



**EASTERN
CONNECTICUT
STATE UNIVERSITY**

Sexual Violence Report – 2020

Eastern Connecticut State University

Office of Equity & Diversity

LaMar Coleman, Ed.D.,
Vice President for Equity & Diversity

CHECKLIST FOR CONN. GEN. STAT. § 10a-55m(f) SEXUAL VIOLENCE REPORT 2020 SUBMISSION

INSTITUTION INFORMATION

Name: Eastern Connecticut State University **Contact:** LaMar Coleman, Ed.D.

Reporting Office/Department: Equity & Diversity **Report Year:** 2020

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 7/29/2020)

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
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SECTION 1

Founded in 1889, Eastern Connecticut State University is Connecticut's Public Liberal Arts University. In the fall of 2020, Eastern had an enrollment of approximately 4,000 students. This enrollment is slightly lower than normal due to the negative impacts of the global COVID-19 pandemic. In addition, that fall semester, the University had 196 full-time instructional faculty members. While the University's dedicated mission is to provide a liberal education that is practically applied, the well-being and safety of the University community also remains a top priority. The Board of Regents, which governs Eastern Connecticut State University and its other 16 affiliated colleges and universities, develops the policies of the system that address issues of sexual assault, interpersonal violence, and domestic violence. While adhering to the policies of the Board, Eastern Connecticut State University uses a proactive and multi-pronged strategic approach to combat issues of sexual assault, stalking, and interpersonal violence. Included in this report are the narrative, reporting data, and supportive material for the year 2020.

Central to this approach is the inclusion of key offices from throughout the University such as the Women's Center, Public Safety, Housing, Student Affairs, Counseling and Psychological Services, Student Conduct, and the Office of Equity and Diversity. While the University provides training and prevention education to the key stakeholder departments, staff members in Housing such as hall directors and resident assistants serve as critical frontline support against sexual assault, stalking, and interpersonal violence for students residing on campus. Working closely with Housing and the Dean of Students, the director of the Women's Center serves as the University's advocate for student victims of sexual assault, interpersonal violence, and domestic

violence. The director of the Women's Center works to connect complainants with resources both on and off campus; The University's Public Safety Department is available 24 hours a day to assist, combat, and address issues of sexual assault, interpersonal violence, and domestic violence. Housing and Student Affairs staff members are also educated and trained to address best practices for combating sexual assault. While the rights of complainants are carefully considered, Eastern Connecticut State University also ensures that respondents receive notification of their rights and information about the resources that are available. In addition, the University informs respondents that they may have support persons, advisors, or advocates present also. Over the last four years, the University added trained advocates for respondents and trained another person on staff in adjudication. The campus Student Conduct Officer serves as the adjudicating arm for the University in sexual assault cases. The Student Code of Conduct Policy details the Student Conduct Officer's role in the process; in addition, it also includes information on the appeals process. Along with the other key stakeholders in combating sexual assault and interpersonal violence, the Office of Equity and Diversity's Title IX coordinator assists by organizing training and educational opportunities on sexual assault and interpersonal violence prevention. As far as employees, the Office of Equity and Diversity's role is to connect employees alleging sexual assault, stalking, and interpersonal violence to available resources. In addition, the office conducts Title IX investigations. The narrative includes the BOR/CSCU policies, rights and options of students or employee, and sexual violence reports and data, and public awareness prevention and risk reduction.

I. Policies and Rights of Students and Employees

The BOR/CSCU policies regarding sexual misconduct reporting are available at <http://www.ct.edu/regents/policies>. The policies cover terms and procedures associated with sexual misconduct issues and allegations. The right to notify law enforcement and seek protective orders are included in the policies. The BOR/CSCU also recognizes the rights of both parties. The SAIV-RT website at Eastern includes confidential resources available to both respondents and complainants. For employees and students, the policies are available on the Eastern website and presented at orientation for each group.

II. Sexual Violence Statistics and Data: Incidents of Sexual Assault, Stalking, and IPV and Disciplinary Cases Resulting from Investigations of Sexual Assault, Stalking, and Intimate Partner Violence

This section of the narrative provides data on incidents of sexual assault, stalking, and intimate partner violence and disciplinary cases resulting from investigations. In 2020, the University received reports of ten incidences of potential sexual assault, two incidences of potential stalking, and two incidences of potential intimate partner violence. Of the reported incidences, the five sexual assaults reportedly occurred in 2020, while two cases of reported stalking incidence occurred in the same year. In four of the reported sexual assaults, the reporting party indicated that the respondent had connection to the reporting institution. For the category of the respondent identified as connected to CSCU institution, there were no incidences for sexual assault, stalking, and intimate partner violence. As for confidential or anonymous reports, there were no reports of sexual assault, stalking, or intimate partner violence reported anonymously or listed as confidential. In 2020, the University investigated allegations of one case of

sexual assault. The case was resolved through an informal resolution that was agreed upon by the complainant and respondent. All other reported cases did not progress to an investigation due to no formal complaints being filed and lack of cooperation from the complainant.

III. Public Awareness, Prevention, and Risk Reduction

The University has a "Tell Somebody" reporting system that allows members of the campus community to report if they believe someone needs help. In 2020, the University also provided both online training and prevention education on sexual assault, stalking, and interpersonal violence through "Not Anymore". "Not Anymore" allowed the University to educate students, instructional faculty and staff members. Of particular importance, the online tool allowed the University to reach second shift employees, many of whom used an online platform for the first time. These employees now had information on which offices offered support and where to file reports in cases of sexual assault, stalking, and interpersonal violence. Along with the online training, the University provided in-person sexual harassment prevention training for faculty and staff and shared the contact information for offices that offer support.

The Title IX training spreadsheet includes a variety of programs of public awareness, prevention, and risk reduction carried out for members of the University community. Given that the spreadsheet contains the trainings, this narrative will highlight a small selection of the trainings. The public awareness, prevention, and risk reduction outreach also included programs targeted to athletic personnel. The Women's Center has continued programs of awareness from previous years such as the Red Flag Campaign and Bystander Intervention. University public safety officers have

attended various certification trainings related to domestic violence and sexual assault response. Staff members have also consistently attended national Title IX and student conduct conferences.

The campus web pages for the Women's Center, Student Conduct, Equity and Diversity, and other departments play a critical role in publicizing the availability resources and campus safety. In 2018, Public Safety at Eastern Connecticut State University decided to begin efforts to increase campus safety by adopting the LiveSafe App that allows any member of the campus community the ability to travel to one's destination, usually at night, while being monitored by public safety, another student, or friend. The program has continued into 2020. Resources fliers, wallet sized resources, and faculty also aid campus safety and awareness. While faculty teach about domestic violence prevention, they also share their knowledge in training with students.

CONCLUSION

The short narrative above is an overview of the BOR/CSCU policies, reportable statistics and data, and public awareness, prevention, and risk reduction for Eastern Connecticut State University for 2020. In addition, the narrative has information on the continued training efforts of staff members that organized the programs. It is important to note that the 2020 reporting year was an unusual year in that the campus closed in March 2020 due to the COVID-19 pandemic and did not reopen until September 2020. Therefore, there were six months where the campus was vacant and minimal activities and trainings took place.

SECTION 2

4.11	BOR/CSCU STATEMENT OF TITLE IX POLICY	20-102	2020-07-29
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Board of Regents for Higher Education
Connecticut State Colleges and Universities
Regarding

Statement of Title IX Policy

Consistent with Title IX of the Education Amendments of 1972 ("Title IX")ⁱ, the Connecticut State Colleges and Universities (CSCU) does not and will not discriminate against students, faculty or staff based upon sex in any of its programs or activities, including but not limited to education programs, employment or admission. Further, retaliation against any person who made a complaint, testified, assisted, participated or refused to participate in a Title IX process will not be tolerated.

The Board of Regents for Higher Education (BOR) is committed to ensuring that each member of the CSCU 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 discrimination, including, sexual harassment, sexual assault, dating violence and stalking. It is the intent of the BOR that each college and university provide safety, privacy and support.

The BOR strongly encourages students, parents, bystanders and employees to alert Title IX Coordinators to sexual discrimination, including sexual harassment. Title IX Coordinators will promptly address these matters and treat all parties equitably. In accordance with federal law, those accused of engaging in prohibited conduct will be presumed not responsible and receive no punitive treatment unless and until found responsible after due process. All BOR governed colleges and universities will provide complainants and the respondents with supportive measures, including referral to agencies that provide medical attention, counseling, legal services, advocacy, referrals and other relevant information.

Under Title IX sexual harassment under means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioned in the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v)ⁱⁱ, "dating violence" as defined in 34 U.S.C. 12291(a)(10)ⁱⁱⁱ, "domestic violence" as defined in 34 U.S.C. 12291(a)(8)^{iv}, or "stalking" as defined in 34 U.S.C. 12291(a)(30).^v

If the institution's Title IX Coordinator determines that the alleged harassment meets the above definition of sexual harassment, as well as occurred within the United States on property owned or controlled by the institution and at the time of the filing the complainant was participating or attempting to participated in an educational program or activity at the particular College or

University, the Title IX coordinator will initiate a Title IX process. If the Title IX Coordinator determines that the alleged harassment does not meet the above factors, but the alleged misconduct violates BOR policy the Title IX Coordinator will comply with the BOR Sexual Misconduct Reporting, Supportive Measures and Processes Policy. If the institution's Title IX Coordinator determines that the allegations do not constitute a violation of either Title IX or Board policy and can make no finding of responsibility, complainant and respondent will be notified that the matter will be closed.

Sexual harassment will not be tolerated.

Any inquiries about this policy should be directed to the Title IX Coordinator

ⁱ Title IX states that "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"

ⁱⁱ 20 U.S.C. 1092(f)(6)(A)(v), The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

ⁱⁱⁱ 34 U.S.C. 12291(a)(10) The term "dating violence" means violence committed by a person - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

^{iv} 34 U.S.C. 12291(a)(8) The term "domestic violence" includes felony or misdemeanor crimes 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 cohabitating 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 receiving grant monies, or 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.

^v 34 U.S.C. 12291(a)(30) (30) The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

5.2	Sexual Misconduct Reporting, Supportive Measures and Processes Policy	20-103	2020-07-29
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**Board of Regents for Higher Education
Connecticut State Colleges and Universities**

**Policy Regarding
Sexual Misconduct Reporting, Supportive Measures 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 ensuring 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, including, sexual harassment, sexual assault, 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 students, parents, bystanders and employees to report any instance of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking and intimate partner violence. Title IX Coordinators will promptly address these matters and treat all parties equitably. In accordance with federal law Respondents will be presumed not responsible and receive no punitive treatment unless and until found responsible after due process. All BOR governed colleges and universities will provide complainants and respondents with supportive measures, including referral to agencies that provide medical attention, counseling, legal services, advocacy, referrals and general information regarding sexual misconduct.

All CSCU employees and support persons will make any limits of confidentiality clear before any disclosure of facts takes place. Other than confidential resources as defined below and employees who qualify as Campus Security Authorities under the Jeanne Clery Act, all CSCU employees are required to immediately communicate to the institution's Title IX Coordinator 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

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

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 means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegation of sexual harassment. At the time of the filing the formal complaint, the complainant must be participating in or attempting to participate in an education program or activity of 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.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

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:

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- 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 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

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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.

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 complainant’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.

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. No institution or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report of complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing related to a report or complaint related to sex discrimination.

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 complainant and

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respondent 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, on campus counseling where available, 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 complainant or respondent 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 complainant 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 complainants and respondents 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 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 either the complainant or respondent 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 complainant. 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

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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

Complainants and respondents will be informed in a timely manner of all their rights and options, including the necessary steps and potential outcomes of each option. Complainants and respondents shall be offered non-disciplinary, non-punitive individualized services as appropriate and available that are designed to restore or preserve equal access to the institution's education program or activity without unreasonably burdening the other party, which may include measures designed to protect the safety of all parties or the institution's educational environment or deter sexual harassment.

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.
- Information regarding 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

Complainants and respondents 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.

The institution will also honor lawful protective or temporary restraining orders.

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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.

OPTIONS FOR CHANGING ACADEMIC, HOUSING, TRANSPORTATION AND WORKING ARRANGEMENTS

College and university Title IX Coordinators will provide supportive measures to complainants and respondents. These supportive measures may include, but are not limited to, reasonably available options for changing academic situations, including but not limited to extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus transportation and escort services, mutual restrictions on contact between parties, leaves of absence, increased security and monitoring and housing or working situations.

SUPPORT SERVICES CONTACT INFORMATION

It is BOR policy that whenever a college or university Title IX Coordinator or other employee receives a report of sexual misconduct, the Title IX Coordinator shall immediately provide all parties 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, without fee. All CSUC campuses shall develop and distribute contact information for this purpose as well as provide such information on-line.

