individual(s) to stop or
- Speak to a supervisor
- Contact HR
- Contact the CDO

### What is your role in the Investigative Process?

- ▶ All employees are required to cooperate with official investigation.
- ▶ If you are Subject: Be available and ready to provide assistance, information and clarification.
- ▶ If you are a Witness: Be available and ready to provide assistance, information, clarification.

### What are the consequences of engaging in unlawful harassment/discrimination?

### Filing a Complaint

- ▶ Where can file complaint with NCC's Office of Diversity  
Complaints can also be filed with external agencies such as:
  - ▶ Internally: NCC's Office of Diversity
  - ▶ Externally:
    - ▶ Commission on Human Rights & Opportunities (CHRO)
    - ▶ U.S. EEOC
- ▶ When
  - ▶ NCC/CHRO within 15 calendar days
  - ▶ CHRO: 180 days
  - ▶ EEOC: 180 calendar days from the day the discrimination took place. The 180 calendar day filing deadline is extended to 300
    - \*Continuing violation exception
- ▶ Who Can File a complaint - Anyone who believes that the anti-discrimination laws have been violated.
- ▶ Against whom can a complaint be filed?

### Questions?



### LUNCH BREAK

### Diversity & Inclusion



## Our Goal

To create an environment where people can be authentic and at the same time understand both creativity and conflict can occur when you have diversity.

## Setting the Stage

- ▶ Identify & develop inclusive skills that will create an environment where our colleagues and students feel valued, included, and engaged.
- ▶ Today we want to explore our reactions to differences and ways to modify our behaviors so our co-workers and the individuals we serve feel valued and included.
- ▶ In order to get the most out of this experience encourage everyone to actively participate, and be open to views different from your own.

## Afternoon Agenda

- Why Diversity & Inclusion Matter
- Exploring and Challenging Personal Bias
- Making Mutual Contact
- Lowering the Waterline
- Inclusive Communication

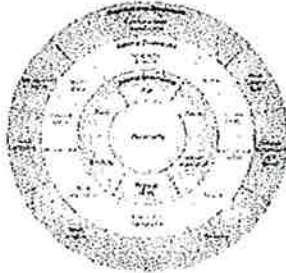
## Ground Rules

- ▶ Create a Safe Space
- ▶ Take Care of Own "Side of the Street"
- ▶ Equal Voices
- ▶ Any Other Ground Rules?

## WHY DIVERSITY & INCLUSION MATTERS

By promoting Diversity and Inclusion, we strive to ensure equal access, equal treatment and foster an environment where we can leverage our diverse talents, backgrounds and skills to provide creative and innovative services to the students we serve and create an atmosphere where everyone is valued and included.

## The Diversity Wheel



## Diversity & Inclusion

At NCC Diversity is about respecting, valuing and celebrating our differences, similarities and our unique characteristics and abilities.

Diversity is about who we are, the combination of our similarities, differences and unique characteristics.

One benefit of diversity is that we can use multiple opinions, cultures and backgrounds to drive our best work.

Inclusion is the practice of valuing diversity, respecting everyone's differences and not making assumptions about others who we perceive as different.

## How Diverse is NCC?

## The Good News

Organizations that value Diversity & Inclusion, experience

1. Increase in employee productivity and morale
2. More creative and innovative teams
3. Decrease in EEO complaints & employee grievances
4. Increase in profits and customers
5. Increase in retention rates

## Not So Good News..

The beneficial effects of diversity are dependent on the presence of Facilitating conditions (how well we manage diversity).

Absent facilitating conditions the above factors are reversed!

- Organizations that are not managing Diversity well experience
  - Decrease in employee productivity and morale
  - Lack of creativity & innovation
  - Increase in employee complaints & grievances
  - Increase in customer complaints
  - Difficulty retaining top talent

## Identifying Behaviors That DO NOT Promote Diversity & Inclusion

## Exploring Personal Biases & Stereotypes

What is a bias? A bias is an inclination to like or not like something, to hold on to that inclination and refuse to consider the benefits of the alternative.

Psychologists once believed that only intolerant people used stereotypes. Studies have shown that we all use (stereotypes), all the time, without even knowing it.

## What Do We Know About Biases?

1. Biases are often formed from a young age, are often not based on any experience or facts and can be unconscious.
3. Biases can be based on your upbringing and your cultural background. While you are not responsible for your cultural conditioning, YOU ARE responsible for demonstrating inclusive behaviors in the workplace.

## Consider This

- ▶ Less than 15% of American Men are over 6 feet tall. But 60% of CEOs are 6 feet tall or taller
- ▶ For each inch in height, a person earned about \$789 more in pay. So a 6-foot person would earn \$5,325 more each year than someone who is 5'5"
- ▶ MIT Research Study distributed 5000 resumes to 1250 employers who advertised job openings. All of the resumes distributed were essentially the same. The only distinction was half of the resumes had "typically black" candidate name. The other half had "typically white" names. The resumes were then sent to companies that were aggressively seeking diverse candidates. What were the results of the study?

Despite the fact that the resumes were essentially identical, candidates with "typically white" name received 50% more calls for interviews.

## Social Science Research Network Study

Survey conducted of over 6000 faculty members across disciplines at public and private universities.

Email sent to faculty members, from fictional student interesting in research opportunities. Names of students were names that would be associated with a White female, Asian male, Black male etc.

## Social Science Research Network Study

The Letter  
Dear Professor [Surname of Professor Inserted Here],  
I am writing you because I am a prospective doctoral student with considerable interest in your research. My plan is to apply to doctoral programs this coming fall, and I am eager to learn as much as I can about research opportunities in the meantime.

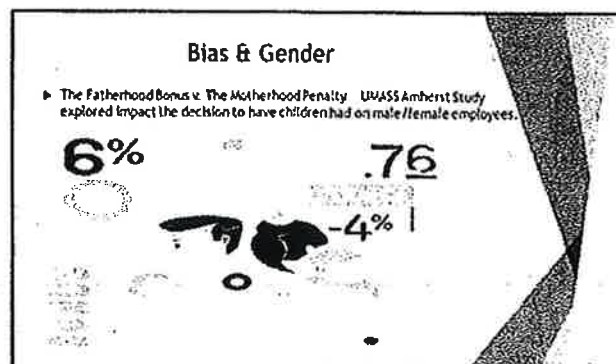
I will be on campus today (next Monday), and although I know it is short notice, I was wondering if you might have 10 minutes when you would be willing to meet with me to briefly talk about your work and any possible opportunities for me to get involved in your research. Any time that would be convenient for you would be fine with me, as meeting with you is my first priority during this campus visit.  
Thank you in advance for your consideration.  
Sincerely, [Student's Full Name Inserted Here]



Discipline	% Responding to Women and Minorities	% Responding to White Men
Business	82%	87%
Education	55%	80%
Human services	71%	82%
Health services	52%	71%
Engineering and computer science	92%	72%
Life sciences	61%	72%
Natural, physical sciences & mathematics	54%	72%
Social sciences	65%	72%
Humanities	75%	80%
Fine arts	72%	67%

\*Across all disciplines faculty members at public institutions were more likely than those at private colleges to respond to those who were not whitemen.

\*Biggest gaps in response rates were for groups with names suggesting student was Asian



THE DADDY BONUS VS. THE MOMMY PENALTY	
► The daddy bonus is a reward for men who have children. It is a bonus that is given to men who have children.	► The mommy penalty is a punishment for women who have children. It is a penalty that is given to women who have children.
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### How Does Bias Affect Your Behavior In The Workplace

### Bias In The Workplace

- In the workplace, we make assumptions about others based on our biases. We make assumptions about those we interview for positions, those we work with and sometimes the communities we serve.
- We tend to make negative assumptions about those we perceive as different or an "Outsider"

### Insiders/Outsiders Activity

One Volunteer From Each Group

## Activity

## Activity Review

### Insiders

- 1. What techniques did you use to keep outsiders out?
- 2. What techniques seemed successful?
- 3. How did you feel being an "insider"?

### Outsiders

- 1. How did it feel being an outsider?
- 2. What techniques did you use to become part of the group?

## Who May Be Considered Outsiders at NCC?

## Who May Be Considered Outsiders in Your Division?

## Wrap Up

### Taking responsibility to engage in INCLUSIVE BEHAVIOR

- 1. Give and seek feedback - explain that you feel excluded and why
- 2. Accept responsibility - acknowledge and accept everyone's responsibility to engage in inclusive workplace behavior. Outsiders should not believe it is the insiders responsibility to make Outsiders feel included.
- 3. Value Differences. Different does not mean bad
- 4. Take a stand on inappropriate behavior
- 5. Make mutual contact

## Making Mutual Contact

Making mutual contact: making mutual contact involves making a conscious effort to reach out to colleagues outside of your usual circle.

It involves:

- 1. Going out of your comfort zone to get to know others better and allowing them to get to know you better.
- 2. Take the time to connect with co-workers. By taking the time to connect we create an environment that is more inclusive. Connecting with others outside our usual circle also allows us to challenge our biases.

\*Supervisors: making an effort to connect with those you supervise often provides insight into what motivates your staff to perform their best work.

## Making Mutual Contact & Lowering the Waterline

### What Do You See?



### What Do We Know About Icebergs?

Typically, about 80-90% of an iceberg is below sea level. So, what you see on the surface, tells you very little about the iceberg.

### Lowering The Waterline

WHAT YOU KNOW

WHAT SOME MIGHT KNOW  
(and most really need to find out)

WHAT YOU  
REALLY SHOULD  
KNOW

WHAT YOU  
MAY NEVER KNOW

THE UNKNOWN

What You Know- height,  
race/ethnicity,  
gender.

What Some Might Know- Marital Status

What You Really Should Know- What motivates me in the workplace, What causes me to disengage.

What you May Know-

### Group Activity

In your groups take turns sharing 3 things about yourself that others in the group do not know.

### Mutual Contact/Iceberg Learning Points

Sometimes people unconsciously make assumptions based on what they see. But when we explore below the waterline, we are able to breakdown assumptions and challenge biases.

### Exclusive Behaviors - Micro messages

- ▶ Micro messages- are subtle, sometimes verbal or physical messages that we send when we are interacting with an individual.
- ▶ Micro messages are often unintentional and subconscious. It can be something simple like changing the pitch of your voice.
- ▶ Individuals send anywhere from 40 to 150 micro messages to each other in an average 10-minute conversation



### Micro-Aggressions & Micro-Inequities

- ▶ **Micro-Inequities**- are a form of micro- messages that devalues, discourages and ultimately impairs performance because it signals to the receiver that you perceive him/her as different and an outsider and you do not want to interact or associate with him/her.
- ▶ **Micro-Inequities** are often based on characteristics of the receiver such gender, race, age but also things such as title within a department or educational background

Source: Mary Rowe, MIT, 1987



### Micro Inequities In the Workplace

- ▶ How do you think someone might experience this in your workplace? Are you more likely to experience the "big" offenses or the "little" offenses in today's workplace?
- ▶ How might this issue impact on an employee's performance?
- ▶ Whose problem is it and why?
- ▶ What are some of the ways we can address the issue of micro-inequities?

### Micro-inequities In Motion

Micro-inequities can take the shape of behaviors, looks, gestures or tones of what is said or written

- ▶ "I'm not to sure about her she doesn't seem like a good fit"
- ▶ "Let's not send him to the meeting"
- ▶ Avoiding eye contact, rolling eyes
- ▶ Cutting down ideas before they can be considered and then praising same idea when delivered by someone else
- ▶ "You speak soo well"

- ▶ Excluding someone from a relevant e-mail or meeting
- ▶ Neglecting to include someone in an introduction
- ▶ Replying to someone with sarcasm
- ▶ Making assumptions based on someone's appearance or protected status (ie. Age or weight)
- ▶ Using technology (cell phone, texting) while someone is trying to speak with you and then listening intently when speaking with someone else

### Impact of Micro-Inequities

- ▶ Research shows that micro-inequities, though small in nature, cause **MASSIVE DAMAGE**. Over time micro-inequities adds up and the receiver of the micro-inequities will disengage in the workplace.
- ▶ Micro-inequities almost always results in the receiver feeling excluded, angry and acting out those feelings in an unproductive fashion.

## Taking Ownership of Micro-inequities

## Promoting Diversity & Inclusion

### THINGS TO CONSIDER

- How well are you managing diversity within your department?
- Do you encourage and promote collaborative, constructive conflict management?
- How do you show your support of NCC's commitment to Diversity & Inclusion?

## How Can We Promote Diversity & Inclusion as Employees?

- ▶ Practice positive, constructive work habits in the workplace. Work cooperatively towards common goals
- ▶ Recognize and respect others and their individuality
- ▶ Think before you speak, be clear and respectful in your communications
- ▶ Ask questions about how people want to be treated
- ▶ Eliminate stereotypes and generalizations
- ▶ Always follow the Platinum Rule

## Final Questions/Thoughts



### Discrimination Trends (2010-2015)

[illegible]

Sources: CP.gov, EOC.gov

According to CHRO statistics, in 2018, 2,177 complaints were filed across the state; an increase from the 2,482 complaints filed in 2015.

- Complaints based on an individual's color rose from 505 in 2014 to 555 in 2015.
- Complaints based on mental and physical disabilities rose from 741 in 2014 to 790 in 2015.
- Complaints based on a person's race rose from 693 in 2014, to 734 in 2015.
- Sex discrimination complaints rose from 384 in 2014, to 615 in 2015.
- The number of sexual harassment cases filed decreased from 191 to 181 between 2014 and 2015. However, harassment complaints based on other protected characteristics increased significantly from 380 in 2014, to 503 in 2015.
- Retaliation complaints filed have risen from 625 in 2014 to 793 in 2015.



#NCCproud

# ASSISTANCE FOR STUDENTS

## WHO HAVE EXPERIENCED SEXUAL MISCONDUCT

Sexual Harassment; Gender Based Harassment; and Sexual Violence  
(Sexual Assault, Dating and Domestic Violence, Stalking)



Attending to your emotional health can be an important part of your healing process. The following support services are available to assist you.