SEXUAL MISCONDUCT INVESTIGATION AND PROCEDURES

All complaints of sexual misconduct will be reviewed by the college or university Title IX Coordinator who will determine supportive measures and whether the complaint falls within the scope of Title IX. If the institution's Title IX Coordinator determines that the alleged harassment is

- (1) so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity; or,
- (2) implicates an employee of the institution, alleging that the employee conditioned a provision of an aid, benefit, or service upon the complainant's participation in unwelcome sexual conduct; or,

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(3) alleges “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v)¹, “dating violence” as defined in 34 U.S.C. 12291(a)(10)², “domestic violence” as defined in 34 U.S.C. 12291(a)(8)³, or “stalking” as defined in 34 U.S.C. 12291(a)(30)⁴ as defined in 34 U.S.C. 12291(a)(30)⁵

and

(4) the alleged harassment occurred within the United States on property owned or controlled by the institution or any building owned or controlled by a student organization officially recognized by the institution; and

(5) at the time of the filing the Complainant was participating or attempting to participate in the educational program or activity;

The Title IX coordinator will initiate the Title IX Process which shall be applicable to students, faculty and staff. The Title IX Process and Procedures are available on-line and through the Office of the Title IX Coordinator.

If the institution’s Title IX Coordinator determines that the alleged harassment does not meet the factors above but the alleged misconduct violates BOR Policy, the following procedures apply:

- Each party 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 assault, stalking and dating, domestic or intimate partner violence and shall use the preponderance of the evidence (more likely than

¹ 20 U.S.C. 1092(f)(6)(A)(v), The term “sexual assault” means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

² 34 U.S.C. 12291(a)(10) The term “dating violence” means violence committed by a person - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

³ 34 U.S.C. 12291(a)(8) The term “domestic violence” includes felony or misdemeanor crimes 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 cohabitating 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 receiving grant monies, or 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.

⁴ 34 U.S.C. 12291(a)(30) (30) The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

⁵ 34 U.S.C. 12291(a)(30) (30) The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

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not) standard in accordance with State law in making a determination concerning sexual assault, stalking or domestic/dating/intimate partner violence.

- Both the complainant and respondent 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 party shall have the opportunity to present evidence and witnesses on her/his behalf during any disciplinary proceeding.
- Both parties 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 respondent the violation committed, if any, and any sanction imposed upon the respondent. Sanctions may range from a warning to expulsion, depending upon the behavior and its severity of the violation(s). The complainant 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 respondent; however, in such cases, if a review by any complainant is granted, among the other actions that may be taken, the sanction of the disciplinary proceeding may also be increased. Both the complainant and respondent 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.

If the institution's Title IX Coordinator determines that the allegations do not constitute a violation of either Title IX or Board policy and can make no finding of responsibility, complainant and respondent shall be notified that the matter shall be closed.

Employee sexual misconduct not subject to Title IX is subject to discipline in accordance with the procedures applicable to the employee's classification of employment.

REVIEW AND AUDIT

The Title IX Coordinator will report to the President of the institution on a regular basis all findings on reported sexual misconduct matters. The Title IX Coordinator shall include within its annual Connecticut General Statute 10a-55m Sexual Misconduct Report a separate report specifically disclosing the number of complaints, the subject matter of each complaint and the final outcome of each case processed under Title IX. At a joint meeting of the Human Resources and Administration Committee and the Academic and Student Affairs Committee, the CSU Title IX

Sexual Misconduct Reporting
Support Services and Processes Policy

Coordinator will report annually on CSCU data of complaints and outcomes of sexual misconduct matters reviewed under Title IX, BOR policies, and other applicable state statutes.

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, handbook and catalogue. 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. This includes but is not limited to the name, office address, email address and telephone number of the Title IX Coordinators.

4.3	Consensual Relationships Policy	16-114	2016-10-20
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4.3 Policy on Consensual Relationships

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.

5.6	Reporting Suspected Abuse or Neglect of a Child	15-010	2015-01-10
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5.6 Reporting Suspected Abuse or Neglect of a Child

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.

**Title IX Grievance Procedures
for Addressing Formal Complaints of Sexual Harassment
September 23, 2020**

1. Introduction

What is the purpose of the Title IX Grievance Procedures?

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>

Based on the Final Rule, the Connecticut State Colleges and Universities ("CSCU") will implement the following Title IX Grievance Procedures (referenced herein as "policy" or "grievance procedure"), effective August 14, 2020.

How does the Title IX Grievance Procedures impact other campus disciplinary policies?

In recent years, "Title IX" cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, CSCU must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. Incidents falling within the Final Rule's definition of

sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Procedures defined below.

CSCU and college/university remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our institutions have a

- **Student Code of Conduct** (“Code of Conduct”) that defines certain behavior as a violation of campus policy, and a
- **Sexual Misconduct Reporting, Supportive Measures and Processes Policy** (“Sexual Misconduct Policy”) that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses.

To the extent that alleged misconduct falls outside the Title IX Grievance Procedures, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Code of Conduct and Sexual Misconduct Policy through a separate grievance proceeding.

<https://www.ct.edu/files/policies/5.2%20Sexual%20misconduct%20reporting%20support%20and%20processes.pdf> (need link to latest). Sanctions applicable to both Title IX and Sexual Misconduct violations are found in the Student Code of Conduct or through the applicable employee agreement.

the elements established in the Title IX Grievance Procedures under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Procedure. This Grievance Procedure does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other or process.

How does the Title IX Grievance Procedures impact the handling of complaints?

Our existing Title IX office and reporting structure remains in place. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full throughout Section 2.

2. The Title IX Grievance Procedures

Table of Contents (with page numbers as they appear in your final, adopted policy)

General Rules of Application

Effective Date

This Title IX Grievance Procedures will become effective on August 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after August 14, 2020. Complaints brought prior to August 14, 2020 will be investigated and adjudicated according to the Title IX Grievance Procedures if a case is not complete by that date.

Revocation by Operation of Law

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this grievance procedures or the invalidated elements of Title IX policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Procedures be revoked in this manner, any conduct covered under the Title IX Grievance Procedures shall be investigated and adjudicated under the existing Code of Conduct/ Sexual Misconduct Policy.

Non-Discrimination in Application

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

Definitions

Covered Sexual Harassment

For the purposes of this Title IX Grievance Procedures, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;

3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes 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 cohabitating 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 Connecticut domestic or family violence laws or 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 Connecticut.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Sexual Misconduct Policy.

Consent

For the purposes of this Title IX Grievance Procedures, “consent” refers to “affirmative consent”. Affirmative consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

Education Program or Activity

For the purposes of this Title IX Grievance Procedures, a college/university “education program or activity” includes:

- Any on-campus premises
- Any off-campus premises that the college/university has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the

college/university's programs and activities over which the college/university has substantial control.

Formal Complaint

For the purposes of this Title IX Grievance Procedures, "formal complaint" means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within college/university's education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Procedures to investigate the allegation of sexual harassment.

Complainant

For the purposes of this Title IX Grievance Procedures, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

Relevant evidence and questions

"Relevant" evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

"Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant's sexual predisposition or prior sexual behavior unless:
 - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - They concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
- Any party's medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

Respondent

For the purposes of this Title IX Grievance Procedures, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

School Calendar Days

For the purposes of this Title IX Grievance Procedures, “school calendar days” means the weekdays (Mondays through Fridays) when college/university when classes are in session.

Privacy vs. Confidentiality

Consistent with the Sexual Misconduct Policy, references made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean college/university offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. college/university will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Disability Accommodations

This Grievance Procedure does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Making a Report Regarding Covered Sexual Harassment to the Institution

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Name: _____

Title: _____

Office Address: _____

Email Address: _____

Telephone Number: _____

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Confidential Reporting

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator or designee
- *OPTIONAL: "Official with Authority" {Identify names of officials}*
- *OPTIONAL: Other Required Reporters {Identify names or identities}*

The following Officials may provide confidentiality:

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, on campus counseling where available, and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center and Domestic Violence Center.

- *OPTIONAL: "Official with Authority"*
- *Optional: Confidential Resources*

- Optional: Any employee not otherwise designed as a mandatory reporter

Non-Investigatory Measures Available Under the Title IX Grievance Procedures

Supportive Measures

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from college/university regardless of whether they desire to file a complaint.

As appropriate, supportive measures may include, but not be limited to:

- Counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

Supportive measures are non-disciplinary and non-punitive.

Emergency Removal

college/university retains the authority to remove a respondent from college/university's program or activity on an emergency basis, where college/university (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If college/university determines such removal is necessary, the respondent will be provided notice and an opportunity pursuant to the Code of Conduct to challenge the decision immediately following the removal.

Administrative Leave

college/university retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with collective bargaining agreements and human resource policies.

The Title IX Grievance Process

Filing a Formal Complaint

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) school calendar days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Grievance Procedure if they are currently participating in, or attempting to participate in, the education programs or activities of college/university, including as an employee. For complainants who do not meet this criteria, the College will utilize existing policy in the Code of Conduct <https://www.ct.edu/files/policies/5.1%20StudentCodeofConduct.pdf> and/or Sexual Misconduct Policy <https://www.ct.edu/files/policies/5.2%20Ssexual%20misconduct%20reporting%20support%20and%20processes.pdf>.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. college/university will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Grievance Procedure.

Nothing in the Title IX Grievance Policy or Code of Conduct prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Informal Resolution

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the Institution's Informal Resolution Process. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent. Information about this Process is available here: [\[LINK\]](#)

Multi-Party Situations

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

Determining Jurisdiction

The Title IX Coordinator will determine if the instant Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in college/university's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, college/university will investigate the allegations according to the Grievance Process.

Allegations Potentially Falling Under Two Policies:

If the alleged conduct would constitute a Title IX sexual harassment policy violation as well as a violation of the Sexual Misconduct Policy, the Title IX Grievance Process will be applied to investigation and adjudication for the conduct. However, any conduct that is unrelated to the Title IX Policy or Sexual Misconduct Policy within the allegation or discovered during a Title IX investigation, will be adjudicated in accordance with the Student Code of Conduct or employee agreement, as applicable

Mandatory Dismissal

If any one of these elements are not met, the Title IX Coordinator will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Procedures. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

Discretionary Dismissal

The Title IX Coordinator may dismiss a Formal Complaint brought under the Title IX Grievance Procedures, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by {the institution}; or,
- If specific circumstances prevent {the institution} from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

Notice of Dismissal

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts..

Notice of Removal

Upon dismissal for the purposes of Title IX, college/university retains discretion to utilize the Code of Conduct and/or the Sexual Misconduct Policy to determine if a violation of the Code of Conduct and/or the Sexual Misconduct Policy} has occurred. If so, college/university will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the conduct process.

Notice of Allegations

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal

Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

Contents of Notice

The Notice of Allegations will include the following:

- Notice of the institution's Title IX Grievance Process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment and the policy violated; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- A statement that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Ongoing Notice

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Grievance Procedures, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

Advisor of Choice and Participation of Advisor of Choice

college/university will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

The college/university has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of college/university.

college/university will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

college/university's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Grievance Procedure, and college/university cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. college/university will not be obligated to delay a meeting or hearing under this process more than five (5) school calendar days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by college/university.

Notice of Meetings and Interviews

college/university will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

Delays

Each party may request a one-time delay in the Grievance Process of up to five (5) school calendar days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Student Conduct, or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while

a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator or designee shall have sole judgment to grant further pauses in the Process.

Investigation

General Rules of Investigations

An investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

college/university and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of Title IX has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from college/university and does not indicate responsibility.

college/university cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. college/university will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;

2. inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review through an electronic format or a hard copy. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) school calendar days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report.

REQUESTS TO EXTEND INSPECTION AND REVIEW

The institution may provide the parties five (5) school calendar days after the initial inspection and review of evidence, and before the investigator completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and then provide the parties five (5) school calendar days to inspect, review, and respond to the party's additional evidence through a written response to the investigator. Those written responses may be disclosed to the parties.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors agree not to photograph or otherwise copy the evidence and must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process.

Inclusion of Evidence Not Directly Related to the Allegations:

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that

is kept from disclosure or appropriately redacted will be documented in a “privilege log” that may be reviewed by the parties and their advisors, if any.

Investigative Report

The investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence, and will provide that Report to the parties at least ten (10) school calendar days prior the hearing in an electronic format or a hard copy for each party’s review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

Hearing

General Rules of Hearings

college/university will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through an informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at college/university discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through remote video conferencing. This technology will enable participants simultaneously to see and hear each other. At its discretion, college/university may delay or adjourn a hearing based on technological errors not within a party’s control.

All proceedings will be recorded through either an audio recording, audiovisual recording or transcript. That recording or transcript will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn.

Continuances or Granting Extensions

college/university may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, college/university will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

Newly-discovered Evidence

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Hearing Official/Panel will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the Hearing Official/Panel answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

Participants in the live hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent (The Parties)

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party.

- For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a “prior statement” that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint.
- college/university will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party’s participation.
- If a party does not submit to cross-examination, the hearing body cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.
- The hearing body cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross examination or other questions.

The Hearing Body

- The hearing body will consist of [a single decision-maker; a panel of [INSERT NUMBER] decision-makers].
- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision-maker’s actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Advisor of choice

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor

to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.

- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf.
- If neither a party nor their advisor appear at the hearing, college/university will provide an advisor to appear on behalf of the non-appearing party.

Witnesses

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation
- If a witness does not submit to cross-examination, as described below, the hearing body cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing. 85 Fed. Reg. 30026, 30347 (May 19, 2020).

Hearing Procedures

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- The hearing body will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- The hearing body will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the hearing body conducts its initial round of questioning; During the Parties' cross-examination, the hearing body will have the authority to pause cross-examination at any time for the purposes of asking the hearing body's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the hearing body. A Party's waiver of cross-examination does not eliminate the ability of the hearing body to use statements made by the Party.

Live Cross-Examination Procedure

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and

witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the hearing body will determine if the question is relevant. See Relevance Procedures. Cross-examination questions that are duplicative of those already asked, including by the hearing body may be deemed irrelevant if they have been asked and answered.

Review of Transcript/Recording

Either the recording or transcript of the hearing will be available for review by the parties unless there are any extenuating circumstances. The record/transcript of the hearing will not be provided to parties or advisors of choice.

Determination Regarding Responsibility

Standard of Proof

college/university uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Grievance Procedure. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Grievance Procedure occurred.

General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Hearing Body.

The hearing body shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that the hearing body allow parties to call "expert witnesses" for direct and cross examination. college/university does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that college/university allow parties to call character witnesses to testify. college/university does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that college/university admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the hearing body may draw an adverse inference as to that party or witness' credibility.

Components of the Determination Regarding Responsibility

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of the Title IX/ Sexual Misconduct Policy/Code of Conduct, if any, the respondent has or has not violated.
5. For each allegation:
 - a. A statement of, and rationale for, a determination regarding responsibility;
 - b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
 - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
6. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by college/university within ten (10) school calendar days of the completion of the hearing.

Finality

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

Appeals

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) school calendar days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution's own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter;
- The severity of sanctions.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12 point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by an Appeals Officer, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision maker in the same matter.

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

Retaliation

college/university will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Procedures, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Procedures.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Procedures.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Complaints alleging retaliation may be filed according to the Board of Regents Title IX Statement of Policy and Board of Regents Sexual Misconduct Reporting, Supportive Measures and Processes Policy.

Sanctions

See the applicable employee policy/agreement or the Student Code of Conduct for applicable sanctions.



Guide for Determining Relevance

August 14, 2020

What is the purpose of this Guide?

On May 19, 2020, the U.S. Department of Education issued Final Rules governing the Title IX grievance process, effective August 14, 2020. The Final Rule requires that all colleges and universities hold a live hearing before making any determination regarding responsibility for covered reports of Title IX sexual harassment, including sexual violence. This hearing must provide for live cross-examination by the parties' advisors.

Any question posed by the advisors must be evaluated for "relevance" in real time by the hearing officer. According to Final Rule §106.45(b)(6)(i):

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

What is a relevant question?

The Department of Education encourages institutions to apply the "plain and ordinary meaning" of relevance in their determinations. 85 Fed. Reg. 30026, 30304 (May 19, 2020). Basically, a relevant question will ask whether the facts material to the allegations under investigation are more or less likely to be true. *Id.* at 30294. A question not directly related to the allegations will generally be irrelevant.

Officials should use common sense in this understanding. Things may be interesting or surprising but not be relevant.

Relevance decisions should be made on a question-by-question basis, looking narrowly at whether the question seeks information that will aid the decision-maker in making the underlying determination. The relevance decision should not be based on who asked the question, their possible (or clearly stated) motives, who the question is directed to, or the tone or style used to ask about the fact. Relevance decisions should not be based in whole or in part upon the sex or gender of the party for whom it is asked or to whom it is asked, nor based upon their status as

complainant or respondent, past status as complainant or respondent, any organizations of which they are a member, or any other protected class covered by federal or state law (e.g. race, sexual orientation, disability).

If a question is relevant but offered in an abusive or argumentative manner, the decision-maker has the discretion to ask the advisor to rephrase the question in an appropriate manner, consistent with the institution's decorum policy for hearings.

What if the question is “prejudicial” and concerns sensitive or embarrassing issues?

Much of the content within these hearings may be considered sensitive and/or embarrassing by parties or advisors. However, relevant questions need to be considered *even if* a party or advisor believes the danger of unfair prejudice substantially outweighs their probative value.¹ Only irrelevant questions (detailed below), including about the complainant's prior sexual history, may be excluded.

What is an irrelevant question?

Question about Complainant's Prior Sexual Behavior or Sexual Predisposition

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

1. such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
2. if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).

Question regarding Privileged Information

Questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege are irrelevant. 34 C.F.R. § 106.45(1)(x). Individuals with legal privilege may include medical providers (physician, dentist, podiatrist, chiropractor, nurse), psychologists, clergy, rape crisis counselors, and social workers.

Questions about Undisclosed Medical Records

¹ 85 Fed. Reg. 30026, 30294 (May 19, 2020).

Questions that call for information about any party's medical, psychological, and similar records are irrelevant unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

Duplicative Questions

Questions that repeat, in sum or substance, questions already asked by the decision-maker prior to cross-examination, or by a party's advisor during cross-examination (and if part of your process, during direct examination), may be ruled duplicative, and therefore irrelevant.²

How should the decision-maker reach a relevance determination?

If the decision-maker is a single individual, the decision-maker will be solely responsible for determining the relevance of the question before it is asked.

If the decision-maker is a panel, the panel's Chair will make all determinations of relevance.

What should the relevance determination consist of?

The Department of Education explains that the Final Rule "does not require a decision-maker to give a lengthy or complicated explanation" in support of a relevance determination. Rather, "it is sufficient, for example, for a decision maker to explain that a question is irrelevant because the question calls for prior sexual behavior information without meeting one of the two exceptions, or because the question asks about a detail that is not probative of any material fact concerning the allegations." Id. at 30343.

As such, the decision-maker need only provide a brief explanation of the determination, which will ordinarily consist of one of the following statements depending on the situation.

Generally probative questions

- The question is relevant because it asks whether a fact material to the allegations is more or less likely to be true.
- The question is irrelevant because it asks about a detail that does not touch on whether a material fact concerning the allegations is more or less likely to be true. See, 85 Fed. Reg. 30026, 30343 (May 19, 2020).

² See 85 Fed. Reg. 30026, 30331 (May 19, 2020) ("nothing in the final regulations precludes a recipient from adopting and enforcing (so long as it is applied clearly, consistently, and equally to the parties) a rule that deems duplicative questions to be irrelevant").

Question about Complainant's Prior Sexual Behavior or Sexual Predisposition

- The question is relevant because although it calls for prior sexual behavior information about the complainant, it meets *one of the two exceptions* to the rape shield protections defined in 34 C.F.R. § 106.45(b)(6)(i), and it tends to prove that a material fact at issue is more or less likely to be true. (identify the exception applied)
 - Exception one: The question is asked to prove that someone other than the respondent committed the conduct alleged by the complainant.
 - Exception two: The question concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is asked to prove consent
- The question is irrelevant because it calls for prior sexual behavior information about the complainant without meeting one of the two exceptions to the rape shield protections defined in 34 C.F.R. § 106.45(b)(6)(i).

Question regarding Privileged Information (identify the privilege)

- The question is irrelevant because it calls for information shielded by a legally-recognized privilege.
- The question is relevant because, although it calls for information shielded by a legally-recognized privilege, that privilege has been waived in writing, and the question tends to prove that a material fact at issue is more or less likely to be true.

Questions about Undisclosed Medical Records

- The question is irrelevant because it calls for information regarding a party's medical, psychological, or similar record without that party's voluntary, written consent. 85 Fed. Reg. 30026, 30294.
- This question is relevant because although it calls for a party's medical, psychological, or similar records, that party has given their voluntary, written consent to including this material, and it tends to prove that a material fact at issue is more or less likely to be true. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

Duplicative Questions

- The question is irrelevant because it is duplicative of a question that was asked and answered.

The decision-maker may relay a longer explanation if necessary under the circumstances.

The relevance determination will be conveyed orally, except as needed to accommodate a disclosed disability of a hearing participant, and all relevance determinations will be preserved in the record of the proceeding.

May the parties and/or their advisors ask the decision-maker to reconsider their relevance decision?

Any party or their advisor may request that the decision-maker reconsider their relevance determination.

The decision-maker may deny or grant the request to reconsider. This determination is final, but may be subject to appeal under the Title IX Grievance Process.



BOR/CSCU STUDENT CODE OF CONDUCT

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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, and 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 Complainant and the Respondent shall each have the following rights:

1. All complaints of sexual misconduct will be reviewed by the Title IX Coordinator who will determine supportive measures and whether the complaint falls within the scope of Title IX.
2. If the institution's Title IX Coordinator determines that the alleged harassment is
 - (1) so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity; or,
 - (2) implicates an employee of the institution, alleging that the employee conditioned a provision of an aid, benefit, or service upon the complainant's participation in unwelcome sexual conduct; or,
 - (3) alleges "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v)¹, "dating violence" as defined in 34 U.S.C. 12291(a)(10)², "domestic violence" as defined in 34 U.S.C. 12291(a)(8)³, or "stalking" as defined in 34 U.S.C. 12291(a)(30)⁴ as defined in 34 U.S.C. 12291(a)(30)⁵and
 - (4) the alleged harassment occurred within the United States on property owned or controlled by the institution or any building owned or controlled by a student organization officially recognized by the institution; and
 - (5) at the time of the filing the Complainant was participating or attempting to participate in the educational program or activity;

¹ 20 U.S.C. 1092(f)(6)(A)(v), The term "sexual assault" means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

² 34 U.S.C. 12291(a)(10) The term "dating violence" means violence committed by a person - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

³ 34 U.S.C. 12291(a)(8) The term "domestic violence" includes felony or misdemeanor crimes 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 cohabitating 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 receiving grant monies, or 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.

⁴ 34 U.S.C. 12291(a)(30) (30) The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

⁵ 34 U.S.C. 12291(a)(30) (30) The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

The Title IX coordinator will initiate the Title IX Process.

The Title IX Process and Procedures are available on-line and through the Office of the Title IX Coordinator.

3. If the institution's Title IX Coordinator determines that the alleged harassment does not meet the factors in Section 2 above, but the alleged misconduct violates the Student Code of Conduct, the following procedures apply:
 - a. At any meeting or proceeding, both the Complainant and Respondent (Respondent means the person who has been reported to be the perpetrator of conduct violating the Student Code of Conduct) 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);
 - b. Both the Complainant and Respondent are entitled to request that disciplinary proceedings begin promptly;
 - c. 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 Complainant and Respondent the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding; (v) provide both the Complainant and Respondent with equal access to any information that will be used during meetings and hearings; (vi) invoke the standard of "affirmative consent"⁶ in determining whether consent to engage in sexual activity was given by all persons who engaged in sexual activity; (vii) presume that the Respondent is not responsible until the conclusion of the process; and (viii) the hearing will be held live.
 - d. In accordance with the Family Educational Rights and Privacy Act (FERPA), Complainant and Respondent have the right to keep their identities confidential;
 - e. Complainants and Respondents shall be provided written notice of the decision of the Hearing Body simultaneously, 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 parties to sexual misconduct shall contain only the following: the name of the parties, the violation committed, if any, and any sanction imposed against the Respondent.
 - f. Both parties 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; however, if a request for review 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 be increased or decreased.

⁶ 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.

Notwithstanding the foregoing, in any hearing pertaining to sexual misconduct both the Complainant and Respondent 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.

If the institution's Title IX Coordinator determines that the allegations do not constitute a violation of either Title IX or Board policy and can make no finding of responsibility, complainant and respondent will be notified that the matter will be closed.

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-Appearence 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.
1. 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.

SECTION 3

Statement of Policy and Grievance Procedures on Discrimination and Sexual Harassment

It is the policy of Eastern Connecticut State University that unlawful discrimination be prohibited in education, employment and the provision of services by the University. Consequently, it shall be a violation of University policy for any member of the University community to discriminate against any individual with respect to any terms, conditions, or privileges relating to employment or attendance at the University because of such individual's race, color, ethnicity, religious creed, national origin, gender, age, sexual orientation, marital status, veteran status, genetic information, disability or any other conditions established by law.

Sexual harassment is a type of discriminatory behavior. It is the policy of Eastern Connecticut State University that no member of the academic community may sexually harass another.

It is also the policy of the University that no individual involved in a complaint process shall suffer retaliation for participation in the process. Such retaliation shall not be tolerated at the University.


I. DEFINITIONS

1. *Discrimination* is defined as unequal treatment, or unlawful behavior that produces unequal treatment, as defined in the Connecticut General Statutes, U.S. EEOC Guidelines, Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Sexual harassment, defined below, is considered discriminatory behavior.
2. *Sexual harassment* is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
(i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic performance or advancement; (ii) submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or of creating an intimidating, hostile, or offensive working or academic environment. Gender harassment, defined as discriminatory behavior towards an individual based on his or her gender, is a form of sexual harassment. It may consist of the use of sexist language, illustrations, examples, and gestures that demonstrate discriminatory behavior.