**The Center**  
for Sexual Assault Crisis  
Counseling and Education

733 Summer Street, Suite 503  
Stamford, CT 06901

Office: 203-348-9346

24-hour hotline: 203-329-2929

### FREE & CONFIDENTIAL Services Include:

Up to 12 counseling sessions

24-hour hotline

Support Groups

Victim Advocacy

Confidential

### NCC Campus Mental Health Counselor

Andrea Arnold, M.S.W., FCA

Student Success Center

203-857-7022

Tuesdays & Wednesdays 9am-1pm

Confidential



Seeking medical attention can be critical to assessing your overall health needs, testing for sexually transmitted infections and pregnancy, and collecting evidence that may be used in legal proceedings.

*Contact your Primary Care Physician or local Hospital.*



### Norwalk Hospital

203-852-2000

34 Maple St. Norwalk, CT 06856

At the hospital you will have the option to have a Sexual

Assault Forensic Exam (sometimes called a "rape kit")

completed. An exam can take place up to 120 hours after an assault and the cost is covered by the Connecticut Office of

Victim Services.

### ABOUT COMPLAINTS FILED ON CAMPUS

A complaint does not obligate a student to file a police report or interact with the alleged assailant. A complaint begins an investigation in which involved parties are met with individually.



You have options if you choose to report an incident of sexual misconduct. The following contacts will be able to assist you in the process. You may pursue any or all of these options.



### NCC Campus Security

203-857-7223

### NCC Faculty & Staff

All employees are mandated reporters. Once a disclosure is received, employees MUST notify the Title IX Officer.

They are then required to report non-identifying information to campus security.

### NCC Title IX Officers

Wendy Mendes 203-857-7121 (E104) (Students)

Laura Mirkov 203-857-7313 (Security) (Students)

Cheryl Devonish 203-857-7016 (E305) (Employees)

Non-Confidential

### Police Department

To pursue criminal charges contact the police department where the assault occurred.

Non-Confidential



"Sexual violence is defined as a sexual act committed against someone without that person's freely given consent." (CDC) "Sexual violence includes the behaviors and ideas that create the environment that allows it to flourish, from sexual harassment to sexual assault." (CONNSACS)

### What is Consent?

Consent is the equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. Consent cannot be assumed because there is no physical resistance or other negative response.

### Sexual Violence Includes:

- |                       |                                   |                  |                |
|-----------------------|-----------------------------------|------------------|----------------|
| • Sexual Harassment   | • Incest                          | • Rape           | • Marital Rape |
| • Sexual Exploitation | • Child Sexual Abuse/Assault      | • Statutory Rape | • Partner Rape |
| • Sexual Contact      | • Drug Facilitated Sexual Assault | • Date Rape      | • Gang Rape    |

### Normal Reactions

While trauma affects each person differently, effects can include feelings of:

- |                       |                               |                 |  |
|-----------------------|-------------------------------|-----------------|--|
| • Shock and disbelief | • Self-blame, shame and guilt | • Worthlessness | • Feeling as though the assault/abuse is happening again |
| • Anger               | • Despair                     | • Hopelessness  |  |
| • Fear                | • Distrust                    | • Terror        | • Flashbacks   |
|                       |                               |                 | • Nightmares   |

### Why Seek Medical Attention?

- To collect evidence in case the victim would like to report the crime to the police
  - \* Must be completed within 120 hours (5 days) of a sexual assault
  - \* Can be done confidentially and anonymously Evidence can be stored for 60 days allowing the victim/survivor time to decide if they want to report the incident or press charges
- To check and treat for physical injury, sexually transmitted infections, and pregnancy.

### "Disclosures" vs. "Reports"

A disclosure is a communication of an incident of sexual violence not accompanied with a request for an investigation or adjudication, although there may be a request for accommodations and referral to services.

A report is a disclosure accompanied by an immediate request for an investigation and adjudication

# ASISTENCIA PARA LOS ESTUDIANTES

## QUE HAN SUFRIDO ABUSOS SEXUALES

Acoso Sexual, Acoso por razón de género, y Violencia sexual  
(Asalto Sexual, Violencia doméstica, y Acecho)



Atendiendo a su salud emocional puede ser una parte importante de su proceso de sanación. Los siguientes servicios de apoyo están disponibles para ayudarle.



**The Center**  
for Sexual Assault: Crisis  
Counseling and Education

733 Summer Street, Suite 503

Stamford, CT 06901

Oficina: 203-348-9346

Línea directa de 24 horas: 203-329-2929

Servicios Gratis y Confidencial Incluyen:

· Hasta 12 sesiones de consejería

Línea directa de 24 horas

Grupos de apoyo

Apoyo para las víctimas

Confidencial

### Consejero de Salud Mental de NCC

Andrea Arnold, M.S.W. FCA

Student Success Center

203-857-7022

Martes & Miércoles 9am-1pm

Confidencial



Buscar atención médica puede ser crucial para evaluar sus necesidades de salud general, pruebas para detectar infecciones de transmisión sexual y el embarazo, y la recolección de pruebas que pueden utilizarse en los procedimientos judiciales.

*Comuníquese con su doctor primario o su hospital local*



**Norwalk Hospital**

203-852-2000

34 Maple St. Norwalk, CT 06856

En el hospital, usted tendrá la opción de tener un examen forense de Agresión Sexual (a veces llamado un "estuche de violación") completada. Tendría hasta 120 horas después de una agresión para completar el examen, y el costo es cubierto por la Oficina de los Servicios de Víctimas de Connecticut.



Hay opciones si decide informar de un incidente de mala conducta sexual. Los siguientes contactos serán capaz de ayudarle en el proceso. Usted puede seguir cualquier o todas estas opciones.

### Seguridad de NCC

203-857-7223

NCC Faculty & Staff

Todos los empleados de NCC son reporteros bajo mandato. Una vez que la revelación es recibida, los empleados deben notificar al Oficial de Título IX.

Entonces están obligados a reportar información sin identificación a la seguridad en e campus.

### Oficiales de Título IX

Wendy Mendes 203-857-7121 (E104)

Laura Mirkov 203-857-7313 (Security)

No Confidencia

### Departamento de Policía

Para imponer cargos criminales, contacte el departamento de policía donde paso el asalto.

No Confidencial

### ACERCA DE LAS DENUNCIAS PRESENTADAS EN EL

#### CAMPUS

Una queja no obligan al estudiante a presentar un reporte de la policía o interactuar con el supuesto agresor. Una denuncia inicia una investigación en la que las personas implicadas se reúnen con individualmente.

## **¿Que es la violencia sexual?**

La violencia sexual ocurre cuando alguien fuerza o manipula a otra persona a realizar una actividad sexual no deseada sin su consentimiento. (nsrvc.org)

## **¿Qué es el consentimiento?**

El consentimiento es el acuerdo explícito de la libre voluntad entre dos personas que están activamente diciendo sí a un comportamiento sexual específico. (thebluebench.org)

### **Violencia Sexual Incluye:**

- Acoso Sexual
- Explotación Sexual
- El contacto sexual
- El incesto
- El abuso sexual infantil
- Asalto Sexual por la influencia de drogas
- Violación
- La violación marital
- Violación de pareja
- Violación en grupo

### **Reacciones Normales**

El trauma afecta a cada persona de forma diferente, pero los efectos pueden incluir sentimientos de:

- ira
  - vergüenza y culpabilidad
  - desesperación
  - desconfianza
  - inutilidad
  - desesperanza
  - Terror
  - Sensación como si el asalto/ abuso está sucediendo otra vez
  - Pesadillas
- Para coleccionar pruebas en el caso de que la víctima quisiera denunciar el delito a la policía
  - Para controlar y tratar las lesiones físicas, enfermedades transmitidas sexualmente y el embarazo.

### **¿Por qué buscar atención médica?**

### **"Revelar vs. "Reportar"**

El revelar es una comunicación de un incidente de violencia sexual que no viene acompañado con una solicitud de investigación o adjudicación, aunque puede haber una solicitud de alojamiento y remisión a servicios.

Un Report es una revelacion acompañada por una solicitud inmediata de una investigación y juzgamiento





## **Clery Act: Basics**

Clery Act: Basics provides a foundational overview of each of the large, topical areas of the Clery Act focusing on how roles at an institution intersect with Clery Act compliance and implementation responsibilities.

This training will help identify concrete action items each of those roles should take in order to support overall, institutionalized Clery Act compliance.

This training will review:

- Identification and notification of Campus Security Authorities (CSAs) and strategies for training them
- Clery Act geography definitions
- Clery Act crime categories
- Distinctions between timely warnings and emergency notifications
- Rights and options for survivors of sexual assault, dating violence, domestic violence stalking Procedures for responding to and prevention programming for sexual assault, dating violence, domestic violence, and stalking
- Annual Security Report components – This seems like a Public Safety/Security function. What about this should other roles understand or how can their role intersect with this work?

This training is best suited for those in roles whose functions partially intersect with Clery Act compliance: Student Affairs (residence life/housing, student conduct, violence prevention, health and wellness), Human Resources, Athletics, Study Abroad, Greek life, to name a few. We will discuss how gaining a clearer understanding of areas such as CSA responsibilities, prevention and response for sexual assault, dating violence, domestic violence and stalking and, Clery geography within each of these intersecting roles aids in the institutionalization of Clery Act compliance.



**DRAFT AGENDA**

<b>Date</b>	
<b>8:00 am – 9:00 am</b>	<b>Registration/Tea &amp; Coffee/Networking</b>
<b>9:00 am – 10:00 am</b>	<b>Welcome</b>
<b>10:00 am – 10:45 am</b>	<b>The ASR</b>
<b>10:45 am – 11:00 am</b>	<b>Break</b>
<b>11:00 am – 12 pm</b>	<b>CSAs</b>
<b>12:00 pm – 1:00 pm</b>	<b>Lunch Break</b>
<b>1:00 pm – 2:00 pm</b>	<b>Clery Geography</b>
<b>2:00 pm. – 2:30 p.m.</b>	<b>Clery Crimes: Counting &amp; Classifying</b>
<b>2:30 pm – 2:45 pm</b>	<b>Break</b>
<b>2:45 pm – 3:30 pm</b>	<b>VAWA Amendments to Clery</b>
<b>3:30 pm – 4:30 pm</b>	<b>Timely Warnings &amp; Emergency Notifications</b>
<b>4:30 pm – 5:00 pm</b>	<b>Wrap Up</b>

## Byrd-Danso, Kellie

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**From:** Mendes, Wendy J  
**Sent:** Monday, February 25, 2019 12:15 PM  
**To:** Byrd-Danso, Kellie  
**Subject:** Culture of Respect Campus Leadership Team

February 25, 2019

Dear Dr. Kellie Byrd-Danso,

As part of Norwalk Community College's continued commitment to addressing campus sexual violence, we have joined the Culture of Respect Collective. The Collective is a NASPA program that brings together institutions of higher education who are dedicated to ending campus sexual violence and guides them through a rigorous process of self-assessment and targeted organizational change. As a participating institution, we will receive strategic support and technical assistance from Culture of Respect, who will also help us document the changes we make to support survivors, prevent sexual violence, and communicate that violence is unacceptable.

This innovative program builds off the success of their first two cohorts and a pilot program, which have demonstrate the program's ability to support institution's in making targeting programmatic and policy changes related to sexual violence prevention and response. We are thrilled to have the support of Dr. David Levinson, President and Cheryl DeVonish, COO, who are enthusiastic about the program's potential to help Norwalk Community College better serve our students.

A key component to the program's success its emphasis on cross-campus collaboration. As such, we are forming a Campus Leadership Team (CLT) to spearhead NCC's participation in the program. It is imperative to have representatives from across our institution on the CLT, so that we can think creatively and holistically about how to use our institutional resources effectively. We are inviting you to join our CLT.

As a member of the CLT, you will have the opportunity to contribute to creating and implementing a strategic plan for addressing campus sexual violence. As part of this commitment we will ask you to: attend **one meeting each month**; engage in a robust self-assessment process; participate in the creation of a strategic action plan for our institution; and, provide support for operationalizing specific initiatives of the plan, as your schedule and time availability permits.

**NCC's CLT Kick Off Meeting is scheduled for Wednesday February 27<sup>th</sup> at 3:00pm in Room E-212, we'll hold another date for those that can't make this one.**



This is an exciting opportunity for us to work together at Norwalk Community College to address this issue head on. Please let me know if you are able to serve on our CLT, and if you'll be available to attend the first meeting.

Thank you, and we look forward to working with you,

Wendy Mendes, Counseling Department  
Cheryl DeVonish, Chief Operating Officer

Notes from the meeting 2/27/19.

We are Cohort 3 of the culture for change collective.

#### Goals/ Expectations for our Campus Leadership Team members

- Adopt the Culture of Respect approach to preventing and responding to campus sexual violence
- Convene the CLT at least once per month. Participation in these meeting is expected.
  - Attend monthly meetings
- Attend a CLT Welcome Meeting (February)
- Administer the CORE Evaluation twice -- once at the start of the program to collect baseline data and again at the conclusion of the program to benchmark progress.
  - The Core Evaluation is Quick Facts about the CORE Evaluation:
    - The questions are organized around the six pillars of the CORE Blueprint, in order to guide your team towards thinking about this issue from multiple sides and perspectives.
    - It is lengthy - it has over 125 questions! They recommend looking over the survey first, and seek out any data.
  - Work together to create our Individualized Implementation Plan (IIP), and update it at each monthly CLT meeting
  - Provide information related to their expertise to help complete the CORE Evaluation
  - Participate in the creation of your institution's IIP
- Use our IIP to assign objectives out to members.
  - Assume responsibility for fulfilling objectives as outlined in your IIP
- Attend professional development and peer-led learning opportunities, as appropriate
  - Join the listserv @ [collective@lists.naspa.org](mailto:collective@lists.naspa.org)
  - Our **February 26, 2019** professional development webinar was **Community College, First Gen, and Military-Connected Students: Approaches to Sexual Violence Prevention & Response** for those of you who interested in this webinar: You can watch a recording [via this link](#) You can also complete the [very brief post-webinar survey](#);
  - Our next Professional Development webinar is on **March 19th**, If Interested please click the link below and register. [How the Arts Break Barriers and Help Us Heal!](#) Writer, poet, performer, and educator Caroline Rothstein will share how the arts can be a powerful and impactful tool on campus - and beyond - for sexual assault prevention and response. [Register today!](#)

# **OTHER SUPPLEMENTAL INFORMATION**

## **Not Anymore Training**

The Board of Regents, assisted by funding from a federal safety grant purchased for all CT Community Colleges an online training, entitled "Not Anymore."

This 30-minute training addresses sexual assault awareness and prevention, and is specifically designed for community college students. It covers key topics like, Consent, Bystander Intervention, Verbal Defense, Dating/Domestic Violence, Sexual Harassment and Stalking. During the reporting period 609 students completed this training.



Dear Student,

At Norwalk Community College we pride ourselves on providing an enlightening college experience, which demands a safe and healthy student environment. **To that end, we are requiring that you view *Not Anymore*, an online interpersonal violence prevention program from Student Success™.** This video-based program will provide critical information about Consent, Bystander Intervention, Sexual Assault, Dating and Domestic Violence, Stalking and much more. *Not Anymore* will help you better understand how vitally important these issues are and what you can do to help make your campus safer.

#### Program Instructions

Then online program will be available to take as of September 07, 2018. You are required to complete the program by November 07, 2019. You are required to earn at least an 80% on the program, which will prompt you to retake the post-test until you achieve this score. The program also will allow you to review the program videos before you retake the post-test.

Step 1: Log on to Not Anymore at:

Step 2: Enter your access code: 16norwalk

Step 3: You will be taken to the *Not Anymore* Account Setup Page. Follow the instructions provided. Remember the email and password you enter, as they will allow you to leave and re-enter the program to complete the program in several sittings if you choose without having to start over. If you run into problems taking or reentering the program, do not start over. Contact us through the HELP button and we will assist you.

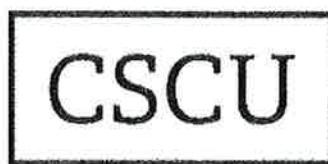
If at any time you have general questions or concerns regarding the program requirements, please contact [lmirkov@ncc.commnet.edu](mailto:lmirkov@ncc.commnet.edu). If you have any technical difficulties with the program, please contact Student Success™ through the program HELP button or at [terrylynn.pearlman@studentsuccess.org](mailto:terrylynn.pearlman@studentsuccess.org).

We thank you in advance for your diligent participation in this critical program. Through Student Success™ programs and our other campus efforts and resources, we are becoming a nationwide model for a safer campus.

Sincerely,

Laura Mirkov

Title IX Officer



## Frequently Asked Questions (FAQ's)

### ***Not Anymore* – Sexual assault online prevention training**

**Q: What is *Not Anymore*?**

**A:** *Not Anymore* is an interactive online program designed to educate students in the prevention of sexual assault, dating violence, domestic violence and stalking. The program also covers consent and bystander intervention.

**Q: Why is this program important?**

**A:** This program is designed to provide students critical information about sexual assault, dating violence, domestic violence and stalking as well as resources available on and off campus. Both federal and state (Campus SaVE Act and CT Public Act 14-11) mandates require colleges and universities to educate all students on these topics every year. All Connecticut State Colleges and Universities (CSCU) require *Not Anymore* on an annual basis.

**Q: How long is it going to take me to complete the training?**

**A:** The training will take approximately 45-55 minutes to complete. You may stop and save the training at any time. The program includes listening to relevant videos, reading and understanding the definition of consent, sexual violence, sexual harassment, stalking, domestic violence, dating violence, bystander intervention, as well as reading and understanding the policies and procedures on your campus.

**Q: Can I skip the videos?**

**A:** No. The videos are designed so that students learn aggregate material to pass the post-test successfully.

**Q: Can I pause the program and return at a different time to continue?**

**A:** Yes. You may stop and save the training at any time. You will need to log back into the training by using the same process you used to enter it the first time, and it will take you to where you left off.

**Q: What happens when I finish the program?**

**A:** The site provides a certificate of completion. Please print or save the certificate and maintain a copy for your records. The school will also receive notification that you have completed the training.

**Q: What happens if I do not complete the training?**

**A:** Failure to complete the *Not Anymore* training may result in being unable to register for classes for the following semester until the training has been completed, and may be considered a violation of the CSCU Student Code of Conduct. In short, please complete the training by the deadline!

**Q: How often will I be asked to complete this program?**

**A:** You will be asked to take the full version of *Not Anymore* upon admission to the college. Each year thereafter, you will be required to complete a different refresher program, which is shorter and intended as a review.

**Q: I have completed this training at another CSCU campus. Do I need to take it again?**

**A:** If you have completed *Not Anymore* at another CSCU school within the last year and you have your certificate, you do not need to take it again this year. Forward your certificate to your campus administrator and they can provide you with more information. Given the importance of the information contained in the training, you will need to take *Not Anymore* again if it has been longer than one year.

**Q: I am taking online courses or am a non-degree seeking or continuing education student. Do I need to complete *Not Anymore*?**

**A:** Yes, all CSCU students are required to complete *Not Anymore*, regardless if they are taking courses on campus or online.

**Q: Will faculty or staff have access to my answers?**

**A:** No. All responses are strictly confidential. The campus administrators will only receive information about the student body as a whole and will NEVER see any individual student's answers.

**Q: What is the deadline for taking the training?**

**A:** The deadline for completion for the Fall 2019 semester is **November 6, 2019**. Failure to complete the training by this date may result in being unable to enroll in classes for the Spring 2020 semester.

**Q: Do the videos have closed captioning (CC)?**

**A:** The videos have the option of Closed Caption, Audio Description (audio that describes the images in the video) and High Definition. Video transcripts are available for students with a learning disability.

**Q: Is there anyone who provides technical support for the training?**

**A:** There is a Tech Help resource tab on the top right corner. The Tech Help resource also has a list of answers to common problems.

**Q:** How do I report sexual assault, dating violence, domestic violence or stalking on my campus?

**A:** NCC is committed to maintaining an environment free from unlawful harassment and discrimination. Accordingly, all NCC employees (except: NCC's Mental Health Counselor) are mandated reporters. All reports or disclosures of conduct that may constitute sexual misconduct, including allegations of sexual assault, sexual harassment, sexual violence, domestic/dating violence and stalking, should be directed to the attention of either Security Admin Laura Mirkov (203-857-7313) or Counselor Wendy Mendes (203-857-7121).

**Q:** Who is the Title IX Coordinator/Campus Administrator?

**A:** NCC has two Title IX Coordinators: Security Admin Laura Mirkov (Room East 214, 203-857-7313); and Counselor Wendy Mendes (Room East 104, 203-857-7121).

**Q:** If I am a survivor of sexual assault, dating violence, domestic violence or stalking, do I need to complete this training?

**A:** If you are a survivor of sexual assault, dating violence, domestic violence or stalking and feel you are unable to take this training, you will be exempt. However, in order to stop receiving emails reminding you to complete the training, you will need to contact your campus administrator. Please know, confidential resources are available in your community and your campus administrator can help connect you.





# Norwalk Community College



## Staff & Faculty Guide for Responding to Sexual and Gender-Based Misconduct

Sexual Harassment; Gender Based Harassment; and Sexual Violence (Sexual Assault, Dating and Domestic Violence, Stalking)

*The following guide will help you navigate what to do if a student discloses to you an incident of Sexual or Gender-Based Misconduct.*

**IMPORTANT:** ALL faculty and staff are **required** to report incidents of sexual and gender—based misconduct of which they become aware to the Title IX Coordinator. The requirement extends to all faculty and staff because of the College's commitment to provide a safe and nondiscriminatory campus, as well as its responsibilities under Title IX. The only exception to this requirement is the following confidential resource: NCC Campus Mental Health Counselors—  
Lisa Slade (LSlade@norwalk.edu) & Andrea Arnold (AArnold@norwalk.edu)

**Prior to Disclosure:** If you believe that a student is about to tell you about an incident of sexual or gender-based misconduct, attempt to explain your reporting obligations before they make the disclosure. If the student wants to disclose an incident and keep it confidential, refer them to the NCC Campus Mental Health Counselors.

If the student decides to continue with the disclosure, be sure to take these three important steps.

### STEP 1

#### **Reassure and Assess**

##### **Safety**

Provide the student with non-judgmental support and ensure the student is safe. If there is immediate danger, call local police.

But remember, it is always the victim's choice whether or not to report to the police.

### STEP 2

#### **Refer**

Explain your reporting duties AND refer students to resources.

*(See reverse side for additional information)*

### STEP 3

#### **Report**

At the earliest possible time (no later than 24 hours) after the disclosure, fill out a Student of Concern Form found on the NCC website.

*\*On the main page, scroll over the Student Services tab then click on Counseling Center. On the left hand side, click on Student of Concern Form.\**

The form will then be sent to the Title IX Coordinator

## Additional Information and Guidance

### for NCC Staff & Faculty

Norwalk Community College takes all allegations of sexual and gender-based misconduct seriously. The College recognizes the significant trust relationships faculty and staff have with students, and the difficulty that may come with responding to a disclosure of sexual misconduct by a student. This guide provides guidance and information to assist you in these situations. Please understand however, that this brief guide cannot and does not address every aspect of responding to disclosures of sexual misconduct. If at any point you have questions or want additional guidance or information, please contact Cheryl DeVonish at CDeVonish@norwalk.edu 203-857-7016, Wendy Mendes at WMendes@norwalk.edu 203-857-7121 or Laura Mirkov at LMirkov@norwalk.edu 203-857-7313.

**TYPES OF INCIDENTS COVERED.** This guide covers incidents of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, regardless of where or when it occurs, or by whom, whether between people of different sexes or the same sex, and regardless of the student's gender identity. If you are unsure if an incident falls into any of these categories, please contact Cheryl DeVonish at CDeVonish@norwalk.edu 203-857-7016, Wendy Mendes at WMendes@norwalk.edu 203-857-7121 or Laura Mirkov at LMirkov@norwalk.edu 203-857-7313.

**EXPLAINING YOUR REPORTING DUTIES.** If you believe a student is about to tell you about an incident of sexual or gender-based misconduct, attempt to explain your reporting duties before they make the disclosure. If this is not possible, do it soon after the disclosure.

For Example: *"Thank you for coming to talk to me about such a serious issue. I need to tell you that if I become aware that sexual or gender-based misconduct has occurred, I am required to inform the Title IX Coordinator who is specially trained to respond so that steps can be taken to ensure your safety and the safety of our community. Your privacy will be respected, but if you prefer to talk to someone who does not have an obligation to report, there are two options on campus. You can speak with NCC Campus Mental Health Counselors — Lisa Slade (lslade@norwalk.edu 203-857-6818) or Andrea Arnold (AArnold@norwalk.edu 203-857-7022)."*

**PROVIDING NON-JUDGMENTAL SUPPORT.** One of the most important ways to provide support is to listen without judging or blaming. Remember that no matter what the circumstances, no one deserves to be subjected to sexual and gender-based misconduct. Allow the student to talk about their experience. The person may not know what to call what happened; do not define the experience for them. Follow their lead; do not take control of the situation or try and do something to "fix" it. Having experienced sexual and gender-based misconduct can cause the person to feel a loss of control; let the student make their own decisions, and support their decisions. Also understand that everyone responds uniquely in these situations. Some common reactions may include shock, fear, embarrassment, guilt, anger, depression, and/or feeling overwhelmed.

**REPORT INFORMATION TO THE TITLE IX COORDINATOR.** At the earliest possible time (no later than 24 hours) after you receive the disclosure, fill out a Student of Concern Form found on the NCC website. You must report all relevant details about the incident(s) disclosed by the student. Once you have submitted the form, you do not need to take further action. Understand, however, that you may be contacted for follow-up information as the College responds to the report.

## About Us

The Center: Serving Lower Fairfield County, Connecticut for 35 years

The Center provides free, 24-hour confidential support for women, men and children who are victims of sexual assault. We also provide age-appropriate personal safety classes for children ages 11-18 to reduce their risk of becoming a victim, and education/awareness programs for the community at large.

The Center supports eight town/cities in Lower Fairfield County including: Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, Westport, and Wilton. All of our services are available in English and Spanish.

We extend special heartfelt thanks to our generous supporters and sponsors:

City of Stamford  
City of Norwalk  
CONNSACS

Debbie and Bryan Dietz for The William and

Sylvia Silberstein Foundation, Inc.  
Fairfield County Community Foundation

GE Asset Management  
Greenwich United Way

Help For Children

New Canaan Community Foundation

The Steven A. and Alexandra M. Cohen Foundation

UBS

United Way of Western Connecticut  
Wells Fargo Foundation

## Our Mission

The Center provides counseling and support services to victims of sexual assault and strives to eliminate sexual violence through community-wide education programs. Our wish? A world free from sexual violence.