II. CONTACTS

1. Anyone alleging discrimination and/or harassment by an Eastern employee may contact Dr Stacey Close, Associate Provost/Vice President for Equity and Diversity, 254 Gelsi Young Hall.
2. Discrimination and harassment complaints may also be filed with the Connecticut Commission on Human Rights and Opportunities, the U.S. Equal Employment Opportunity Commission, or any other agency that enforces laws concerning discrimination.
3. Claims of discrimination or harassment by students are investigated in accordance with the Guidelines for Student Rights and Responsibilities in the Student Handbook. Contact Dr. Walter Diaz, Vice President of Student Affairs, 220 Gelsi Young Hall.

III. COMPLAINT PROCEDURES

To file a complaint, please use the Discrimination and Discriminatory Harassment Complaint Form. 

1. Complaints against University Employees: Complaints of discrimination or sexual harassment may be filed with the Office of Equity and Diversity, Gelsi-Young Hall, Room 254. Complaints should be filed with the University as soon as possible after the incident(s) occurred, but generally no later than thirty (30) calendar days after the occurrence of the alleged act(s) or the complainant's learning of the alleged act(s). Complaints submitted after the designated deadline *may* be accepted at the discretion of the Associate Provost/Vice President for Equity and Diversity and with the approval of the President. For example, exceptions to the filing date may be made for students filing after the thirty day period as a result of a complaint against university professors from whom they are currently taking classes. Complaints may also be filed with the Connecticut Commission on Human Rights and Opportunities, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Labor, and/or any other agency that enforces laws concerning discrimination in employment. Individuals may also seek guidance from the Office of Equity and Diversity on problem-solving strategies that may lead to resolution without filing a complaint. Complaints may be pursued by the University on an informal or formal basis. An informal resolution consists of mediation between the complainant and the respondent(s), and may not include a full investigation. A formal complaint requires a complete and full investigation of the complainant's allegations by the Office of Equity and Diversity and the filing of a written report, consisting of findings and recommendations, with the University President. A formal investigation may be commenced when the parties have failed to agree upon an informal resolution. In determining whether to pursue a complaint formally or informally, the wishes of the complainant will be taken into consideration. Any investigation conducted by the Office of Equity and Diversity shall be initiated within fourteen (14) calendar days of the filing of a complaint. The complainant and the respondent(s) will be notified by the Office of Equity and Diversity of the initiation of the investigation. In addition, the University President and Human Resources will receive notification of a complaint filed with the Office of Equity and Diversity involving employees. Upon completion of the investigation, the Associate Provost/Vice President for Equity and Diversity or his or her designee shall prepare a report setting forth findings of fact, a determination as to whether discriminatory conduct has occurred, and, if

applicable, recommendations for addressing the discriminatory conduct. The complainant and the respondent(s) shall be advised of the completion of the report and shall have an opportunity to review the report prior to its submission to the President. The President or his or her designee shall endeavor to respond to the report prepared by the Office of Equity and Diversity within fourteen (14) calendar days of receipt. It is the goal of the University that all discrimination complaints filed with the Office of Equity and Diversity be resolved within ninety (90) days of receipt.

The University shall endeavor, to an extent consistent with its obligations under this policy and the requirements of applicable law, to protect the privacy of persons by whom, or against whom, discrimination complaints have been made.

2. Complaints against University Students:

Claims of discrimination or harassment by students shall be addressed in accordance with the Student Code of Conduct and Statement of Disciplinary Procedures, set forth in the Student Handbook.

III. CONFLICT IN PROVISIONS

If any provision of this policy is determined to be inconsistent with a provision of an applicable collective bargaining agreement, the provision of the applicable collective bargaining agreement shall prevail.

IV. POLICY REVIEW

This Statement of Policy on Discrimination shall be reviewed annually by the Office of Equity and Diversity, in collaboration with the Office of the President, and revised as necessary.

Revised 2020

Office of Equity and Diversity (<http://www.easternct.edu/equityanddiversity/>) Sexual Assault Policy and Procedures

University Policy

A primary concern of the University is the health and well being of each student; therefore, Eastern is committed to creating a community that is free from acts of sexual violence. Sexual violence includes any unwanted, unwelcome, forceful or coercive sexual contact.

Sexual assault, as defined for purposes of this policy and procedures, is a crime. Degrees of sexual assault range from unwanted or coercive sexual contact to forced or coerced sexual penetration (Conn. General Statutes, sec. 53a-70 to sec. 53 a.-74). Acts of sexual assault are not tolerated at Eastern Connecticut State University.

A victim/survivor of a sexual assault has the right to pursue legal proceedings against any alleged offender through the criminal or civil proceedings of the Connecticut courts. A victim/survivor of a sexual assault has the right to pursue disciplinary action against an accused student assailant through the judicial procedures of the University Student Conduct Code, or against an alleged offender who is a University employee through University disciplinary procedures.

University Procedures

The University supports a student's right to exercise an informed choice about actions taken in cases of sexual assault; however, it urges any victim/survivor to contact the University police immediately if a sexual assault occurs. The Eastern Connecticut State University Police work collaboratively with the Office of the Vice President/Dean of Student Affairs to provide an immediate response to a victim/survivor of sexual assault.

Any University faculty, staff member, administrator, or student who is made aware of a sexual assault involving a member of the Eastern Connecticut University community has the responsibility to report the sexual assault to the University Police.

Where to Get Help

A victim/survivor of sexual assault can get immediate help by contacting the University Police. The University maintains a twenty-four-hour-a-day University Police service. If a sexual assault victim/survivor contacts a faculty, administrator, staff member, student employee, or student, the first assistance and response is to get help for the victim/survivor by notifying the University Police of the incident. The University Police response to the incident requires confidentiality, as permitted by law, for both the victim/survivor and alleged offender.

At the time of initial contact, the University Police give first priority to the emotional and physical condition of the victim/survivor. This includes transporting the victim/survivor to the hospital, if desired or required. The victim/survivor is also notified of options for legal, medical, and counseling support, available through on-campus or community related services. An emergency sexual assault notification card is given to the victim/survivor by the University police that describes the available services. Copies of the notification card are also available at the following campus offices:

- University Police Department: 465-5310 (Emergency Hotline: 911)
- Residential Housing: 465-5297
- Health Services Center: 465-5263
- Women's Center: 465-4313
- Office of Student Affairs: 465-4412
- Office of Equity and Diversity: 465-4484
- Counseling and Psychological Services: 465-0181

Confidentiality/Rights

The University maintains confidentiality, as permitted by law, in matters pertaining to a victim/survivor of sexual assault or an alleged offender. No personal identifying information is included in any statistical reports and in informational reports concerning sexual assaults that are provided by the University, as required by the Campus Security Act of 1990.

The victim/survivor has a right to choose among available services, and the right to choose to take judicial action (criminal/civil action, or action in accordance with the University Student Code or disciplinary procedures) against the alleged offender. The victim/survivor has the right to have the sexual assault treated seriously and with dignity by the University.

Sexual Assault Team

Any questions concerning the University sexual assault policies and procedures should be referred to the Sexual Assault Team. The role of the Sexual Assault Team is to provide an ongoing assessment and review of the University's sexual assault policies and procedures, evaluate these policies and procedures, and advise the University on educational programs for sexual assault awareness, prevention, and community safety. The Sexual Assault Team review is to include input from faculty, staff, and students.

Here is a list of Resources to Assist Sexual Violence Victims:

<http://www.easternct.edu/saiv/> (<http://www.easternct.edu/saiv/>)

<http://www.easternct.edu/saiv/resources-within-willimantic/> (<http://www.easternct.edu/saiv/resources-within-willimantic/>)

<http://www.saccec.org/> (<http://www.saccec.org/>)

<http://www.connsacs.org/> (<http://www.connsacs.org/>)

<http://www.ct.gov/chro/> (<http://www.ct.gov/chro/>) (CT Commission on Human Rights and Opportunities)

<http://www.usccr.gov/> (<http://www.usccr.gov/>) (U.S. Commission on Human Rights)

Sexual Assault Awareness

During each fall orientation, and at planned sessions throughout the academic year, students are presented information designed to create student awareness of circumstances leading to sexual assault, including acquaintance rape. Sessions are also planned for faculty, staff members, and administrators. Each entering student is also given an emergency sexual assault notification card that explains available services for victims/survivors of sexual assault, as well as the immediate response role of the University Police.

**Office of
Equity and Diversity (<http://www.easternct.edu/equityanddiversity/>)
Interpersonal Violence and Domestic Violence: Campus Contacts and Reporting
Procedures**

CONTACTS

A. Reports of Interpersonal Violence and Domestic Violence by an Eastern employee are made in accordance with the policy set forth by the policies of the Board of Regents. To report Interpersonal Violence and Domestic Violence employees should contact:

University Police at (860) 465-5310 or 911

Dr. Stacey Close

close@easternct.edu

Associate Vice President for Equity and Diversity at (860) 465-5791

Mr. Kenneth DeLisa

delisak@easternct.edu

Chief Human Resources Officer at (860) 465-5269

B. Reports of Interpersonal Violence and Domestic Violence by an Eastern student against another student are made in accordance with the Guidelines for Student Rights and Responsibilities in the Student Handbook. To report Interpersonal Violence and Domestic Violence, students should contact University Police at (860) 465-5310, and/or Dr. Stacey Close, Associate Vice President of Equity and Diversity, at (860) 465-5791. For advocacy and further information including your Title IX rights and reporting procedures visit the Sexual Assault & Interpersonal Violence Response Team (SAIV-RT) website at www.easternct.edu/saiv/. Please contact Starsheemar Byrum, Women's Center and SAIV-RT Coordinator at (860) 465-4314 for assistance or with any questions regarding support and advocacy. For general information on Title IX, also see Dr. Stacey Close, Associate Vice President of Equity and Diversity, at (860) 465-5791.

REPORTING PROCEDURES

A. University Employees:

Employees (complainants), after contact with employee personnel above, may report issues of Interpersonal Violence and Domestic Violence by another employee or student to the Office of Equity and Diversity, Gelsi-Young Hall, Room 254. The reports should be filed with the University as soon as possible after the incident(s) occurred, but generally no later than thirty (30) calendar days after the occurrence of the alleged act(s) or the complainant's learning of the alleged act(s).

Complaints submitted after the designated deadline *may* be accepted at the discretion of the Associate Vice President for Equity and Diversity and with the approval of the President. Reports may also be filed with University Police.

Complaints may be pursued as disclosures or reports. A formal report requires a complete and full investigation of the complainant's allegations by the Office of Equity and Diversity and the filing of a written report, consisting of findings and recommendations, with the University President. In determining whether to pursue a complaint formally, the wishes of the complainant will be taken into consideration.

Any formal investigation conducted by the Office of Equity and Diversity shall be initiated within fourteen (14) calendar days of the filing of a report. The complainant and the respondent(s) will

be notified by the Office of Equity and Diversity of the initiation of the investigation. Both parties will be informed of their rights under the policies and their ability to have advocates. Upon completion of the investigation, the Associate Vice President for Equity and Diversity or his or her designee shall prepare a report setting forth findings of fact. The complainant and the respondent(s) shall be advised of the completion of the report and shall have an opportunity to review the report prior to its submission to the President. The President or his or her designee shall endeavor to respond to the report prepared by the Office of Equity and Diversity within fourteen (14) calendar days of receipt. It is the goal of the University that all reports of Interpersonal Violence and Domestic Violence filed with the Office of Equity and Diversity be addressed and resolved within sixty (60) days of receipt.

The University shall endeavor, to an extent consistent with its obligations under this policy and the requirements of applicable law, to protect the privacy of persons by whom, or against whom, reports have been made.

B. Complaints against University Students:

Claims of Interpersonal Violence or domestic violence by students shall be the addressed in accordance with the Student Code of Conduct and Statement of Disciplinary Procedures, set forth in the Student Handbook.

Contacts Phone and Emails, Students

Ms. Michelle Delaney
Dean of Students
(860) 465-5244
delaneymi@easternct.edu (<mailto:delaneymi@easternct.edu>)

Ms. Starsheemar Byrum
Coordinator, Women's Center
(860) 465-4314
byrums@easternct.edu (<mailto:byrums@easternct.edu>)

Off Campus Resources

Connecticut Coalition Against Domestic Violence
1-888-774-2900 (English)
1-844-831-9200 (Español)

United Services
860-456-2261

Sexual Assault Crisis Center of Eastern Connecticut
860-456-3595

Windham Community Memorial Hospital
860-456-9116

Options for Reporting Sexual Assault and Interpersonal Violence

Rights of Reporters

- 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 are available immediately and confidentially, whether or not those who report feel ready to make any decisions about reporting to police or a University employee.
- 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 clergy members, a University counseling center psychologist, a University health center care provider, the Sexual Assault Crisis Center of Eastern 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.