### The Center for Sexual Assault Crisis Counseling and Education

733 Summer Street, Suite 503  
Stamford, CT 06901

Office: 203-348-9346

Fax: 203-324-2321

24 - Hour Hotlines

English: 203-329-2929

Español: 888-568-8332

[www.thecenter-ct.org](http://www.thecenter-ct.org)

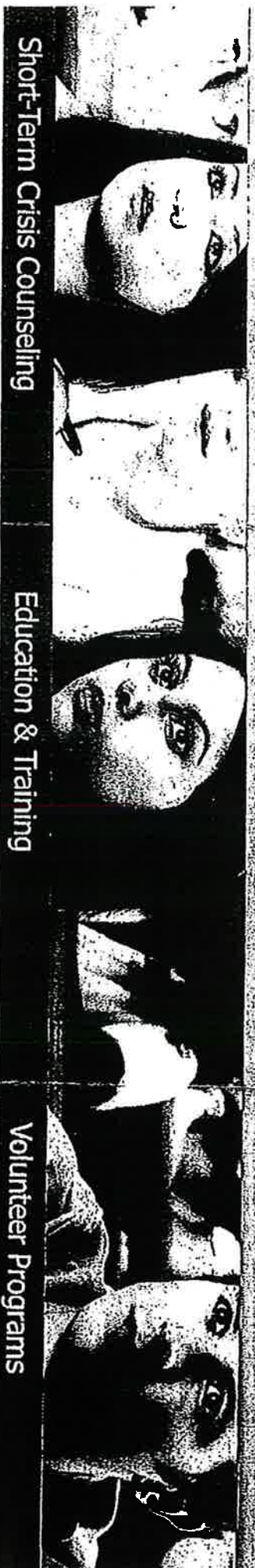
We can't achieve  
our mission without you!  
Donate Today  
[www.thecenter-ct.org](http://www.thecenter-ct.org)



Counseling • Education • Advocacy

## Programs & Services





## Short-Term Crisis Counseling

*You're Not Alone. We're here to help.*

At The Center, our trained crisis counselors work with victims of sexual assault and their loved ones to guide and empower them. Our counselors also inform their clients about legal, medical and counseling options.

Free Services include:

- **24-hour Crisis Hotline:** staffed with Certified Sexual Assault Crisis Advocates
- **Individual Short-Term Counseling:** up to 12 sessions of one-on-one crisis counseling
- **Support Groups:** for survivors and their families
- **Advocacy:** We can meet clients at hospitals and police stations to provide support and aid in evidence collection. We are also available to support and accompany clients through the court process and judicial proceedings.

Bilingual staff is available.

All services are free and confidential.

## Education & Training

*Our wish? A world free from sexual violence.*

At The Center, we believe education is at the very heart of making our wish for a world free from sexual violence become a reality. The Center offers a variety of educational programs on a wide range of topics to raise awareness about sexual violence.

- Our educational programs are age appropriate, non-threatening and teach:
- Risk reduction
  - Prevention techniques
  - The prevalence and pervasiveness of these crimes
  - What to do if you or someone you know is sexually assaulted

- The Center's education programs reach:
- Elementary, middle and high school students, as well as college students
  - Police forces and medical professionals
  - Parents and teachers
  - Social workers, camp counselors, religious leaders, guidance counselors and more

## Volunteer Programs

*Have a heart. Lend a hand.*

Are you looking for an interesting and important way to make a difference in someone's life? Do you want to take a stand for an important issue and get involved with your community, while gaining valuable experience?

Consider becoming a volunteer at The Center.

Volunteers can work directly with clients on our 24-hour hotline or work behind the scenes in the office, or at our events. All direct service volunteers must successfully complete our 35-hour certification training program. We also ask that all volunteers help us with our events and public awareness campaigns. Lend us a hand. Become a volunteer today!

Contact us at 203-348-9346 and learn how you can help.



The Center  
for Sexual Assault Crisis  
Counseling and Education

[www.thecenter-ct.org](http://www.thecenter-ct.org)



- 1. Please give name, title and division of the person(s) you believe discriminated against you.**
- 2. When did the alleged discrimination occur?**
- 3. Where did it happen?**
- 4. Were there witnesses to the discrimination? Please give the name, title and division where any witness is employed. Please provide a brief description of what witnesses observed, heard or would have knowledge of.**
- 5. Did you report this incident to anyone? If so, please state the name, title, and division of the person to whom you reported it.**
- 6. Describe what happened to you, which you believe is unlawful discrimination, and how other persons were treated differently. This statement may be amended to correct mistakes or omissions. Please use extra pages if necessary.**

**7. What corrective action do you want taken?**

**8. What is the best way to contact you regarding your complaint? (i.e email or mail to your home address)**

**Have you filed a complaint about the alleged discrimination with any of the following agencies? If so, please state the date and number of the complaint.**

☐ Connecticut Commission on Human Rights \_\_\_\_\_

☐ United States Equal Employment Opportunity Commission \_\_\_\_\_

**I certify that I have read the above charge that it is true to the best of my knowledge, information and belief.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant's Signature



**Norwalk Community College**  
Office of Diversity & Equity Programs  
188 Richards Avenue  
Norwalk, CT 06854  
Phone: (203) 857-7016

**Cheryl C. De Vonish, Esq.**  
Chief Diversity Officer/Title IX Coordinator  
Special Advisor to the President

## COMPLAINT OF DISCRIMINATION

**Instructions:** PLEASE COMPLETE THIS FORM IN ITS ENTIRETY. Failure to provide all of the requested information may result in a delay in responding to and resolving your complaint. For questions 1-6, please provide as much detail as you can provide and attach any supporting documentation. By completing this form, you certify that the information you provide is true to the best of your knowledge, information, and belief and understand that knowingly providing false information on this form or during the course of any subsequent investigation may be grounds for disciplinary action.

**Note: A complaint investigation can take anywhere from 4-8 weeks. During that time, you are expected to continue attending classes.**

Please print the following information:

Name \_\_\_\_\_ Student ID @ \_\_\_\_\_

Home Tel. No. \_\_\_\_\_ Cell Phone No. \_\_\_\_\_

Home Address \_\_\_\_\_ Email Address \_\_\_\_\_

\_\_\_\_\_

**What is the alleged basis of discrimination? (Check all that Apply)**

Age ☐

Marital Status ☐

Alienage/Citizenship ☐

National Origin ☐

Color ☐

Race ☐

Criminal Record ☐

Religion/Creed ☐

Disability ☐

Retaliation for Filing/Assisting in investigation of complaint ☐

Gender Identity/Expression ☐

Sex (Including pregnancy, Sexual Harassment) ☐

Genetic Information ☐

Sexual Orientation ☐

1. Please give name, title (i.e. Professor) and division of the person(s) you believe discriminated against you.
2. When did the alleged discrimination occur?
3. Where did it happen?
4. Were there witnesses to the discrimination? Please give the name and/or other identifiable information. Please provide a brief description of what the witnesses observed, heard or would have knowledge of.
5. Did you report this incident to anyone? If so, please state the name of the person to whom you reported it.
6. Describe what happened to you, which you believe is unlawful discrimination and how other persons were treated differently. This statement may be amended to correct mistakes or omissions. Please use extra pages if necessary.
7. How would you like to see this matter resolved?
8. You may be contacted several times throughout the investigation process. In order for us to complete the investigation in a timely matter, please provide the best way and the best time to contact you.



**I certify that the information I have provided is true to the best of my knowledge, information and belief.**

**I understand that an investigation can take anywhere from 4-8 weeks, and during that time, I am expected to continue attending classes. Should I decided to withdraw from any classes, I will consult with an Academic Advisor in the NCC Counseling department.**

---

**Complainant's Signature**

---

**Date**



# Norwalk Community College

128 Richards Avenue Norwalk, CT 06854 (203) 847-7000 [www.norwalk.edu](http://www.norwalk.edu)

## COMPLAINT OF DISCRIMINATION

**Instructions: PLEASE COMPLETE THIS FORM IN ITS ENTIRETY. Failure to provide all of the requested information may result in a delay in responding to and resolving your complaint. For questions 1-6 please provide as much detail as you can provide and attach any supporting documentation. By completing this form you certify that the information you provide is true to the best of your knowledge, information and belief and understand that knowingly providing false information on this form or during the course of any subsequent investigation may be grounds for disciplinary action.**

**Please print the following information:**

Name \_\_\_\_\_

Job Title \_\_\_\_\_

Your Supervisor \_\_\_\_\_

Division \_\_\_\_\_

Home Tel. No. \_\_\_\_\_

Cell Phone No. \_\_\_\_\_

Home Address \_\_\_\_\_

Email Address \_\_\_\_\_

---

**What is the alleged basis of discrimination? (Check all which apply)**

Age ☐

National Origin/Ancestry ☐

Alienage /Citizenship ☐

Criminal Record ☐

Color ☐

Race ☐

Religion/Creed ☐

Genetic Information ☐

Disability ☐

Sex (including pregnancy, sexual Harassment) ☐

Gender Identity/Expression ☐

Sexual Orientation ☐

Marital Status ☐

Retaliation for filing/ assisting in investigation of complaint ☐

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[Home](#) / [Office of Special Advisor](#) / [Title IX](#)

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## Title IX

Title IX of the Education Amendments Act of 1972 is a federal law that prohibits sex discrimination by any educational institution or program.

Plainly stated "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 education program or activity receiving Federal financial assistance." 20 U.S.C. 1681

The protections provided under Title IX, extends to programs and activities such as admission to academic programs, financial aid, course offering, and employment decisions. The Office of Civil Rights of the US Department of Education is responsible for enforcing Title IX.

Security Admin [Laura Mirkov \(203.857.7313\)](#) and Counselor [Wendy Mendes \(203.857.7121\)](#) have been designated as the College representatives responsible for ensuring that NCC is in compliance with Title IX. Compliance includes publishing a [Notice of non discrimination](#), and having procedures in place to report and investigate sex based harassment and/or violence.

NCC is committed to maintaining an environment free from unlawful harassment and discrimination. Accordingly, all NCC employees (except NCC's Mental Health Counselor) are mandated reporters. All reports or disclosures of conduct that may constitute sexual misconduct, including allegations of sexual assault, sexual harassment sexual violence, domestic/dating violence and stalking, should be directed to the attention of either Security Admin [Laura Mirkov \(203.857.7313\)](#) or Counselor [Wendy Mendes \(203.857.7121\)](#)

Click for the [NCC Security Protocol Plan](#), which provides an overview of existing college safety and security policies and programs

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## Frequently Asked Questions

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# SCAN THE QR CODES WITH YOUR MOBILE DEVICE TO GET MORE INFORMATION ON THE FOLLOWING TOPICS



NSVRC  
website



Sexual Assault  
Awareness Month:  
English site



Sexual violence  
in disasters



Child Sexual Abuse  
Prevention  
Info Packet



Sexual Violence  
& the Workplace  
Info Packet



NSVRC  
Library



Sexual Assault  
Awareness Month:  
Spanish site



Housing and  
Sexual Violence  
Info Packet



Sexual Violence  
in Later Life  
Info Packet



Engaging  
Bystanders  
Info Packet



NSVRC  
publications



Sexual Violence  
in the Military



Sexual Violence  
& Individuals Who  
Identify as LGBTQ



Human  
Trafficking  
Info Packet



Guide about  
sexual violence  
& homelessness



# NINE FAST FACTS ABOUT SEXUAL ASSAULT AND

1

Title IX prohibits sex discrimination in education programs that receive federal funding. (This means all public and charter K-12 schools, some private K-12 schools, and nearly all colleges and universities.)

2

Sexual harassment, including sexual assault, is a type of sex discrimination that's banned by Title IX.

3

Sexual assault = a physical sexual act done against a person's will. This includes situations in which a person is incapable of giving consent due to drug or alcohol use.

4

One in five women are victims of completed or attempted sexual assault while in college. That's over 2 million women.

5

Sexual harassment creates a hostile environment or when it is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from an educational program. (Rape is sufficiently severe to create a hostile environment.)

6

If a school knows (or reasonably should know) about sexual harassment, including sexual assault, that creates a hostile environment, Title IX requires the school to take immediate action to stop the harassment, prevent its recurrence, and address its effects.

7

Schools are required to adopt and publish grievance procedures for students who complain of sex discrimination, including sexual assault.

8

If you file a complaint with the school, regardless of where the assault occurred, your school must process the complaint under its grievance procedures.

9

Because a Title IX investigation is different from a law enforcement investigation, even if you file a police report your school is responsible to investigate the assault. This investigation must be prompt, thorough, and impartial.

Fri 1/26/2018 10:10 AM

Faculty, staff, and others who are concerned about a student's behavior are encouraged to report the concern through the online student of concern form. This includes emotional/behavioral concerns, disruptive behaviors, threatening words or actions, academic concerns, personal needs, as well as reports of sexual assault, stalking, and intimate partner violence.

All reports are taken seriously, therefore, it is essential to provide as much information as possible. Your name will remain confidential, however, the appropriate party may need to contact you for additional information. The form is located on the NCC website under the Counseling Center. Here is the link to the form: <https://norwalk.edu/studentofconcern>.

If you have any questions, please feel free to contact Cathy Miller, Chair, Behavioral Intervention Team, at [cmiller@norwalk.edu](mailto:cmiller@norwalk.edu) or 203-857-3342.

*Please do not reply to this email. The CampusNews mailbox is not checked regularly, and your email will not go to your intended recipient. Instead, please refer to any contact information within the body of this email for questions, replies, etc. Thank you.*

## Student of Concern

NK-Campusnews

Fri 9/7/2018 9:23 AM

At NCC, we care deeply about student success and realize that students sometimes face challenges in their personal and academic lives. Faculty and staff are often the first to notice behaviors that may interfere with a student's ability to be successful and function in the learning environment.

Faculty, staff, and others who are concerned about a student's behavior are encouraged to report the concern through the online student of concern form. This includes emotional/behavioral concerns, disruptive behaviors, threatening words or actions, academic concerns, personal needs, as well as reports of sexual assault, stalking, and intimate partner violence.

All reports are taken seriously; therefore, it is essential to provide as much information as possible. Your name will remain confidential; however, the appropriate party may need to contact you for additional information. The form is located on the NCC website under the Counseling Center.

Here is the link to the form: <https://norwalk.edu/studentofconcern>.

If you have any questions, please feel free to contact Cathy Miller, Chair, Behavioral Intervention Team, at [cmiller@norwalk.edu](mailto:cmiller@norwalk.edu) or 203-857-3342.

## Student of Concern – Welcome to NCC!

[norwalk.edu](http://norwalk.edu)

NCC Students have access to a wide assortment of services to enhance their academic and social lives.

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*Please do not reply to this email. The CampusNews mailbox is not checked regularly, and your email will not go to your intended recipient. Instead, please refer to any contact information within the body of this email for questions, replies, etc. Thank you, PR Office*

[Home](#) / [Student of Concern](#)

## Student of Concern

The Student of Concern Form is used to report students who are exhibiting issues or behavior causing some concern. This includes Emotional/ Behavioral Concerns, Academic Concerns, personal needs such as food/clothing/transportation/housing, as well as Reports of Sexual Assault, Stalking or Intimate Partner Violence.

All reports are taken seriously, therefore it is essential to provide as much information as possible. Your name will remain confidential, however, the appropriate party may need to contact you for additional information.



## Online Early Alert Report

### CareNetwork Report

#### Student of Concern Form

The Student of Concern Form is used to report students who are exhibiting issue Behavioral Concerns, Academic Concerns, personal needs such as food/clothing Stalking or Intimate Partner Violence.

All reports are taken seriously, therefore it is essential to provide as much inform appropriate party may need to contact you for additional information.

If there is an imminent threat to anyone's personal safety or If there is an eme 7223.

### Reporting Party Information

Your Name\*

What is your role?

☐ Student ☐ Faculty ☐ Staff ☐ Other

Email Address\*





# 2019 Annual Security Report

This Information is provided in compliance with federal law, known as the Clery Act.  
Statistics from 2016-2018.

Compiled by Norwalk Community College Security.

## A Message from the Director of Campus Security

*September 30, 2019*

Dear Norwalk Community College students, faculty and staff,

The mission of Norwalk Community College Security is to afford our students, faculty and staff an opportunity to learn, teach and succeed in a safe and secure environment. We work every day to improve the quality of campus life for students, faculty and staff, and to promote a working environment which recognizes and is respectful of diversity.

We also work cooperatively with the City of Norwalk Police Department and other law enforcement agencies to actively reduce crime throughout the campus community. We are here to serve you, but the campus will remain safe only if we take our responsibilities to ourselves and others seriously. We encourage the campus community members to take proactive approaches towards your safety and helping others. You can assist by simply reporting unusual or suspicious activities or behaviors, and we will make every effort to protect your confidentiality.

In the spirit of public service, we are pleased to offer the NCC Annual Security Report. This report contains information about crimes reported to NCC Campus Security, statistics are also compiled from law enforcement agencies in jurisdictions where NCC owns property, leases property or those with jurisdiction on adjacent property such as Norwalk Police Department. It provides valuable, standard statistics that afford an accurate picture of safety on campus. Additionally, this report will inform current and prospective students, faculty, staff and visitors about the college's policy information, safety tips, resource phone numbers and a brief overview of the many services the college provides, as well as information regarding emergency preparedness and planning, and phone numbers of helpful community resources.

Please familiarize yourself with the resources available to assist you. If you have any questions or would like more information regarding campus safety and security, please contact me at [203.857.7219](tel:203.857.7219) or visit the [Security website](#).

**Robert M. Studlvan**  
*Director of Security*  
Norwalk Community College

## Policies for Preparing the Annual Security Report

Information in this report is compiled from reports provided by campus officials designated as campus security authorities (CSAs) and the Campus Security Department. Statistics are also compiled from law enforcement agencies in jurisdictions where the College owns property, leases property or those with jurisdiction on adjacent property such as Norwalk Police Department.

## Reporting a Crime or Emergency

All students and employees are encouraged to report if they are the victim of a crime, observe a crime in progress, or believe a crime may be in progress. If a life-threatening emergency is taking place, call 9-1-1 first, then call the Department of Security at the appropriate campus.

## Confidential Reporting Procedures

Crimes can be reported on a voluntary, confidential basis for inclusion in the Annual Security Report. Norwalk Community College encourages anyone who has witnessed, or been a victim of a crime to immediately report the incident by dialing 911, or for a non-emergency you can call Campus Security at [203.857.7223](tel:203.857.7223). NCC will protect the confidentiality of victims and other necessary parties. Campus Security has public records available without the inclusion of personally identifying information about the victim. The purpose of a confidential report is to maintain anonymity, while taking steps to ensure the future safety of yourself, and that of others. Confidential reports can be made to the Director of Security in East Campus Room E214, or by dialing [203.857.7219](tel:203.857.7219).

## About the Annual Security Report

The purpose of this report is to provide information about security on campus for the previous three years, to include:

- > Campus and community crime statistics required by the Clery Act;
- > Inform current and prospective students, faculty, staff and visitors about the college's policy information, safety tips, resource phone numbers and a brief overview of the many services the college provides;
- > Information regarding emergency preparedness and planning;
- > Phone numbers of helpful community resources;

The Department of Security prepares the College's Annual Security Report under the supervision of the Chief Operating Officer, in compliance with

Security Dispatcher / Information Desk	<u>203.857.7223</u>	77223
West Campus Security	<u>203.857.7155</u>	77155
Director of Security	<u>203.857.7219</u>	77219
Chief Operating Officer	<u>203.857.6841</u>	77016
<i>Title IX Coordinators</i>		
Laura Mirkov	<u>203.857.7313</u>	77313
Wendy Mendes	<u>203.857.7121</u>	77121
Dean of Student Affairs	<u>203.857.6887</u>	77369
Counseling Office	<u>203.857.7033</u>	77033
Veteran's Oasis	<u>203.857.7026</u>	77026

## Off-Campus Resources

### Norwalk Police Department

1 Monroe St, Norwalk, CT 06854

203.854.3000

website

### CT Department of Emergency Services & Public Protection CT State Police

Troop G

149 Prospect St, Bridgeport, CT 06604

203.696.2500

website

## Hospitals and Medical Services

Location	Phone
Norwalk Hospital	<u>203.852.2000</u>
Bridgeport Hospital	<u>203.384.3000</u>
Stamford Hospital	<u>203.276.1000</u>
Poison Control Center	<u>1.800.222.1222</u>
Suicide Prevention	<u>203.358.8500</u>
American Red Cross Fairfield County	<u>1.800.319.9935</u>
Salvation Army	<u>1.860.543.8400</u>
Rape Crisis – YWCA of Eastern Fairfield County	<u>203.334.6154</u>

## About the Clery Act

NCC's Annual Security Report is prepared and distributed in compliance with the **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)**, as amended by the **Higher Education Opportunity Act (HEOA)**, and all implementing regulations issued by the US Department of Education (34 C.F.R. Part 668.46). The act is named in memory of Jeanne Clery, a Lehigh University freshman who was assaulted and murdered in her residence hall in 1986. This report has been prepared to meet the requirements of this act.

In 1990, Congress enacted the Crime Awareness and Campus Security Act (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in HEA's Title IX student financial assistance programs to disclose campus crime statistics and security information. In 1998, amendments renamed the law the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act."

The Clery Act requires higher education institutions to give timely warnings of crimes that represent a threat to the safety of students or employees and to make public their campus security policies. It also requires that crime data is collected, reported and disseminated to the campus community and is also submitted to the United States Department of Education ([www.ed.gov](http://www.ed.gov)). The Act also mandates that an institution make a reasonable, good-faith

effort to obtain the required statistics and may rely on the information supplied by a local police or state police agency. NCC collects the data from Campus Security reports, CSAs, and the City of Norwalk Police Department.

The act is intended to provide students and their families, as higher education consumers, with accurate, complete and timely information about safety on campus so that they can make informed decisions.

## Clery Act Revisions

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA), which, among other provisions, amended sections of the Jeanne Clery Act. Most notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their Annual Security Reports.

The Clery Act now requires universities and colleges to include four general categories of crime statistics:

- > Criminal Offenses
- > Hate Crimes
- > Violence Against Women's Act (VAWA) Offenses
- > Arrests and Referrals for Disciplinary Action

Statistics must be disclosed separately for each of these four general categories. This means that when an incident meets definitions in more than one of these categories, it must be reported in each category.

Sex offenses are no longer classified as whether "forcible" or "non-forcible." The Clery Act now requires sex offenses to be addressed in four separate categories:

- > Rape
- > Fondling
- > Incest
- > Statutory Rape

Beginning with reports due in 2015, institutions are required to include the total number of "unfounded" crime reports. A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

## Description + Compliance

To be in compliance with Clery Act regulations, NCC follows all applicable state and federal reporting laws to ensure a safe campus required by the Clery Act.

Reportable offenses for Clery Act purposes are:

- > Criminal homicide, including murder and both negligent and non-negligent manslaughter
- > Sexual offenses, including both forcible (rape, fondling) and non-forcible (incest, statutory rape)
- > Robbery
- > Aggravated assault
- > Burglary
- > Motor vehicle theft
- > Arson
- > VAWA offenses (domestic violence, dating violence and stalking)
- > Hate crimes and any associated larceny, simple assault, intimidation, or destruction, damage or vandalism of property
- > Arrests and/or referrals for disciplinary action for weapons law violations, drug abuse violations and liquor law violations
- > Unfounded crimes

## Geography of Locations

The Clery Act requires institutions to disclose statistics for reported crimes that occur from three distinct Clery geographical locations. The statistical data from on campus, on public property within or immediately adjacent to the campus, and in or on non-campus buildings or property that NCC owns or controls must be included within the Annual Security Report.

Under the Clery Act, the on-campus category includes the following:

- > Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- > Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendor).

Under the Clery Act, public property encompasses the following:

- > All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

The Clery Act definition of non-campus buildings or property is:

- > Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- > Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of institution.



## Overview of Campus Security

### Public Safety

NCC strongly encourages students, faculty, staff and guests of NCC, to report all crimes and public safety related incidents to the NCC Security Department in a timely manner. NCC is committed to providing the members of the campus community and its visitors with a stable and secure environment. All incidents or crimes reported to Campus Security will be reported as necessary, to the College's Administration and to State and local authorities. Campus Security is available during all operational hours of the College, and are located strategically throughout each building.

To report any criminal or suspicious activities that occur on the grounds of NCC, you should call Security by dialing 203-857-7223, or use extension 77223 from any campus phone; or you may call the Director of Security at 203-857-7219, or extension 77219 from any campus phone. Each faculty and staff member has a silent alarm system on their office phone that they can activate during an emergency, which will immediately alert campus security to a possible threat.

### Campus Security

The NCC Security Department consists of 17 highly trained security officers and 1 full time support staff employee. All officers receive training in first aid, cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators (AED). Security officers check IDs and provide guest passes, create student, faculty and staff IDs, conduct security checks, perform investigations and interview witnesses, monitor surveillance, inspect buildings and access points, control access for visitors and outside vendors, supervise parking, direct traffic and answer calls for assistance, such as motorist assistance. Guards must remain alert, and look for anything out of the ordinary throughout their shift. They are primarily responsible for ensuring the safety and security of students, faculty, staff and visitors. They are unarmed and do not have authority to make arrests. NCC does not have a memorandum of understanding (MOU) or any other type of written agreement with any law enforcement agencies, however in the event of an emergency, guards may call for assistance from police, fire or EMS. The Norwalk Police Department or the Connecticut State Police have jurisdiction and respond to incidents on campus.

### Security and Access to Campus Facilities

Safety is a core value at NCC, and the College is committed to protecting the health and wellness of all students, faculty and staff. NCC has designed policies and regulations in order to create a safe and secure environment for the members of its community. NCC photo IDs are mandatory for every student, faculty and staff member, and must be visible upon entering the building(s). Visitors and outside vendors must present a valid (non-expired) photo ID (driver's license, state issued non-driver ID, military ID or passport) to security in order to be admitted to the building. As a State owned facility, the buildings are open to the public during hours of operation. NCC does not have any campus residences therefore, NCC's facilities, functions, and hours of operation vary periodically and are posted on our website. Normal business hours are Monday – Friday, 7 a.m. – 10 p.m., Saturday, 7 a.m. – 5 p.m. and closed on Sundays. As a safety precaution, all north and south entrances to both campuses are locked every day at 10 a.m. At this time, the only way to enter each building is through the main doors. NCC Security officers are posted at each main entrance to ensure the safety and well-being of every student, faculty, staff and visitor of the college.

In the interest of the students, faculty and staff, the campus facilities are maintained and secured by the NCC Security Department and Maintenance personnel. All campus buildings are patrolled daily in order to monitor and inspect the buildings, grounds, devices and systems to ensure that our facilities are fully functional and address any security measures needed.

### Emergency Blue Light Telephones

Blue Light phones are devices that are placed around the college campus for students to use in case of an emergency. When the call button is pressed, the phone instantly connects to the dispatcher at the campus security department. NCC has four Blue Light phones all located in the rear of the West Campus.

#### Emergency Blue Light Telephone Locations ([click phone link to NCC Security](#))

Building	Location
West Campus	Left rear lot near West Cedar Street
West Campus	Outside Health/Wellness wing near bike rack
West Campus	Middle Rear lot near tea cup
West Campus	Right Rear lot

### Evacuation Drills and Periodic Testing of Emergency Devices

A re-announced evacuation drill must be held at least once each year. Drills will be coordinated by Campus Security. In April of 2018, Campus Security formed a test of the emergency notification system for Shelter in Place. Each department is required to participate in the drill. Security monitored and assisted in the coordination of the drill activities. An emphasis was placed on evacuating individuals with disabilities. Following the drill, departments were encouraged to perform a self-assessment of their ability to quickly evacuate. Security was made available upon request to assist in departments' self-assessments.

During the months of March through May of 2018, the Director of Security and his assistant performed a discussion of the concept RUN. HIDE. FIGHT. to every class, and faculty and staff office.

Therefore, NCC Security conducts periodic testing of the emergency devices to maintain proper working order, and to facilitate repairs as needed. The

## Campus Law Enforcement Policy

Crime prevention is a top priority at the College. NCC's Campus Security has a close relationship with both local and State Police departments. Norwalk Police Department and Connecticut State Police have jurisdiction, and respond to all criminal incidents and crimes on campus.

The College contracts with Summit Security Services, Inc., and operates under the guidance of the Chief Operating Officer. NCC's campus security personnel are not authorized to arrest or detain individuals, but are authorized to ask for identification and to determine whether individuals have a legitimate reason to access the campus.

NCC's Department of Security is located on the East Campus in room E214. Security officers are stationed in the lobbies of the East Campus, West Campus, the Center for Information and Technology (C.I.T.) and the Health, Wellness & Science wing. Routine patrols are continuously made throughout the buildings and parking lots.