Mandated Reporting by 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 any disclosure or report of sexual misconduct regardless of the age of the reported victim. A disclosure is the receipt of any communication of an incident of sexual misconduct not accompanied by a request for an investigation or adjudication by the institution. A report of sexual misconduct, on the other hand, is the receipt of a communication of an incident of sexual misconduct accompanied by a request for an investigation or adjudication by the institution. Upon receiving a disclosure or a report of sexual misconduct, employees are expected to 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 BOR policy to report the incident within twelve hours to their immediate supervisor and to the Department of Children and Families.

OTHER RESOURCES FOR STUDENTS/ CONTACT INFORMATION

Campus Non-Confidential Resources

Title IX Coordinator
Gelsi Young Hall, Room 253
(860) 465-5012

University Victim Advocate (UVA)
Student Center, Room 109
(860) 465-4314
Cell (860) 567-5466

Campus Police
Public Safety
(860) 465-5310

Campus Confidential Resources

Counseling & Psychological Services
182 High Street
(860) 465-5578

Student Health Services
Health Services, Room 102
(860) 465-5263

Campus Ministry
Newman Hall, 290 Prospect St.
(860) 423-0856

Off-Campus Confidential Resources

*The United Service Domestic
Violence Program*
24/7 hotline
(860) 456-9476

*Sexual Assault Crisis Center
of Eastern Connecticut*
24/7 hotline
(860) 465-2789

Office of Equity & Diversity Staff

LaMar Coleman, Ed.D., Vice President
(860) 465-0072

Sara Madera, M.S., Title IX Coordinator
(860) 465-5012

Indira Petoskey, Ph.D., Assistant Dean
(860) 465-5066

Sandra Rodriguez, Administrative Assistant
(860) 465-5112



EASTERN
CONNECTICUT
STATE UNIVERSITY

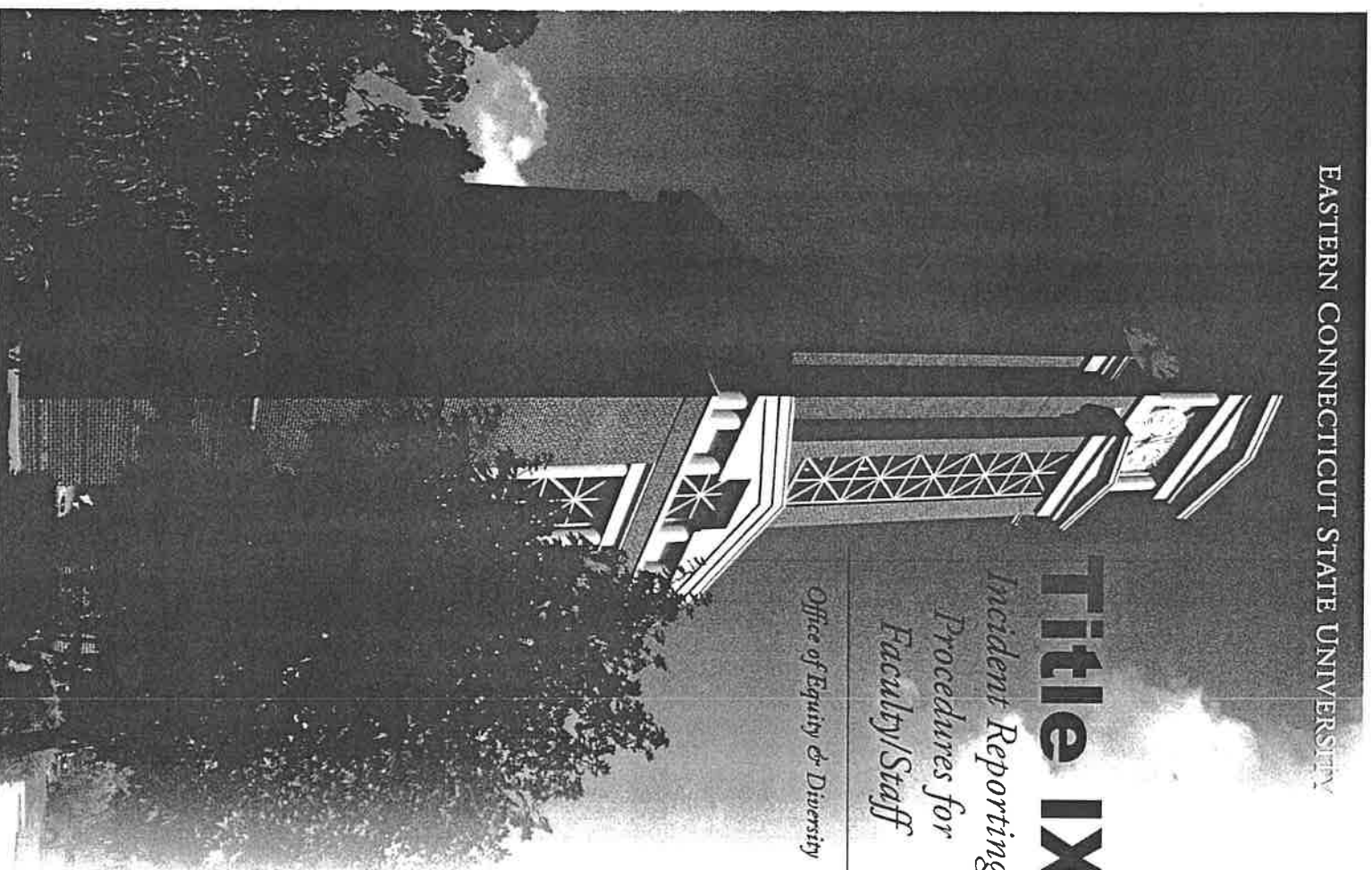
Office of Equity & Diversity

EASTERN CONNECTICUT STATE UNIVERSITY

Title IX

*Incident Reporting
Procedures for
Faculty/Staff*

Office of Equity & Diversity



Title IX of the Educational Amendments of 1972 is a federal law that prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. Title IX declares sexual harassment as a form of discrimination and requires educational institutions to respond promptly and effectively to reports of sexual misconduct that occur within the institution's education program or activity. Sexual misconduct can take many forms, including sexual harassment, sexual assault, intimate partner violence, or stalking, along with other forms of sex- or gender-based misconduct and/or discrimination.

Outlined below are the steps faculty/staff should take if a student discloses they may have been a victim of a Title IX/sexual misconduct incident.

STEP 1

Upon being made aware of a Title IX/Sexual Misconduct incident, your first priority is to ensure the safety and security of the reporting party (*i.e. medical, mental health, physical security, etc.*). In cases of emergency, call 911 or contact campus police at (860) 465-5310, option #3.

STEP 2

When speaking with the reporting party, be sure to explain that you are a mandated reporter and that their disclosure will be kept private except for the report you are required to submit to the Title IX Office which will initiate the appropriate follow-up.

STEP 3

If the student wishes to speak with someone immediately during business hours the Title IX Coordinator can be contacted at (860) 465-5012 (between 8 a.m. and 5 p.m.) or the University Victim Advocate can be contacted at (860) 567-5466 (between 8 a.m. and 4 p.m.). If it is after-hours and the student wishes to speak with someone immediately, the Title IX Office can be reached via cell phone at (860) 377-1355.

STEP 4

If the student does not express an immediate need to speak with someone, be sure to give the reporting party the SALV-RT (*Sexual Assault & Interpersonal Violence Response Team*) information card and/or pamphlet. If you do not have them available, inform the reporting party that additional information can be found on Eastern's Title IX website.

STEP 5

When speaking with the reporting party, remember, it is not your role to determine if the incident occurred, but to report what has been disclosed to you. Reports should be submitted online at [Title IX Incident Reporting Form](#).

NOTE It is not necessary to complete the report in the presence of the student and it is only necessary for you to enter the information that the student freely disclosed to you (*some fields on the report may need to be left blank if you do not know the information*).

SECTION 4



Eastern Connecticut State University Your Rights & Resources

*A guide for students who experience sexual misconduct,
sexual assault, sexual harassment, intimate partner
violence and/or stalking.*

EASTERN CONNECTICUT STATE UNIVERSITY

Office of Equity & Diversity/Title IX

DEFINITIONS

Consent

Consent is the equal approval, given freely, willingly and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision — to engage in mutually accepted sexual contact. Consent cannot 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 consented to any such activity which occurs after that consent is withdrawn. A lack of consent may result from mental incapacity (e.g., ingestion of alcohol or drugs which significantly impair awareness or judgement) or physical incapacity (e.g., the person is unconscious or otherwise unable to communicate consent). The existence of a dating relationship between the persons involved, or the face of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Sexual Harrassment

Sexual harassment can include any unwanted 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 individuals' education or employment; submission to or rejection of such conduct by an individual is 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.

Sexual Assault

Sexual Assault is any attempted or forcible sexual act (sexual contact or sexual intercourse) directed against another person without their consent (as defined herein) including instances when that person is not capable of giving consent.

Sexual Exploitation

Sexual exploitation occurs when a person takes a nonconsensual 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.

Intimate Partner Violence/Domestic Violence/ Dating Violence

Intimate partner, domestic and/or dating violence means any emotional, physical or sexual harm against an individual by a current or former spouse or in a dating or cohabitating relationship. Intimate partner violence may also include physical abuse, threat of abuse and emotional abuse.

Stalking

Stalking is defined as repeatedly contacting another person when the contacting person knows or should know 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 when the contact causes substantial impairment of the other person's ability to perform the activities of daily life.

CONFIDENTIAL/NON-CONFIDENTIAL RESOURCES

If you are someone who experienced sexual misconduct, sexual assault, sexual harassment, intimate partner violence and/or stalking, we want to make sure you are aware of the resources available to you. There are both confidential and non-confidential resources available to make a disclosure. These offices will be able to give you support and give an overview of resources, options and supportive measures available to you.

Confidential Resources

**Indicates off-campus confidential resources*

Confidential resources are defined as personnel who are bound by state law and professional ethics from disclosing information about reports/disclosures without written releases. These resources also serve as members to Eastern's Sexual Assault and Interpersonal Violence Response Team. Confidential resources include:

Counseling and Psychological Services (CAPS)
182 Hight Street | (860) 465-5578

Student Health Services
185 Birch Street, Room 102 | (860) 423-0856

Campus Ministry
Newman Hall, 290 Prospect Street
(860) 423-0856

***The United Service Domestic Violence Program**
140 North Frontage Road, Mansfield Center,
CT 06250 | (860) 456-2261
(860) 774-2900 (24/7 hotline)

***Sexual Assault Crisis Center**
of Eastern Connecticut
90 South Park Street, Williamantic, CT 06226
(860) 465-2789 (24/7 hotline)

***Connecticut office of Victim Services**
225 Spring Street, Fourth Floor
Wethersfield, CT 06109
(800) 822-8428
(Monday – Friday, 8a.m. – 4:30 p.m.)

Non-Confidential Resources

Non-confidential resources are staff members on campus who are considered mandated reporters and are required to inform the university of any disclosure of sexual misconduct, sexual assault, sexual harassment, intimate partner violence and/or stalking. These resources also serve on Eastern's Sexual Assault and Interpersonal Violence Response and Resource Team. These offices will also be able to give you support and give an overview of other resources, options and supportive measures available to you.

Vice President of Equity and Diversity,

Chief Title IX Officer
Gelsi Young Hall, Office Suite 254
(860) 465-0072

Dean of Students
Gelsi Young Hall, Room 222
(860) 465-5244

Title IX Coordinator, Co-Chair of the
Sexual Assault & Interpersonal

Violence Response Team
Gelsi Young, Office Suite 254
(860) 465-5012

Director of Student Conduct
Woods Support Services, Room 207
(860) 465-0063

Director of Accessibility Services (OAS)
Wood Support Services, Room 201
(860) 465-0189

University Victims Advocate, Co-Chair
of the Sexual Assault & Interpersonal

Director of Housing and Residential Life
Wood Support Services, Room 245
(860) 465-0147

Violence Resource Team
Student Center, Room 116
(860) 465-4314 | (860) 465-4313

Public Safety/ Campus Police
Public Safety Building
44 Charter Oak Road, Room 205
(860) 465-5310

Associate Dean of Arts and Sciences
Webb Hall, Room 263
(860) 465-5383

REPORTING OPTIONS

Reporting is both a right and an individual choice. You have different reporting options available to you. Please note you do not need to choose only one option. You may choose as many options you feel you need. It is completely up to you. It is, however, important to understand that each option has its own procedures and mandated processes. No two processes are the same nor will they produce the same outcome.

1. **Contacting the Office of Equity and Diversity/Title IX and filing a formal complaint.** You have the right to file a formal complaint with the Office of Equity and Diversity/Title IX which initiates an administrative investigation of alleged behavior that violated our Sexual Misconduct Policy stated in the Student Code of Conduct. This process does not investigate violations of criminal law.