## Crime Prevention and Security Awareness Programs

C works closely with the community and state law enforcement, and maintains a zero-tolerance policy for all reported crimes. NCC encourages the campus community members to remain aware of personal safety, and work cooperatively with the campus to ensure the security of all. Our College has an excellent record of safety and security, but the campus will remain safe only if we take our responsibilities to ourselves and others seriously.

C and the Department of Security take a proactive approach to preventing crimes. We implement many resources and training programs to students, faculty and staff to increase safety, and safe bystander intervention. Some examples include:

**New Student Orientation:** The Director of Security will inform students and their families about campus security procedures and practices, as well as encourage students to be responsible for their own security and the security of others.

**Mandatory online training for students** titled "Not Anymore." This training provided critical information about Consent, Bystander Intervention, Sexual Assault, Dating and Domestic Violence, Stalking, and much more.

**Presentations to academic departments.**

An escort service is provided to all students, faculty and staff. Security officers will provide transportation or a walking escort if this service is needed. Members of the campus community may call security from any phone at [203.857.7223](tel:203.857.7223), or use extension 77223 from any campus phone, or visit any of the main entrance security stations.

If you have knowledge of a crime or suspicious circumstance, and would like to report this information anonymously to NCC Security, you can fill out a [New Stopper Reporting and Tip Line form](#).

## Crime Prevention Tips

Always be alert and aware of your surroundings

Park and walk in well lit, frequently traveled areas

Know your campus safety resources: Learn where Campus Security, the Emergency Blue Light phones, open establishments and offices are located on campus

Program campus safety numbers into your cell phone

Always lock your vehicle and do not leave valuables in plain sight

Do not leave personal items unattended at any time

## Committee Structure

NCC has five committees that provide crime prevention and personal safety functions to the College community. The Crisis Response Team (CRT), Campus Awareness Resource Team (CART), the Behavioral Intervention Team (BIT), Campus Emergency Response Team (CERT) and the Emergency Medical Response Team.

### Behavioral Intervention Team (BIT)

The Behavioral Intervention Team is a committee appointed by the President of NCC, and the purpose of BIT is preventative. 2018 Members include the Vice President/Director of Counseling, Academic Dean, Dean of Students, Director of Security, faculty members, counselors and the events coordinator. The President and Chief Operating Officer attend as needed or if requested. The mission of BIT is to help maintain a healthy, safe and secure environment for students, faculty and staff.

Campus-based teams are responsible for reviewing, investigating and assessing behaviors of concern. They evaluate situations to determine the threat level. BIT is not a first responder group, but with the help of the college community, behaviors of concern can be addressed in an effort to prevent potential incidents.

Those who are concerned about a student's behavior are encouraged to report the concern through the online [Student of Concern form](#).

Reports are taken seriously, and any concerns include emotional/behavioral concerns, disruptive behaviors, threatening words or actions, academic concerns, personal needs, as well as reports of sexual assault, stalking and intimate partner violence. Last academic year, 79 forms were filed and responded to.

### Crisis Response Team (CRT)

The Crisis Response Team is made up of volunteer members who respond, along with security, to reports of a significant behavioral occurrence on campus. A significant behavioral occurrence is defined as a situation where students, faculty, staff or others on campus are reported to be either displaying disruptive and/or threatening behaviors or making threats that will potentially endanger the safety of themselves or others. The crisis responder will provide another person to assess the situation. They will use the skills obtained in the provided training to focus on relevant information,

ill hope, convey acceptance and make appropriate suggestions to diffuse the situation. Together, the CRT member and Security can determine the steps for the situation at hand.

CRT members attend a mandatory training titled, Mental Health First Aid. This training is a two day interactive course that provides members with the skills to help someone who is experiencing a crisis, or has a mental health problem. Each semester members of the CRT attend a workshop on important behavioral health topics, and reference information that they can carry with them when responding. Members are asked to identify approximately 3 hour blocks that they will be "on call" for. On call means that they are available to respond to a significant behavioral occurrence if called by security. The CRT member will always respond to a significant behavioral occurrence with a member of the Security staff.

In 2018 the CRT sponsored five major training activities: Narcan and opioid abuse: Participants learned about opioids, signs of overdose and how to administer the lifesaving drug, Narcan. Participants were given a Narcan kit courtesy of event sponsor, Silver Hill Hospital. Twenty-five students, faculty and staff members were in attendance; An interactive panel on Sexual Assault and Sexual Harassment entitled #METOO was sponsored by CRT and the Counseling Department. The panel consisted of members of the Norwalk Police Department, a member from the Center for Sexual Assault, NCC's Director of Security, NCC's C.O.O. and Chief Diversity Officer, as well as NCC's Director of Counseling and other staff members. The event raised awareness on sexual violence, and the myths surrounding sexual violence. The panel provided tools and resources for healing. Over fifty students, faculty and staff members were in attendance; Workshop on trauma teams and grief counseling. This training had twenty-five students, faculty, staff and alumni in attendance; CRT sponsored a DACA 101 training with twenty-six students, faculty, staff and alumni in attendance; Furthermore, Safe Talk – a one and half hour suicide prevention training was made by the local chapter of the American Foundation for Suicide Prevention. A group of fourteen students, faculty and staff participated in this certification training.

CART was the recipient of the 2017-2018 Connecticut Healthy Campus Initiative Opioid Education and Awareness Grant. CART was awarded a total of \$1,000.00 to conduct opioid Education and Trainings on campus. Some of the activities included campus presentations with Lt. James Walsh, Norwalk Police Department on drugs in our community. The grant also allowed CART to purchase 60 Narcan kits to facilitate Narcan Trainings for faculty, staff and students.

CRT implements many resources and training programs such as, Wellness Screening Day, Fresh Check Day, presentations from community partners, Mental Health First Aid training and more. All students, faculty and staff are encouraged to participate.

## Employee Training at NCC - Educational Programs + Campaigns

The Department of Human Resources is responsible for the training and educational efforts for employees at NCC. Training is conducted via either an in-person seminar or through the online employee training center. NCC Faculty and staff completed the following training courses in 2018:

Diversity & Sexual Harassment Prevention Training- 11/30/18  
Student Conduct Training-12/04/18

C regularly hosts a broad range of events, activities and training seminars to promote the education, awareness and other crime prevention functions for students, faculty and staff. Educational programs aimed at enhancing safety and wellness throughout the college community are continued throughout the year. Examples include mandatory new student orientation, distribution of safety flyers, ongoing table displays, educational posters and brochures, presentations to academic departments, and keynote speakers.

C hosts Fresh Check Day "Checking In with College Students," which is an annual event focused on LGBTQ and Suicide Awareness and Prevention. It engages the NCC community to come out for a day of free food, fun, entertainment, games, prizes, arts and crafts and tons of giveaways.

C also hosts the annual Health and Wellness Fair, which has over 20 booths staffed by representatives from area hospitals, agencies, clinics, Individual Practices and related NCC student club and organizations including The Center for Sexual Assault Crisis Counseling and Education. All students and employees are encouraged to attend.

## Campus Security Authority (CSA)

Campus Security Authority is a Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution.

- > A campus police department or a campus security department of an institution.
- > Any individual or individuals who have responsibility for a campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- > Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- > An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

If someone has significant responsibility for student and campus activities, he or she is a campus security authority.

NCC encourages the reporting of criminal activity that occurs within the geographic area as defined by the Clery Act directly to the Department of Security, however The Clery Act requires that institutions disclose the statistics for crimes reported to local police agencies and crimes reported to CSAs as well. The intent of including non-law enforcement personnel (CSAs), is to acknowledge that in some instances members of the security team can be perceived as intimidating to the person in distress and a CSA can provide another perspective to the situation. In any case, the victim and the campus-affiliated individual who is acting as a CSA, must know their responsibilities under the Clery Act crime reporting so that no crime will be ignored. CSAs should immediately report the criminal activity to the Department of Security who will prepare an incident report. CSAs are not responsible for determining whether a crime has taken place, or for trying to convince any alleged victims to contact law enforcement authorities.

CSAs include the Chief Operating Officer, Director of Security and all security staff, the Dean of Academics, the Dean of Students, the Title IX Coordinators,



## Daily Crime Log – Disclosure of Crime Statistics

## Collecting the Data

[illegible]



Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses															
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VAWA OFFENSES															
Domestic Violence	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION															
Illegal Weapons Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Law Referred	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Referred	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

## Emergency Response + Evacuation

### Emergency Warnings

Emergency warnings are provided in the event of a reported crime, either on campus or off, that in the judgment of the C.O.O. and the Director of Security, constitutes an ongoing or continuing threat to the College community. The C.O.O. and Director of Security will alert the campus community of crimes in a manner that is timely and that will aid in the prevention of similar crimes. They will decide on a case by case basis if a situation calls for a timely warning. Warnings can be issued for threats to persons, as well as threats to property. Notification to the campus community will be made by these same procedures upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, faculty and staff on campus. The warning will be issued to all students, faculty, and staff via one or more of the following means:

- Text Message Alerts through myCommNet Alert notification system
- NCC phone message – main external telephone number
- E-mails
- Internal College – Voicemail message
- NCC website – Homepage message
- Electronic Information Screens

## Posted Flyers

Idle of the page. You will be prompted to enter your name, phone and email to receive alerts. NCC will send urgent text messages and emails to those who are registered in their system.

## Building Evacuation, Shelter in Place, and Lockdown Procedures

The President and/or the C.O.O. and the Director of Security, will determine if there is a significant emergency or dangerous situation on campus. When the decision has been made to either evacuate the building, go to shelter in place or put a building or buildings on lockdown, you will hear the announcement through the use of the Simplex Fire Alarm voice system and the NCC phone system. Become familiar with the emergency procedures listed below, and know in advance the specific procedures to follow. The safety and protection of students, faculty and staff is always the primary concern.

### Shelter in Place

Gunfire or sniper actions are unpredictable and fluid situations, which do not allow for set methods of response. The shooter(s) may have random or selected targets and be motivated by criminal or political convictions or stimulated by mental, emotional or substance abuse problems.

In the event of an emergency necessitating shelter in place due to violent criminal actions such as firearms and other weapons incidents and barricaded persons and hostage situations, Campus Security will:

- Alert and request the services of any support agencies deemed necessary to provide a response to the incident. The Connecticut State Police is the primary support agency for NCC in reference to major crimes or criminal incidents;
- Working with support agencies, Campus Security will take measures to isolate and neutralize the perpetrator(s), assist and give aid to victims and provide safety for the remaining personnel on campus;
- Make all attempts to alert the campus population to the incident and provide directions and give warning. The use of the Simplex Fire Alarm voice system and the telephone systems will be used as to minimize the effects on the perpetrators of the incident. The physical location, emotional state and the plight of any victims or hostages may be altered or affected in some way by an audible alarm. A verbal CODE RED warning initiated through the Simplex (loudspeaker) or telephone system will be intended to have all faculty, staff, students and others clear the hallways and seek concealment in the nearest office, classroom or enclosure;
- If possible, laboratories, offices and classrooms shall be secured or locked from the inside. All persons are urged to secure these locations in any manner possible and to avoid doors and windows. DO NOT attempt to move from any location unless grave danger is imminent or some representative of an emergency response agency directs such action;
- Victims are urged to remain as calm as possible and make all attempts possible to notify or have others notify the Campus Security Department of their location, condition, etc. Emergency medical aid will respond as soon as safely possible;
- If necessary and if physically able, seek cover and concealment from further harm. DO NOT hide in any manner that will prohibit emergency responders from finding your location;
- Retain as much information as possible regarding the assailant(s);
- Witnesses should call Campus Security via the emergency phone system by dialing ext. 77223, and notify security personnel of the location and condition of victims, numbers and descriptions of any perpetrators as well as the type of weapons and the direction of flight or the location of concealment;
- Witnesses should (must) not confront any armed person or make attempts to disarm or otherwise neutralize any suspect or assailant(s);
- Witnesses should seek cover and concealment. Assist others and obey any directives of emergency response officials.

### Campus Evacuation

In the event of an emergency necessitating the evacuation of a building; i.e., fire, explosion, smoke, fumes, or other factors:

- upon notification of an evacuation, do not attempt to gather belongings,
- do not use the elevators,
- Security personnel and Faculty/Staff or their designees are responsible for assisting persons with disabilities to exit the building or wait in the area of refuge and direct all students to the safe areas outside the building. Parking lots are designated safe areas, and can be reached simply by following the evacuation instructions posted in every room.
- Proceed to the nearest exit in an orderly fashion
- If the door to your office, lab, classroom, etc. is blocked or you feel heat DO NOT open the door. Place any items available under the door to stop any airflow and yell, scream or place something in a window to attract attention.

### Campus Lockdown

In the event of a police emergency it may become necessary to "Lockdown," a building or buildings on campus to protect occupants and minimize the overall exposure to danger.

A "Lockdown" is the temporary sheltering technique, e.g. 30 minutes to several hours, utilized to limit civilian exposure to an "Active Shooter," or similar incident. Occupants within the subject area will lock all doors and windows not allowing entry or exit to anyone until the all clear has been sounded. This procedure converts any building into a large "Safe Room."

If the Director of Security gives the order to "Lockdown" specific areas or the entire campus, take the following action:

- Follow instructions;
- Try to remain calm;
- Remain indoors, e.g. your office or classroom. Once in "Lockdown," you will be allowed to move about to facilitate certain needs, e.g. bathroom, water, but you are not allowed to leave the building unless an "All Clear," has been given;
- Do not shelter in open areas such as hallways or corridors. Go to the nearest classroom, lecture hall or office that can be locked. Place a sign on the entrance indicating the "Lockdown" is in effect;
- Close and lock all doors;

- > Turn off all lights;
- > Occupants should be seated below window level, toward the middle of the room, away from windows and doors;
- > Remain silent – turn off all radios or other devices that emit sound, silence all cell phones;
- > If gunshots are heard lay on the floor using heavy objects e.g. tables, filing cabinets for shelter;
- > If safe to do so, turn off gas and electric appliances, e.g. heater, fan, coffee maker, gas valves, lights and locally controlled ventilation systems, e.g. air conditioner. Use phones only for emergency notification to the Police Department;
- > If outdoors, seek nearby shelter, e.g. large trees, walls, mail boxes, and wait for additional instructions from the Police Department;
- > Do not unlock doors or attempt to leave until instructed to do so by Campus Security or the Police Department. The "All Clear," will be announced when it is considered safe.

## Policies

College policies exist to ensure a safe, secure and healthy campus environment. Serving, possessing and consuming drugs and/or alcoholic beverages is prohibited on campus and at college-sponsored events or activities. Campus Security will document all reported violations as required by the Clery Act.

Click on a link to the right to view NCC's policies regarding that topic.

- > [Tobacco Policy](#)
- > [Drugs + Alcohol](#)
- > [Sexual Misconduct Policy](#)
- > [Substance Abuse Education](#)
- > [Weapons Policy](#)
- > [Sex Offender Registration Policy](#)
- > [Title IX](#)

## Sex Offender Registration Policy

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to issue a statement where one can find information provided by the State of Connecticut with regard to registered sex offenders. That information can be found [online here](#).

The Campus Sex Crimes Prevention Act of 2000 also requires sex offenders, who are registered already within a State, to provide notice to each institution of higher education in that State, at which the person is employed, carries on a vocation, or is a student.

In the State of Connecticut, convicted sex offenders must register with the Sex Offender Registry maintained by the Connecticut Department of Public Safety, Division of State Police, Sex Offender Registry Unit, pursuant to Connecticut General Statutes 54-250.

The Sex Offender Registry information provided under this law is intended to be used for such purposes as the administration of criminal justice, screening of current or prospective employees and volunteers or otherwise for the protection of the public in general and children in particular. Unlawful use of the information for the purposes of intimidating or harassing another is prohibited and a willful violation shall be punishable as provided by law.

## Tobacco Policy

On October 1, 2014 NCC implemented a tobacco and smoke-free campus policy to provide a safe and healthy working and learning environment for our staff, faculty, and students. Tobacco is defined as all tobacco derived or contained products, including but not limited to, cigarettes, electronic cigarettes, cigars and cigarillos, hookah smoked products, pipes and oral tobacco (smokeless, chew, snuff). It also includes any product intended to mimic tobacco products or containing tobacco flavoring.

Public Act No. 93-304 (An Act Prohibiting Smoking in Public Buildings) became a law on October 1, 1993. It provides, in relevant part, that smoking is prohibited in any building or portion thereof that is owned, leased and/or operated by the State of Connecticut.

The findings of the Surgeon General of the United States indicate, that passive exposure to cigarette smoke (second hand or passive smoke), is linked to a variety of negative consequences. With that said, the success of this policy depends on the thoughtfulness, consideration and cooperation of tobacco users and non-tobacco users. All members of the college community are responsible for respectfully communicating the policy to students, faculty, staff and visitors.

## Drugs + Alcohol

The possession, use, manufacture, sale, and/or distribution of illegal drugs and other controlled substances by students, faculty, or staff at NCC will not be tolerated. All actions consistent with the law and individual privacy will be taken by the College to eliminate drugs on the campuses and to deal fairly with individuals found in violation of both Connecticut's statutes, and federal laws pertaining to such substances. All community members are expected to fulfill their obligations and responsibilities pursuant to NCC policy as well as federal, state, and local laws. Possession, use, manufacture, sale and distribution of illegal substances are crimes. NCC will cooperate with law enforcement authorities to enforce current statutes. Students, faculty, and staff may be subject to prosecution by civil authorities for violations of these laws.

### Policy

The Board of Regents (BOR) for Higher Education governs Connecticut State Colleges and Universities (CSCU), and are committed to the elimination of drug and alcohol abuse, which is based on the following premise:

*American society is harmed in many ways by the abuse of alcohol and other drugs: decreased productivity, serious health problems, breakdown of the family structure, and strained social resources. Problems of illicit use and abuse of substances have a pervasive effect upon many segments of society— all socio-economic groups, age levels and even the unborn. Education and learning are especially impaired by alcohol abuse and illicit drug use. \**

*\*The preceding is a statement of the Network of Colleges and Universities Committed to the Elimination of Drug and Alcohol Abuse*

The BOR recognizes that education regarding alcohol and substance abuse is an appropriate and necessary part of contemporary college life. Since the unauthorized use of controlled substances is contrary to state and federal law and regulation, it must be prohibited in any college activity, on or off the college campus. The conditions of alcohol and drug dependency may be considered disabilities/handicaps under state and federal laws and regulations, as well as under the BOR's policy. Employees and students will not be discriminated against because they have these disabilities. However, all students and employees are considered to be responsible for their actions and their conduct.



These provisions shall apply to all colleges under the jurisdiction of the BOR:

1. No student or employee shall knowingly possess, use, distribute, transmit, sell or be under the influence of any controlled substance on the college campus or off the college campus at a college-sponsored activity, function or Use or possession of a drug authorized by a medical prescription from a registered physician shall not be in violation of this provision.
2. All colleges shall develop and enforce policies regarding the sale, distribution, possession or consumption of alcoholic beverages on campus, subject to state and federal Consistent with previous Board policy, the consumption of alcoholic beverages on campus may be authorized by the President subject to the following conditions, as appropriate:
  - > When a temporary permit for the sale of alcoholic beverages has been obtained and Dram Shop Act Insurance has been purchased;
  - > When a college permit has been obtained;
  - > When students bring their own beverages; and
  - > When alcoholic beverages are provided by a student organization and no fee is charged for attendance or for said beverages.
3. All colleges shall provide educational programs on the abuse of alcohol and other drugs and a referral for assistance for students and employees who seek Colleges are encouraged to establish campus-wide committees to assist in the development of these programs in response to particular campus needs and identification of referral resources in their respective service planning regions.
4. This policy shall be published in all college catalogs, faculty and staff manuals and other appropriate literature.
5. Failure to comply with this policy will result in invocation of the appropriate disciplinary procedure and may result in separation for the college and referral to the appropriate authorities for (Adopted, November 20, 1989) NCC adheres to the above cited BOR policy regarding alcohol and drugs.

## Substance Abuse Education

Students, faculty, and staff should recognize that substance abuse interferes with their abilities to succeed academically and professionally. Substance abuse poses numerous threats to human health and can kill. It is also contrary to what institutions of higher learning strive to attain. The development of individual character; attainment of human potential; informed and responsible citizenry; and respect for the laws and norms governing society.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and cognitive deficits. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

### Substance Abuse Prevention for Students

NCC provides students with individual counseling services and treatment referrals. Lisa M. Slade, MS, NCC, LPC, a mental health counselor at NCC, has been trained in the Brief Alcohol Screening and Intervention of College Students: A Harm Reduction Approach (BASICS), which is a preventive intervention program for college students 18 to 24 years old. It is aimed at students who drink heavily, and have experienced or are at risk for alcohol-related problems such as poor class attendance, missed assignments, accidents, sexual assault and violence. NCC partners with several mental health and substance abuse agencies who provide outreach and psycho-educational programming on campus throughout the year. In addition, Student Services offers literature regarding substance abuse. Individuals who seek assistance with substance abuse problems are provided information as to where professional help is available. In 2016, The Campus Awareness Resource Team and the Substance Abuse Collation and Triangle Community Center hosted an event to raise awareness and discuss alcohol abuse.

### Substance Abuse Prevention for Employees

NCC's Human Resource office provides employees with an Employee & Family Assistance Program (EAP). The EAP can help employees and their families with a wide range of concerns that include:

- > Stress, Anxiety, & Depression
- > Marital & Divorce
- > Family & Parenting Problems
- > Alcohol & other Drug Dependencies
- > Budget & Debt Problems
- > Bereavement & other Losses
- > Change in the Workplace
- > Child and Elder Care
- > Compulsive Gambling
- > Layoff Solutions
- > Other problems include: legal, eating disorders, family violence, and traumatic incidents

Procedure for requests of the service of alcoholic beverages on campus



Alcoholic beverages may not be consumed on college premises except by those over 21 years of age at approved college social functions. Such functions are held in compliance with State Law and the BOR Policy.

- Any request to serve alcoholic beverages must be consistent with the Board of Regents for Connecticut State Colleges and Universities (ConnSCU)
- The request must be submitted in writing to the Dean of Students at least four (4) weeks in advance of the event.
- If the sale of alcohol is being solicited, the request must demonstrate that a temporary permit for the sale of alcoholic beverages will be obtained and Dram Shop Act insurance will be purchased.
- A paragraph in the request must describe how alcohol will only be made available to legal age students and/or This includes students bringing their own alcoholic beverages, or beverages being provided free when purchased by a student organization or other group.
- The request must include a plan for a visible education program display or presentation urging responsible drinking of alcoholic beverages during the event.
- Once the Dean of Students has reviewed the request for all necessary compliance, the request will be forwarded to the President for final approval can only be granted by the President.

## Weapons Policy

The BOR Policy states, the use or possession of weapons, as defined in Section 53-206 of the Connecticut General Statutes, is prohibited on college campuses. All reported incidents of violence will be taken seriously and will be dealt with appropriately, including prompt evaluation, investigation and response. Any weapon or dangerous instrument will be confiscated and turned over to appropriate law enforcement/public safety authorities. There is no reasonable expectation of privacy with respect to such items on campus. Violations of this policy may lead to disciplinary action up to and including dismissal from employment or expulsion from NCC. Violations may also result in criminal penalties.

## Sexual Misconduct Policy

### Norwalk Community College Statement

NCC strives to maintain a safe and welcoming environment free from acts of sexual misconduct and relationship violence. NCC will not tolerate sexual misconduct against students, faculty, staff or visitors, whether it comes in the form of intimate partner violence, sexual assault, sexual exploitation or sexual harassment, as defined in the BOR policy.

In an ongoing effort to prevent sexual misconduct and intimate partner violence on the NCC campus, the College provides education and prevention programs for the NCC community and pursues all criminal and administrative remedies for complaints of sexual misconduct.

NCC is a community dependent upon trust and respect for its students, faculty, staff and those visiting or under temporary contract. Members of the college community have the right to a safe and welcoming campus environment. Acts of sexual misconduct and intimate partner violence threaten personal safety and violate the standards of conduct expected of community members.

### Individuals and Entities Affected by this Policy

This policy applies to anyone on the property of NCC as well as anyone present at NCC-sponsored programs or events. This policy extends to off-campus violations of both students and employees in limited circumstances as noted below:

**Students:** Off-campus misconduct may be subject to the jurisdiction of the College and addressed through its disciplinary procedures if one of the following conditions is met: (I) a student engages in prohibited conduct at an official College event, at a College-sanctioned event, or at an event sponsored by a recognized 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 College community or to the property of the College.

**Employees:** The decision of whether to investigate and discipline employees for off-campus misconduct will be made by the appropriate College administrator on a case-by-case basis in accordance with collective bargaining agreements, NCC/College policies, and state regulations.

### 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 College 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 and intimate partner violence. 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 and Usage

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
- > 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 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 former spouse or by a partner in a dating relationship that results from (1) sexual assault (2) sexual assault in a spousal or cohabitating 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 cohabitating 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 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 College 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:

- 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.

#### **Options for Changing Academic, Housing, Transportation and Working Arrangements**

The President and C.O.O. 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, regardless of whether the victim chooses to report the sexual misconduct to Campus Security or local law enforcement.

#### **Support Services**

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

#### **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:

- > notify law enforcement and receive assistance from campus authorities in making the notification;
- > obtain a protective order, apply for a temporary restraining order or seek enforcement of an existing 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

#### **How to Apply for Relief from Abuse**

NCC does not issue orders of protection. NCC will comply with State Law in recognizing orders of protection, restraining orders and no contact orders. In order to file an order of protection you must file your petition in family court in the county where you live. You must fill out an Application for Relief From Abuse form and an Affidavit Relief From Abuse Form. You must give the filled out forms to the court clerk. The forms must be signed in front of a clerk, notary public or lawyer. The forms will be reviewed by a Judge. The court will order your hearing to be held within 14 days from the date of the order. If the Judge grants your request for a restraining order, the clerk's office will process the papers and give you the proper documentation. Provide a copy of a protective order to the NCC Campus Security Department, and they will in turn develop a plan to reduce the risk of harm while on campus.

#### **Family Services Directory**

##### **Norwalk**

Family Services Office

17 Belden Avenue, Norwalk CT 06850

203.847.5825

##### **Bridgeport**

Family Services Office

1061 Main Street, Bridgeport, CT 06604

203.579.6513

##### **Stamford**

Family Services Office

123 Hoyt Street, Stamford, CT 06905

203.965.5282

##### **New Haven**

Family Services Office

235 Church Street, New Haven, CT 06510

203.503.6820

#### **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.

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.



### Professional and Pastoral Counselors

NCC protects the rights of survivors and witnesses of crimes and provides a wide variety of services to students in terms of counseling, mental health, addiction referrals, family support groups, sexual assault services and external local agencies. The NCC Security Department encourages all licensed mental health professionals to refer persons they are counseling to report crimes on a voluntary, confidential basis by contacting the Director of Campus Security, if and when they deem appropriate. There are no pastoral services on campus, however detailed information on the providers list can be found at the Counseling Center, located in the East Campus, room E104.

## Sanctions and Protective Actions

### How to File a Disciplinary Complaint

Any person who wants to file a disciplinary complaint must fill out a student or employee complaint form, and schedule an appointment with the Title IX Officer. At the time of the appointment, The Title IX Officer will discuss the allegations and determine if the allegations fall under her jurisdiction, or if the case need be referred to the Dean of Students or the Human Resource Department. If it falls under Title IX jurisdiction, the Title IX Officer will begin the process of gathering information and evidence that the complainant may have. The Title IX Officer will contact the alleged perpetrator to inform them of the complaint filed against him/her, and schedule an appointment to discuss the allegations. At this time, the perpetrator will have the opportunity to present their side and any evidence they might have. If either side wishes to provide witnesses to help support their case, the Title IX Officer will schedule appointments to meet with the witnesses and determine if they have information pertinent to the investigation. The process can take between 1-3 weeks depending on the actual complaint as well as the participation of the complainant, the alleged and the witnesses (if any).