- a. All investigations of violations of Title IX and our Sexual Misconduct Policy are designed to be prompt, fair, impartial and to equitably protect the rights of individuals participating in the process. If you choose to submit a complaint, you have the right to have a support person present with you throughout the complaint, investigation, and hearing process.
- b. As the reporting party you do have the choice to participate or not in the investigation process.
 - It is important to know that in certain cases, the Title IX Coordinator may choose to move forward with the investigation even if the reporting party wishes to not participate. The reporting party will not be forced to participate but will be notified if an investigation will continue or not.
- c. For more information on filing a formal complaint, please contact the Title IX Coordinator at (860) 465-5012.

2. **Third Party/Anonymous Reporting** Any individual has the right to file a report on the Title IX Sexual Misconduct, Interpersonal Violence, or Stalking Form which can be found on https://cm.maxient.com/reportingform.php?EasternCTStateUniversity_id=1

- a. The Title IX Sexual Misconduct, Interpersonal Violence, or Stalking form gives the option to file anonymously without any identifying information.
- b. Note University employees are required to file a *Title IX: Sexual Misconduct, Interpersonal Violence or Stalking form* when made aware of an incident related to sexual assault, sexual harassment, stalking and intimate partner violence.
- c. For more information on anonymous reporting please contact the Title IX Coordinator at (860) 465-5012.

3. **Contacting the University Police Department** Reporting an incident to police does not commit you to further legal action. The earlier you report any such incident, the easier it will be for police to investigate the crime and to prosecute the case successfully if that is your choice.

- a. **Criminal Complaint** Students may make criminal complaints with the University Police Department. The police will inform the students of their rights and options. University police will investigate and will keep the student apprised about any decision to prosecute. *Note: A criminal investigation will be done through the Police department with jurisdiction of the area that the crime was committed.*
- b. The police will review all cases with the State's Attorney's office. The State's Attorney will make the final decision to prosecute under state law.
- c. If you wish to have the accused prosecuted, the police and district attorney's office will handle the legal proceedings without expense to you. You do not need to hire an attorney.

d. If you wish, you may have a Victim's advocate present with you while making a complaint to the police.

e. **Protective and/or Restraining Orders**

- i. Campus police and advocates can help you explore safety options such as protective or restraining orders that can be requested and issued by a judge from the criminal courts related to any of the above incidents.
- ii. A court issued protective or restraining order prohibits someone from communicating with a complainant, from entering the complainant's residence, workplace, school, or property and any place the complainant may frequent.
- iii. When informed that a protective or restraining order has been issued, Eastern will take immediate steps to enforce the order as it relates to activities on the campus. It is important that students alert Eastern police that such an order has been issued (*providing the police with a copy of the order is strongly encouraged*).

SUPPORTIVE MEASURES

Supportive measures are non-disciplinary and non-punitive services offered as appropriate to restore or preserve equal access to the University's educational program or activity without unreasonably burdening the other party. Students have the right to receive supportive measures from Eastern, regardless of whether they decide to file a complaint. Students should not hesitate to make these requests, which will be addressed in a timely manner by the Office of Equity and Diversity/Title IX. Some supportive measures include, but are not limited to:

1. Assistance in changing living arrangements, class schedules or on-campus work schedules.
2. Campus escort services.
3. No Contact Orders. Restrictions on contact between involved parties. (*Please note this is not the same as a protective or restraining order*).
4. Leave of absence.
5. Increased security and monitoring of certain areas of campus.

OVERVIEW OF THE TITLE IX GRIEVANCE PROCESS

The time frame for the Title IX grievance process will be concluded within a reasonably prompt manner, and no longer than ninety (90) school calendar days after the filing of the formal complaint, understanding that the process may be extended for good reason. Any delays to the process along with reason will be directly communicated to all parties by the Title IX investigator and coordinator. Any student who is going through the process has the right to have a support person present at any meeting. Students may choose their own support person or the University can provide one.

1. **Filing a Formal Complaint** When a formal complaint is filed, the Title IX Coordinator will meet with the complainant to review and better understand what occurred and what allegations are being reported. Once the allegations are determined, the person accused of alleged behavior (also referred to as the respondent) will receive a notice of allegations from the Title IX investigator and start the formal investigation process.

- a. It is important to know that in certain cases, the Title IX Coordinator may choose to move forward with the investigation even if the complainant wishes not to participate. The complainant will not be forced to participate but will be notified if an investigation will continue or not.

2. **Investigations:** The investigator will set up interviews with both the complainant and respondent and any witnesses each party wants interviewed. During the interview the investigator will request for each party to provide any relevant evidence to be reviewed which includes, but are not limited to, documents, emails, texts or social media communications. Any relevant and related evidence submitted will be included in the final report. All parties have the right to have a support person present during the investigation interview.

Once the investigations are concluded, the investigator will write up a report with all the facts gathered and relevant evidence. Both the complainant and respondent as well as their support persons will receive a copy of the report. Each party will be given 10 days to review the report and respond with any feedback.

3. **Informal Resolution:** If appropriate, a complainant who files a formal complaint may elect, at any time, to address the matter through the University's informal resolution process. All parties to a formal complaint must agree to enter the informal resolution process through an informed written consent. Information about the different options within the informal resolution process will be discussed with the Title IX Coordinator.

4. **Hearing:** If a case is not resolved under an informal resolution, it will be taken to a hearing. If a hearing occurs, each party must have a support person who will orally ask questions of the other party and witnesses. If you do not have a support person, the Title IX Coordinator will assist in assigning one to you. There will be pre-hearing meetings with all parties (*individually with their support person*) with the assigned hearing officer to go over the process and give an overview of how the hearing will go.

Once the hearing is concluded, the hearing officer will write up an outcome report explaining if they found the respondent in violation or not and a rationale for their decision. This report will be sent out to both the complainant and respondent and their support people.

5. **Possible Sanctions/Disciplinary Actions:** If a respondent is found in violation for alleged behavior, sanctions for them can include loss of privileges, an ongoing no contact order, and/or disciplinary probation. For matters that go to a hearing, suspension and dismissal are also possible sanctions.

6. **Appeals:** Each party has the right to an appeal and information on how to go about an appeal will be included in the hearing outcome report. You can submit an appeal if:

- a. You believe there is a procedural irregularity that affected the outcome of the matter (*i.e., a failure to follow institution's own procedures*).
- b. There is new evidence that was not reasonably available at the time of the hearing, that could affect the outcome of the matter.
- c. The Title IX Coordinator, investigator(s) or decision-maker(s) had a conflict of interests or bias for or against an individual party, or, for or against complainants in general that affected the outcome of the case.
- d. The severity of sanctions are not commensurate with violations.

WHAT CAN I DO IF AN INCIDENT HAPPENS...

1. **Go to a safe place.** Go to a friend's room, an RA's room or any open office you feel comfortable in. If you are not safe, call University Police at (860) 465- 5310 or call 911.

2. **Contact someone you can trust.** A friend, a family member or a victim's advocate are good resources to call. In addition to Eastern resources, there are 24-hour hotlines available for support.

Sexual Assault Crisis Center of Eastern Connecticut (860) 456-2789
United Services Domestic Violence Program (860) 456-2261

3. **Preserve Evidence.** If you think you might want to report the crime to the police, do not shower, douche, eat, brush your teeth or wash your clothes. If the incident involves any written or electronic evidence such as pictures, texts, emails, social media posts or videos, try to preserve copies.

4. **Seek medical attention as soon as possible.** You do not need to make a formal report to the University or press charges to receive medical attention and treatment. You will have options for prevention of pregnancy and sexually transmitted infections.

5. **Receive a forensic exam.** If you are unsure about whether you want to report the crime to the University or the Police, that is okay. You can have evidence collected at the local hospital and then decide about reporting at a later date.

RIGHTS OF THOSE WHO REPORT

1. All reports of sexual misconduct will be treated seriously and with dignity by the institution.

2. 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.

3. Those who have been affected by sexual misconduct have the right to take both criminal and civil legal action against the individual allegedly responsible.

4. Those who seek confidentiality may contact a clergy member(s), a University counseling center counselor, 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.

5. Any student, under the influence of alcohol at the time of an incident, or at the time of reporting, may not be subject to the code of conduct process related to alcohol violations. Remember that it is never too late to seek help and support.

6. As stated by the Board of Regents of Higher Education, retaliation against any person who made a complaint, testified, assisted, participated or refused to participate in an administrative or criminal process is strictly prohibited and will not be tolerated.

Confidential Reporting (On-Campus)

Counseling and Psychological Services (CAPS) *

The therapists at CAPS provide both immediate crisis intervention and therapy to victims of interpersonal violence including but not limited to sexual assault, relationship violence and stalking. Even if the incident happened prior to the victim's time at Eastern, they can still provide counseling and psychological services. Therapists can be accessed by appointment.

192 High Street, Willimantic, CT

Monday – Friday, 8:30 am – 4:30 pm

Emergency Walk-In Hours: Monday – Friday; 1:00 pm – 3:00 pm

860-465-0181

www.easternct.edu/counseling

Campus Ministry

Engages all aspects of faith life on campus and provides information and support to students who may have experienced dating violence, domestic violence, sexual assault, stalking or any form of harassment. Campus Ministry is a resource and can share your reporting options, available resources and assistance for the victim, and the victim's rights. The campus ministers provide spiritual guidance by appointment.

Newman Hall, 290 Prospect Street

Willimantic, CT; Monday – Friday, 8 am – 5 pm

860-423-0856

www.easternct.edu/campusministry

Office of AccessAbility Services

The Office of AccessAbility serves to meet the unique educational needs of students with documented permanent and temporary disabilities such as ADHD, ASD, learning disabilities, psychological disabilities, deafness and hearing impairments, blindness and visual impairments, and physical disabilities. OAS can be a resource in supporting students who experience disabilities and who have been victims of dating violence, domestic violence, sexual assault, stalking or any form of harassment.

Wood Support Services Center, 2nd Floor

Willimantic, CT; Monday – Friday, 8 am – 5 pm

860-465-0189

<http://www.easternct.edu/accessability/>

Student Health Services

Student Health Services provide health services and follow-up care for current students. This includes, but is not limited to baseline and follow-up testing for STDs and provide pregnancy testing, options for crisis pregnancy, and emergency contraception.

185 Birch Street, Willimantic, CT 06226
Monday, 9 am – 5:00 pm
Tuesday – Friday, 9 am – 4:30 pm
860-465-5263
www1.easternct.edu/health

Additional Resources at Eastern Connecticut State University

University Police

860-465-5310 (24/7)

The Eastern Police Department is responsible for all criminal investigations and apprehensions.

Eastern Police Department may also be contacted anonymously through the confidential hotline at 860-465-0242.

Title IX Resource

Office of Equity and Diversity

Dr. Stacey Close

Associate Vice President of Equity and Diversity

Available: Monday – Friday | 8 am - 4 pm

close@easternct.edu

860-465-5791

The Office of Equity and Diversity investigates internal complaints made by any Eastern employees or students who believe themselves to have experienced sexual harassment and interpersonal violence. Students may initiate action against students, administrators, faculty, and staff through this office. Complaints may be filed by reporting the incident to Office of Equity and Diversity.

www.easternct.edu/equityanddiversity

Sexual Assault & Interpersonal Violence Response Team (SAIV-RT)

www.easternct.edu/saiv/

Michelle Delaney

Dean of Students

delaneym@easternct.edu

860-465-5244

Starsheemar Byrum

University Victim Advocate

Available: Monday – Friday | 8 am - 4 pm

byrums@easternct.edu

860-465-4313

The Sexual Assault and Interpersonal Violence Response Team (SAIV-RT) provides assistance to those impacted by dating violence, domestic violence, sexual assault, stalking and other forms of harassment. Assistance may include counseling, advocacy, medical care, academic interventions as well as referrals.
www.easternct.edu/saiv

Office of Student Conduct

Chris Ambrosio

Interim Director

ambrosioc@easternct.edu

860-465-00363

Student Conduct handles reports of violations of the Student Code of Conduct and provides advisement to both student complainants and student respondents involved.

Local and National Resources

**Advocates are available 24/7. Information is kept strictly confidential. The services below are not required to report to the University.*

Willimantic Police Department

(860) 465-3135 (24/7)

22 Meadow St, Willimantic, CT 06226

***Connecticut Coalition Against Domestic Violence**

Statewide Hotline: 1-888-774-2900 (24/7)

***United Services Domestic Violence Program**

United Services provides domestic violence shelters and services throughout Northeastern Connecticut. The Domestic Violence Program offers an array of services designed for families to become free of abuse.

132 Mansfield Avenue, Willimantic, CT 06226

860-774-8648 or 860-456-9476 (24/7)

unitedservicesct.org/services/domestic-Violence

***Connecticut Alliance to End Sexual Violence**

Statewide Hotline: 1-888-999-5545 (24/7)

Spanish Hotline: 1-888-568-8332 (24/7)

***Sexual Assault Crisis Center of Eastern Connecticut (SACCEC)**

The Sexual Assault Crisis Center of Eastern Connecticut (SACCEC) is a private, non-profit agency offering free and confidential, comprehensive services to victims of sexual assault and abuse.