### Disciplinary Policies and Procedures

The submission of an application for admission to NCC represents a voluntary decision to participate in the programs and courses offered by the Institution according to the policies, rules and regulations of the College and the BOR. Each student is guaranteed the privilege of exercising his or her rights without fear of prejudice. Conduct by any student that adversely affects the NCC community's pursuit of its educational objectives or represents a threat to its students, faculty or staff, will result in disciplinary action. The BOR/CSCU Student Code of Conduct and the student disciplinary policies and procedures can be found online. The Dean of Students is responsible for the administration of all student disciplinary procedures. According to the BOR Student Code of Conduct, The Dean of Students may immediately place restrictions on or suspend a student on an interim basis if, in the judgement of the Dean, the continued presence of the student at the College or continued participation in full range of college activities poses a danger to persons or property or constitutes an ongoing threat of disrupting the academic process.

The College's disciplinary process includes a prompt, fair and impartial investigation and resolution process.

The Title IX Officer will determine on a case by case basis if a student has violated the Student Code of Conduct as it pertains to dating violence, domestic violence, sexual assault and stalking. The Title IX Officer will make a recommendation based on the type of allegation, and forward her recommendation to the Dean of Students for disciplinary actions. A student can be expelled, put on probation, and/or required to attend awareness/prevention trainings. If the Title IX Officer is unable to substantiate a complaint of dating violence, domestic violence, sexual assault or stalking, she will reach out to the parties involved, and inform them of her decision. The Title IX Officer may suggest they attend awareness/prevention training and provide them with helpful resources on and off campus. For employees, if the Title IX Officer has determined that an employee has violated any policies as it pertains to dating violence, domestic violence, sexual assault or stalking, she will make a recommendation based on the type of allegation, and forward her recommendation to the Director of Human Resources for disciplinary action. An employee may be put on paid or unpaid leave while the investigation is ongoing if it is determined that they pose a risk or danger to anyone. If it is determined they are not a risk or danger, they will be asked to avoid contact or communication with the complainant while the investigation is taking place.

Members of the College community may contact the Title IX coordinator in order to seek information about courses of action available to resolve reports or complaints that involve sexual misconduct; to file a complaint or otherwise make a report of sexual misconduct; to get information about available resources and support services available to victims of sexual misconduct, and; to ask any questions concerning the College's policies and procedures relating to sexual misconduct. NCC recognizes that allegations of sexual misconduct are a sensitive subject for all parties involved and is committed to maintaining the privacy of the parties involved to the fullest extent possible, consistent with applicable law and the need for investigation and resolution. NCC, through the Title IX coordinator, may investigate and take reasonable action even when the individual making a report of sexual misconduct requests anonymity or requests that no action be taken. Thus, absolute confidentiality cannot be guaranteed. In all cases, the College will take care to protect the identity of the parties through processes that provide for discussion of the allegations only among those who have a legitimate administrative, investigative, or legal need to know.

All reports of sexual misconduct will be taken seriously and investigated as appropriate. For any hearing conducted involving allegations of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking and intimate partner violence, the reported victim and the accused student shall each have the following rights:

1. At any meeting or proceeding, both the reported victim and accused student may be accompanied by an advisor or support person of the student's choice provided the advisor or support person does not cause a scheduled meeting or hearing to be delayed or postponed and provided an advisor or support person may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process (or other proceeding or pertaining to a report of sexual misconduct);
2. The reported victim of sexual misconduct is entitled to request that disciplinary proceedings begin promptly;
3. Any hearing regarding an accusation of sexual misconduct shall (i) be fair, prompt and impartial; (ii) be conducted by a Hearing Body annually trained in issues relating to sexual misconduct (iii) use the preponderance of evidence (more likely than not) standard; (iv) shall allow both the accused student and reported victim the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding; (v) shall provide both the accused student and the reported victim with equal access to any information that will be used during meetings and

hearings; and (vi) Invoke the standard of "affirmative consent" in determining whether consent to engage in sexual activity was given by all persons who engaged in sexual activity.

4. 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;
5. Any reported victim shall be provided written notice of the decision of the Hearing Body at the same time as the accused student, normally within one (1) business day after the conclusion of the Hearing. In accordance with the Family Educational Rights and Privacy Act (FERPA) the notice to any reported victim of sexual misconduct shall contain only the following: the name of the accused student, the violation committed, if any, and any sanction imposed against the accused student.
6. The reported victim shall have the same right to request a review of the decision of the Hearing Body (appeal rights) in the same manner and on the same basis as shall the accused student; however, if a request for review by a reported victim is determined to be properly made and if the review determines there is sufficient grounds for altering the decision of the Hearing Body, among the other actions that may be taken as set forth above, the sanction of the hearing may also be increased. Notwithstanding the foregoing, in any hearing pertaining to sexual misconduct both the reported victim and the accused student are entitled to be simultaneously provided notice of any change in the results of the hearing prior to the time when the results become final as well as to be notified when such results become final.

#### Sanctions

According to the BOR Student Code of Conduct, the prior conduct record of a Student shall be considered in determining the appropriate sanction for a Student who has been found to have violated any part of Section I.D. of this Code. Sanctions shall be progressive in nature that is, more serious sanctions may be imposed if warranted by the prior conduct record of the Student.

A "Sanction" may be any action affecting the status of an individual as a Student taken by the College in response to a violation of this Policy, and for the purposes of this Section III of the Code include but are not limited to the following:

1. Expulsion is a permanent separation from the College that involves denial of all Student privileges, including entrance to College premises;
2. Suspension is a temporary separation from the College that involves denial of all Student privileges, including entrance to college premises for the duration of the suspension, and may include conditions for reinstatement;
3. Removal of College Privileges involves restrictions on Student access to certain locations, functions and/or activities but does not preclude the Student from continuing to pursue his/her academic program;
4. Probation is a status that indicates either (a) serious misconduct not warranting expulsion, suspension, or removal of College privileges, or (b) repetition of misconduct after a warning has been imposed;
5. A Warning is a written notice to the Student indicating that he or she has engaged in conduct that is in violation of Section I.D. of this Code and that any repetition of such conduct or other conduct that violates this Code is likely to result in more serious sanctions;
6. Community Restitution requires a Student to perform a number of hours of service on the campus or in the community at large.

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.

#### Policy Disclosure to the Alleged Victim

NCC will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the results of any disciplinary hearing conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, NCC will provide the results of the disciplinary hearing to the victim's next of kin, if requested.

### Sexual and Domestic Violence Procedures

Anyone who has experienced sexual violence, domestic violence, dating violence, or stalking should do the following:

Safely find a place away from harm.

Call 911 or if on campus, contact Campus Security at 203-857-7223.

Call a friend, a family member or someone else you trust and ask her or him to stay with you.

Go to the nearest medical facility/emergency room. It is important to seek appropriate medical attention to ensure your health and well-being, as well as to preserve any physical evidence.

If you suspect that you may have been given a drug, ask the hospital or clinic where you receive medical care to take a urine sample. The urine sample should be preserved as evidence. "Rape drugs," such as Rohypnol and GHB, are more likely to be detected in urine than in blood. For professional and confidential counseling support, you can call The Center for Sexual Assault Crisis Counseling and Education at 203-348-9346, or you can call RAINN, the National Sexual Assault Telephone Hotline at 1-800-656-4673.

You should take steps to preserve any physical evidence because it will be necessary to prove criminal domestic violence, dating violence, sexual assault, stalking, or to obtain a protective order.

Do not wash your hands, bathe, or douche. Do not urinate, if possible.

Do not eat, blow your nose, drink liquids, smoke, or brush your teeth if oral contact took place.

Keep the clothing worn when the incident occurred. If you change clothing, place the worn clothing in a paper bag.

Do not destroy any physical evidence that may be found in the vicinity of the incident by cleaning or straightening the location of the crime. Do not clean or straighten the location of the crime until law enforcement officials have had an opportunity to collect evidence.

Tell someone all the details you remember or write them down as soon as possible.

Maintain text messages, pictures, online postings, video and other documentary or electronic evidence that may corroborate a complaint.

College student conduct proceedings, as well as the BOR's guidelines for cases involving sexual misconduct, are detailed in the Student Handbook. Diversity & Sexual Harassment Prevention Training for employees.

"Not Anymore," Mandatory Online training for students which provides critical information about Consent, Bystander Intervention, Sexual Assault, Dating and Domestic Violence, Stalking, and much more.

## Title IX

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. provides in part:

"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 education program or activity receiving Federal financial assistance."

NCC Security Admin Laura Mirkov (203.857.7313) and Counselor Wendy Mendes (203.857.7121) serve as the College's Title IX Coordinators. A Title IX Coordinator is responsible for overseeing all sexual misconduct complaints, and must address any patterns or systemic problems that arise during the review of such complaints. In addition, a Title IX Coordinator shall:

- > Act as a liaison between the parties and the NCC
- > Review all evidence in a sexual misconduct case brought before NCC's Hearing Committee to determine whether the complainant is entitled to a remedy under Title IX that was not available through the Hearing
- > Organize the Activities of the Hearing
- > Communicate regularly with law enforcement and other campus officials investigating cases, and provide information to law enforcement unit personnel regarding Title IX
- > Determine if law enforcement must be notified of reports of sexual harassment or violence.

### More information on Title IX

#### On Campus Resources

Name	Title / Department	Location	Phone
<u>Andrea Arnold</u>	M.S.W. Family & Child Agency (FCA)	East – Student Success Center	<u>203.857.7022</u>
<u>Laura Mirkov</u>	NCC Security Admin / Title IX Officer	East – Room E214	<u>203.857.7313</u>
<u>Wendy Mendes</u>	Counselor / Title IX Officer	East – Room E104	<u>203.857.7121</u>

#### Local Community and State Resources

Name	Phone
The Center for Sexual Assault Crisis Counseling and Education	<u>203.348.9346</u>
Sexual Assault Crisis Center of Eastern Connecticut, Inc.	<u>860.456.2789</u>
Women & Families Center	See Below
Meriden office	<u>203.235.9297</u>
Middletown office	<u>860.344.1474</u>
New Haven office	<u>203.389.5010</u>
The Center for Family Justice, Sexual Assault Hotline	<u>203.333.2233</u>
Safe Haven of Greater Waterbury, Inc. Local Hotline	<u>203.753.3613 / 1.888.999.5545</u>
Embrace Hope Expect Change, Center for Family Justice: Crisis Counseling / A Path to Healing Group	<u>203.256.3130 / Hotline 1.888.568.8332</u>

United States Department of Justice, Office of Justice Programs, Office of the Inspector General



## Reference Information - Crime Data

### Classifying and Defining Clery Act Crimes

The Clery Act requires Institutions to disclose four general categories of crime statistics:

Criminal Offenses

VAWA Offenses

Hate Crimes

Arrests and Referrals for Disciplinary Action

### Types of Offenses:

There are seven Uniform Crime Report offenses, including:

Criminal Homicide

> Murder & Non-Negligent Manslaughter

> Manslaughter by Negligence

Sex Offenses

> Rape

> Fondling

> Incest

> Statutory Rape

Robbery

Aggravated Assault

Burglary

Motor Vehicle Theft

Arson

The definition of the above mentioned crimes that the Clery Act mandates to report will help the NCC community be aware of the gravity of each crime.

### Criminal Offenses

**Murder and Non-Negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another. As a general rule, any death caused by injuries received in a fight, argument, quarrel, assault or commission of a crime is classified as Murder and Non-Negligent Manslaughter.

**Negligent Manslaughter** is defined as the killing of another person through gross negligence. As a general rule, any death caused by the gross negligence of another. In other words, it's something that a reasonable and prudent person would not do.

**Sexual Assault (Sex Offenses)** is defined as any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

**Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity.

**Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

**Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary:** Burglary is the unlawful entry of a structure to commit a Felony or a Misdemeanor. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle (classified as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding)

**Arson:** Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### VAWA Offenses

**Domestic Violence:** Domestic violence is defined as a felony or misdemeanor crime of violence committed:



- > By a current or former spouse or intimate partner of the victim;
- > By a person with whom the victim shares a child in common;
- > By a person who is cohabitation with or has cohabitated with the victim as a spouse or intimate partner;
- > By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- > By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Dating Violence:** Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between persons involved in the relationship.

For the purpose of this definition:

- > Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- > Dating violence does not include acts covered under the definition of domestic violence.

**Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- > Fear for the person's safety or the safety of others; or
- > Suffer substantial emotional

For the purpose of this definition –

**Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

**Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

**Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

## Hate Crimes

The hate crimes must be reported by category of prejudice. The following crimes reported to local police agencies or to a Campus Security Authority that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability. The following definitions on these crimes apply:

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features,) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).

**Gender:** A preformed negative opinion or attitude toward a person or a group of persons based on their actual or perceived gender, e.g. male or female.

**Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g. bias against transgender or gender non-conforming individuals.

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

**Sexual orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often

consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

**National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

## Arrests + Referrals for Disciplinary Action

For illegal weapons possession and violation of drug and liquor laws.

**Arrest:** Is defined as persons processed by arrest, citation or summons.

**Referred for disciplinary action:** is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established which may result in the imposition of a

**Illegal Weapons Possession:** is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

**Drug Abuse Violations:** are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their

derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics— manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and include in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.

## Site Map

Norwalk Community College's property line will be a reportable area under on campus property category for Clery Act reporting of crimes. Magrath Park and Five Mile River are public properties and will be considered for Clery Act reporting of crimes under public property category. The portion of Richards Avenue that is directly accessible from both East and West Campus will be considered under Clery Act reporting of crimes as well. All cemeteries shown in the map are private properties and will not be considered for Clery Act reporting of crimes.

## 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 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.