SACCEC is a member center of the Connecticut Alliance to End Sexual Violence, the statewide coalition of sexual assault crisis agencies.

90 South Park Street, Willimantic, CT 06226

860-456-9476 or 888-999-5545 (24/7)

www.saccecc.org

The Sexual Assault Forensic Examiners (SAFE) Program

The SAFE Program is a Judicial Branch, Office of Victim Services program that provides participating hospitals with 24/7 access to specially trained healthcare providers who provide compassionate and culturally sensitive care to adult and adolescent victims of sexual assault. Sexual Assault Forensic Examiners, called SAFEs, conduct sexual assault exams (also called medical-forensic exams) to identify injuries, collect and document physical evidence using a standardized evidence collection kit including assessment and evidence collection in suspected drug-facilitated sexual assaults. They also conduct risk evaluation for sexually transmitted infections and pregnancy, and ensure the provision of preventive medications and emergency contraception. Additionally, SAFEs provide resources and referrals for follow-up at discharge.

Participating hospitals in the SAFE Program include: Hartford Hospital, The Hospital of Central Connecticut (New Britain campus), Manchester Hospital, Middlesex Hospital, Saint Francis Hospital, and Windham Hospital.

***Windham Community Memorial Hospital Emergency Department**

112 Mansfield Ave, Willimantic, CT 06226

Services available 24/7

860-456-9116

www.windhamhospital.org

Victims of violence go to the local hospital to receive medical care from any emergency department.

Office of Victim Services (OVS)

Office of Victim Services (OVS), Connecticut Judicial Branch, is the state's lead agency established to provide services to victims of violent crime. OVS contracts with non-profit and public organizations to provide services to crime victims. These services include, but are not limited to, information and referral, criminal justice support/advocacy, therapy, safety planning, group treatment/support, personal advocacy and assistance in filing applications for victim compensation.

225 Spring St, Wethersfield, CT 06109

Monday – Friday | 8 am – 4:30 pm

1800-822-8428 (TTY)

www.jud.ct.gov/crimevictim

The Connecticut Commission on Human Rights & Opportunities (All)

The mission of the Connecticut Commission on Human Rights and Opportunities is to eliminate discrimination through civil and human rights law enforcement and to establish equal opportunity and justice for all persons within the state through advocacy and education.

Capitol Region
450 Columbus Blvd, Suite 2
Hartford, CT 06103
Tel: (860) 566-7710

Eastern Region
100 Broadway
Norwich, CT 06360
Tel: (860) 886-5707

Southwest
Region 1057
Broad Street
Bridgeport, CT 06604
Tel: (203) 579-6246

West Central Region
Rowland State Government
Center 55 West Main Street,
Suite 210
Waterbury, CT 06702-2004
Tel: (203) 805-6579

Complaints should be filed with the Commission on Human Rights and Opportunities no later than one hundred and eighty (180) days after the alleged act of employment discrimination occurred.

The Equal Employment Opportunities Commission (Employees)

The U.S. Equal Employment Opportunity Commission is a federal agency that administers and enforces civil rights laws against workplace discrimination.

John F. Kennedy Federal Office
Building Government Center,
Room 475 Boston, MA 02203
Tel: 1-800-669-4000

Complaints should be filed with the Equal Employment Opportunities Commission no later than one hundred and eighty (180) days after the alleged act of employment discrimination occurred, except, that in a case when the aggrieved person has initially filed a complaint with the Commission on Human Rights and Opportunities, such complaint should be filed no later than three hundred (300) days after the alleged act of employment discrimination occurred.

State of Connecticut: Employees Grievance Procedure

Contact Human Resources Office or union representatives for Grievance forms and/or procedures.

U.S. Department of Education, Office for Civil Rights (Students)

33 Arch Street

Ninth Floor
Boston, MA 02110
Tel: (617) 289-0111
Fax: (617) 289-0150

LiveSafe

Eastern Connecticut State University now has a new mobile safety app called LiveSafe. The LiveSafe app provides the campus community with a direct connection to campus public safety so that everyone can easily communicate all their safety needs. Its easy-to-use features help you stay safe every day and enable us to better protect you. LiveSafe is a free mobile safety app and is easy and quick to use! The app is available as a free download for all Eastern students, faculty and staff. The Eastern Community is encouraged to use the LiveSafe app to communicate with Eastern Police about any issues, concerns or questions related to campus safety and security.

While this app does have a 911 feature, it does not replace using 911 telephone voice communication when faced with an emergency situation. The LiveSafe app is being provided as a new channel to report non-emergency information, safety information and crimes to the Eastern Police Department and some other campus departments when appropriate.

Benefits:

- Share information, tips and safety concerns with campus safety via text messaging, including picture, video, and audio attachments, or even through live chat.
- Stay anonymous anytime, or send your user information and location to Eastern Police as soon as you call or message, allowing faster response times.
- View a helpful **Safety Map** that displays where recent incidents have occurred, as well as nearby safety locations.
- Activate, SafeWalk, a GPS-tagged monitoring feature to let your friends and family keep you covered until you arrive safely to your destination.
- The user controls what information is sent and who it is sent to.

Set-Up LiveSafe:

1. Download the app on your iPhone or Android.
2. Make sure to select the "LiveSafe" App and open it.
3. Register your mobile phone and Eastern e-mail (required).
4. Select "**Eastern Connecticut State University**" as your affiliation.
5. LiveSafe will send you a text or an e-mail with a confirmation code that you must enter to verify your affiliation.
6. You will be asked to create an account by entering your first/last name and a password for your LiveSafe profile.
7. You will be sent an e-mail to verify your account/profile information (if the e-mail goes to your junk mailbox please move it to your inbox to properly confirm it).
8. Answer a few setup questions (you can change these settings in the future).
9. You're set! Start using the app to stay safe every day.

If you observe behavior that is of concern, tell somebody.

Please click to submit your Tell Somebody report

In an effort to enhance already existing processes, the University has created a Threat Assessment Team (TAT) to complement the existing Student Intervention Team (SIT) to deal with concerning, troubled, and/or at risk faculty, staff, and students.

The charge of these teams is to assess circumstances, enhance communication, and initiate appropriate responses to specific behavioral problems that may involve threats to the safety and security of the University community.

THE STUDENT INTERVENTION TEAM (SIT) INCLUDES THE FOLLOWING MEMBERS:

- **Brooks K. Scavone**, Director of AccessAbility Services
- **Bryce Crapser**, Director of Counseling and Psychological Services
- **LaMar Coleman**, Vice President for Equity and Diversity
- **Michelle Delaney**, Dean of Students
- **Timothy Viens**, Lieutenant in University Police Department
- **Sandra Rose-Zak**, Coordinator of Wellness Education and Promotion
- **Chris Ambrosio**, Director of Student Conduct
- **Christi Craig**, Counselor in Counseling and Psychological Services

THE THREAT ASSESSMENT TEAM (TAT) INCLUDES THE FOLLOWING MEMBERS:

- **Walter Diaz**, Vice President for Student Affairs

- **Bryce Crapser**, Director of Counseling and Psychological Services
- **Stacey Close**, Associate Provost/Vice President for Equity and Diversity
- **Jeffrey Garewski**, Director of Public Safety/Chief of Police
- **James Howarth**, Vice President for Finance and Administration
- **William Salka**, Provost and Vice President for Academic Affairs

If a member of the University community observes any behavior that is concerning and that needs to be brought to the attention of the above stated teams, individuals may report the behavior using the online report form which will then be forwarded to the appropriate team for review.

This is not a system to be used for emergencies!

If you are in an emergency situation that requires medical, psychological, or police services, please:

Call 911

Even when there is no threat to harm, it is recommended to involve others to discuss concerning behavior. Below is an additional list of contacts with whom you may consult:

- If you don't know whether to be concerned about a student's behavior, contact the Dean of Students at 860-465-5244 for guidance and support.
- If you need to consult with someone about a student in emotional distress, contact the Counseling and Psychological Services Office (CAPS) at 860-465-0181.
- If you need to consult with someone about a student's disruptive behavior and the University disciplinary system, contact Student Conduct at 860-465-0405.

- If you don't know whether to be concerned about a faculty or staff member's behavior, contact Human Resources at 860-465-4650 for guidance and support.

SECTION 5

Connecticut State Colleges and Universities (CSCU)

Title IX Related Training Provided by EASTERN CONNECTICUT STATE UNIVERSITY: Office of Equity & Diversity

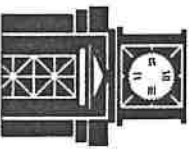
January 1, 2020 - December 31, 2020

*Domestic Violence (DoV), Dating Violence (DaV), Sexual Assault (SA), Stalking (S) **Primary= new employees/students ***Ongoing= throughout the year

DEPARTMENT	DATE	NAME OF PROGRAM	LOCATION	PRESENTER	AUDIENCE	NUMBER IN AUDIENCE	TITLE IX RELATED	WHICH PROHIBITED BEHAVIOR WAS COVERED*	PRIMARY** OR ONGOING***	STUDENTS OR EMPLOYEES	LEARNING OBJECTIVES	DOCUMENTS
Housing	January 14, 2020	Standard Operating Procedures Training for RAs	Science 104	Housing Staff	Resident Assistant Staff	78	YES	DoV, SA	Primary	Student employees	Sexual Assault Training Response and Reporting	
Housing	January 16, 2020	Behind Closed Doors	Mead Hall	Housing Staff & Women's Center	Resident Assistant Staff	78	YES	DoV, SA	Primary	Student employees	Role Play of Response to Incidents	
Housing	August 14, 2020	Tabletop Exercises	Microsoft Teams	Housing Staff	Resident Assistant Staff	72	YES	SA	Primary	Student employees	Testing of knowledge of how to respond to various incidents	
Housing	August 17, 2020	Title IX Training	Microsoft Teams	Dr. Stacey Close	Resident Assistant Staff and Hall Directors	84	YES	DoV, SA, S	Primary	Student employees and professional employees	Sexual Harassment, Cleary, and Title IX covered	
Housing	August 19, 2020	Sexual Assault Response Protocol	Microsoft Teams	Startheemar Byrum	Resident Assistant Staff	72	YES	DoV, DaV, SA, S	Primary	Student employees	RA Response to victim survivors of sexual assault	
Housing	August 20, 2020	Behind Closed Doors	Individual Residence Halls	Housing Staff	Resident Assistant Staff	72	YES	DoV, SA	Primary	Student employees	Role Play of Response to Incidents	
Housing	August 21, 2020	Behind Closed Doors	Individual Residence Halls	Housing Staff	Resident Assistant Staff	72	YES	DoV, SA	Primary	Student employees	Role Play of Response to Incidents	
Police	Various Dates	Domestic Violence recert	LEC/Norwich	Various	Officers	5	No	DoV, S	Ongoing	5 Officer	Updates	POST CREDITS
Police	January 7, 2020	Domestic Violence refresher	ECSU PD	Hamilton	Officers	1	No	DoV, S	Ongoing	1 Officer	Update	POST CREDITS
Police	Various Dates	Sexual Assault recert	LEC/Norwich	Filpinger	Officers	5	No	SA	Ongoing	5 Officers	Updates	POST CREDITS
Police	Various Dates	Human Trafficking	LEC/Norwich, Spector-on line	Various	Officers	12	No	DoV, SA	Ongoing	12 Officers	Mandate	POST CREDITS
Police	October 9, 2020	Alc/Drug Facilitated Sex Asslt Invest.	Manchester	Barolotta	Officers	1	No	SA	Primary	1 Officer	Best practices for S/A investigations.	POST CREDITS
Police	March 3, 2020	Safe Grant Presentation	Atlanta, Georgia	Hamilton/Kearney	Officers, F/S from other College Campus.	50	YES	DoV, SA	Primary	1 Officer	SAFE GRANT-Cleary, Title IX	
Police	February 25, 2020	What Survivors need to know/legal Rights	East Hartford	Crossin	Officers and Victim Advocates	3	No	DoV, S, SA	Primary	3 officers	Criminal & Civil processes and resources for survivors of S/A in the state for survivors to successfully navigate CJ system	
SAIV-RT	February 3, 2020	Bringing in the Bystander	Student Center, Theater	Student Athletes	Women's Center	10	Yes	DoV, DaV, SA	Ongoing	Students	To educate athletes about the role they play as campus leaders when faced with problematic situations. Giving them knowledge on the topic of bystander intervention and engaging them in empathy building	
Women's Center	9/8/2020	Red Flag Campaign	Webb Hall	Shandra and SACCEC	Students	Visual Campaign	No	DoV, DaV, SA, S	Primary	Students	teach red flags to unhealthy relationships and ways to intervene and access support	
Women's Center	9/10/2020	Red Flag Campaign	Student Center	Shandra and United Services	Students	Visual Campaign	No	DoV, DaV, SA, S	Primary	Students	teach red flags to unhealthy relationships and ways to intervene and access support	
SAIV-RT	9/17/2020	Bringing in the Bystander 2-Day Training	Virtual	Soteria	Educators	5	No	DoV, DaV, SA, S	Ongoing	Employees	This training was focused on learning best practices for facilitating Bringing in the Bystander Virtually.	

SAIV-RT	9/18/2020	Bringing in the Bystander 2-Day Training	Virtual	Soteria	Educators	5	No	DOV, Dav, SA, S	Ongoing	Employees	This training was focused on learning best practices for facilitating Bringing in the Bystander virtually.	
Women's Center and Sociology Department	10/1/2020	Impact Of Murder: Alysiah Wiley Documentary	BTR, Student Center Theatre, Student Center Rm. 219, Webb 110	Screening along with various support persons from CAPS, the Women's Center, United Services	Students	70	No	DOV, Dav	Primary	Students	Inform of red flags to unhealthy relationships and impact of violence on victim and family. Increase students' knowledge of support and resources.	
Athletics	October 12, 2020	Bringing in the Bystander	Virtual / WebEx	Shandra and Sharrel	Athletes (Sophomore)2124		yes	DOV, Dav, SA, S	Ongoing	Students	To educate athletes about the role they play as campus leaders when faced with problematic situations. Giving them knowledge on the topic of bystander intervention and engaging them in empathy building	
Athletics	October 15, 2020	Bringing in the Bystander	Virtual / WebEx	Shandra and Jess	Athletes (Sophomore)2118		yes	DOV, Dav, SA, S	Ongoing	Students	To educate athletes about the role they play as campus leaders when faced with problematic situations. Giving them knowledge on the topic of bystander intervention and engaging them in empathy building	
Athletics	October 19, 2020	Bringing in the Bystander	Virtual / WebEx	Shandra and Jessenia	Athletes (Sophomore)2116		yes	DOV, Dav, SA, S	Ongoing	Students	To educate athletes about the role they play as campus leaders when faced with problematic situations. Giving them knowledge on the topic of bystander intervention and engaging them in empathy building	
Athletics	October 22, 2020	Bringing in the Bystander	Virtual / WebEx	Shandra and Jessenia	Athletes (Sophomore)2112		yes	DOV, Dav, SA, S	Ongoing	Students	To educate athletes about the role they play as campus leaders when faced with problematic situations. Giving them knowledge on the topic of bystander intervention and engaging them in empathy building	
SAIV-RT/Women's Center	11/10/2020	Bringing in the Bystander	Virtual / WebEx	Shandra and Jess	Students	5		DOV, Dav, SA, S	Ongoing	Students	To educate students about the role they play as campus leaders when faced with problematic situations. Giving them knowledge on the topic of bystander intervention and engaging them in empathy building	
SAIV-RT	Yearlong	Not Anymore	Virtual	Vector Solutions	Students	2610	Yes	DOV, Dav, SA, S	Ongoing	Students	Increase students' knowledge of interpersonal violence, increase empathy for victims and those impacted by IPV, works towards preventing sexual assault, dating and domestic violence and stalking, as well as introducing students to Eastern's Title IX efforts.	

**EASTERN
CONNECTICUT
STATE UNIVERSITY**



Overview of New Title IX Regulations

By: Tonya DeSa, Ph.D., J.D.

Title IX Investigator

Office of Equity & Diversity

June 11, 2020

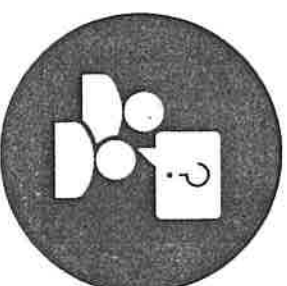
Overview of Presentation



Summary of
9 Major Provisions



Challenges
&
Resources



Questions?

1. Notice

**Mandatory
reporters vs.
Confidential
resources**

**Actual vs.
Constructive**

2. Sexual Harassment

New definition

- Quid pro quo by a school's employee
- Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access
- Any instance of sexual assault (as defined by the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA)

Occurring in a school's "education program or activity"

In the United States

3. Accessible Reporting



Title IX Coordinator



School must notify applicants for admission/employment and all unions



Website must prominently display required contact information



Alleged victim or a third-party can report

Title IX Coordinator's:

- Name/title
- Office address
- E-mail address
- Telephone number



4. Mandatory Response Obligations

01

Deliberate
Indifference
Standard

02

Clear definitions

- Complainant
- Respondent
- Formal Complaint
- Supportive Measures

03

School must
investigate sexual
harassment
allegations in any
formal complaint

04

Formal complaint
can be filed by a
Complainant or
signed by a Title IX
Coordinator

05

School must follow
grievance process
before imposition
of any disciplinary
sanctions

5. Grievance Process

Consistent, transparent & equitable



Require objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness

5. Grievance Process

Training of Title IX personnel

- Definition of sexual harassment
- Scope of school's education program or activity
- How to conduct an investigation and grievance process
- How to serve impartially
- Decision-makers must be trained on any technology to be used at a live hearing
- Investigators and decision-makers must receive training on issues of relevance
- Materials used to train Title IX personnel must be posted on school's website

Presumption of "not responsible"

Standard of evidence

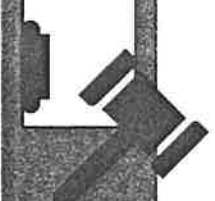
- Preponderance of the evidence vs. Clear and convincing evidence

6. Investigations



- Schools *may* dismiss formal complaint
 - Complainant desires to withdraw
 - Respondent no longer enrolled or employed by the school
 - School prevented from gathering sufficient evidence to make a determination
- Schools *must* dismiss formal complaint
 - Definition of sexual harassment not met
 - Did not occur in school's education program or activity
 - Did not occur in the U.S.
- Witnesses and evidence
 - Advisor of their choice – may be an attorney
 - No "gag orders"

7. Hearings



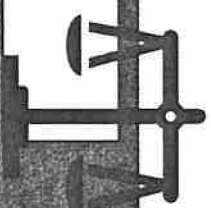
- Postsecondary institutions *must* have a live hearing with cross-examination
- Cross-examination must be by the advisor
- Questions by the advisor must be posed to the decision-maker for a relevance determination before a party or witness answers
- School must provide an advisor for the hearing if party doesn't have one
- Can be either a Hearing Officer or Hearing Panel
- School must create an audio or audiovisual recording, or a transcript

8. Appeals



- Bases for appeal
 - Procedural irregularity that affected the outcome
 - Newly discovered evidence that could affect the outcome
 - Conflict of interest or bias by Title IX personnel that affected the outcome

9. Informal Resolution



- Mediation or restorative justice type resolutions permitted if:
 - Formal complaint filed
 - Both parties give voluntary, informed, written consent to attempt informal resolution
 - Both parties are students
- Prior to agreement to a resolution, either party has the right to withdraw from informal resolution and resume the grievance process

Challenges

- Policy, process, and practices in compliance with new regs
- Informing/ educating entire Eastern community of new policy and practices
- Training for Title IX personnel
 - Coordinator
 - Deputy Coordinator
 - Investigator
 - Hearing Officer/Hearing Panel
 - Advisors



Resources

- Association of Title IX Administrators (ATIXA)
 - R³ website
 - Virtual training and certification events
- Form a "coalition" within CSCU of trained personnel
- Outsourcing of certain components

Any Questions?

Tonya DeSa, Ph.D., J.D.

Title IX Investigator

Office of Equity & Diversity

SECTION 6



SEXUAL VIOLENCE REPORTABLE STATISTICS AND DATA

CSCU INSTITUTION: Eastern Connecticut State University
 REPORTING OFFICE/DEPARTMENT: Office Equity & Diversity
 INSTITUTION CONTACT: LaMar Coleman, Ed.D.
 YEAR: 2020

Incidents of Sexual Assault, Stalking and IPV Reported to CSCU in 2020						
Type of Incident	Number of Incidents Reported		Incident Reported to Have Occurred in 2020	Respondent Identified as Connected to the Reporting Institution	Respondent Identified as Connected to CSCU Institution	Confidential or Anonymous Reports
Sexual Assault	10	5	4	n/a	n/a	
Stalking	2	2	1	n/a	n/a	
Intimate Partner Violence (IPV)	2	n/a	2	n/a	n/a	

Disciplinary Cases Resulting from Investigations of Sexual Assault, Stalking and Intimate 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	1	n/a	n/a	n/a	1	n/a
Stalking	n/a	n/a	n/a	n/a	n/a	n/a
Intimate Partner Violence (IPV)	n/a	n/a	n/a	n/a	n/a	n/a

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>



EASTERN CONNECTICUT STATE UNIVERSITY
Office of Equity & Diversity

Discrimination, Harassment, Violence and/or Retaliatory Conduct Complaint Form

This form may be completed by any member of the Eastern Connecticut State University community who has experienced or otherwise become aware of an incident that may constitute a violation of the Student Code of Conduct. Please complete the form to the best of your ability.

Today's Date: _____

Name: _____

Eastern ID: _____

Phone Number: _____

E-mail: _____

Preferred Method of Contact: ☐ Phone ☐ E-mail ☐ Text Message ☐ Other: _____

Eastern Affiliation: ☐ Undergraduate Student ☐ Graduate Student ☐ Faculty ☐ Staff ☐ Alumni ☐ Guest

Incident Date: _____

Incident Time: _____

Incident Location:

- ☐ Campus Building
- ☐ Campus Outdoors
- ☐ Organization House
- ☐ Off Campus
- ☐ Eastern Sponsored Event

Type of Incident:

- ☐ Discrimination
- ☐ Harassment
- ☐ Violence
- ☐ Retaliation

Protected Class(es) Basis for Report:

- | | |
|--|--|
| <input type="checkbox"/> Sex | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Gender | <input type="checkbox"/> Veteran Status |
| <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Gender Expression | <input type="checkbox"/> Age |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Genetic Information |
| <input type="checkbox"/> Pregnancy/Parenting | <input type="checkbox"/> Marital Status |
| <input type="checkbox"/> Race | <input type="checkbox"/> National Origin |
| <input type="checkbox"/> Color | |

Specific Location: _____

Respondent: _____

Eastern ID: _____

Eastern Affiliation: ☐ Student ☐ Faculty ☐ Staff ☐ Alumni ☐ Guest ☐ Other _____

Phone Number: _____

E-mail: _____

Social Media Accounts:

☐ Facebook ☐ Twitter ☐ Instagram ☐ Snapchat ☐ Tik Tok ☐ YouTube ☐ Other

Witness 1: _____

Eastern ID: _____

Eastern Affiliation:

☐ Undergraduate Student ☐ Graduate Student ☐ Faculty ☐ Staff ☐ Alumni ☐ Guest

Phone Number: _____

E-mail: _____

Witness 2: _____

Eastern ID: _____

Eastern Affiliation:

☐ Undergraduate Student ☐ Graduate Student ☐ Faculty ☐ Staff ☐ Alumni ☐ Guest

Phone Number: _____

E-mail: _____

Witness 3: _____

Eastern ID: _____

Eastern Affiliation:

☐ Undergraduate Student ☐ Graduate Student ☐ Faculty ☐ Staff ☐ Alumni ☐ Guest

Phone Number: _____

E-mail: _____

Incident Narrative (this can be brief, a full statement will be taken by the investigator): _____

Supportive Measures Requested:

- | | | | |
|---|--|--|---------------------------------------|
| <input type="checkbox"/> No Contact Order | <input type="checkbox"/> Residence Hall Relocation | <input type="checkbox"/> Assistance Reporting to Law Enforcement | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Faculty Notification | <input type="checkbox"/> Facility Access Plan | <input type="checkbox"/> Academic Withdrawal/LOA | _____ |
| <input type="checkbox"/> On-Campus Counseling | <input type="checkbox"/> Campus Police Escort | <input type="checkbox"/> Academic Withdrawal (full) | _____ |
| <input type="checkbox"/> Off-Campus Counseling | <input type="checkbox"/> On-Campus Medical Care | <input type="checkbox"/> Legal Support Information | _____ |
| <input type="checkbox"/> Work Schedule Adjustment | <input type="checkbox"/> Off-Campus Medical Care | <input type="checkbox"/> Visa/Immigration Information | _____ |
| <input type="checkbox"/> Academic Adjustment | <input type="checkbox"/> Victim Advocate Outreach | | |

Accommodations:

- ☐ I request an interpreter Language: _____
- ☐ I request accommodation(s) for a qualified disability ☐ I do not request accommodation(s) for a registered disability

Resolution Requested: ☐ No Action ☐ Informal Resolution ☐ Formal Resolution (Investigation and Hearing)

Signature: _____ **Date:** _____

Received By: _____ **Date:** _____

STATUTORY REFERENCES AND DEFINITIONS

SEXUAL ASSAULT

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

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

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

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

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

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

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

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

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

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

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

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

SEXUAL ASSAULT/INTIMATE PARTNER VIOLENCE

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

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

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

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

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

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

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

STALKING

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

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

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

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

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

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

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

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

PROGRAMMING:

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

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

"Risk Reduction"

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

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

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