

Trinity College Policy on Sexual Harassment

Including Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Retaliation

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Trinity College Policy on Sexual Harassment

I. Introduction

Trinity College prohibits discrimination on the basis of sex or gender in the College's education programs and activities, including in admissions and employment. This policy has been drafted to comply with Title IX of the Education Amendments of 1972 ("Title IX") and its implementing regulations, including the final Title IX regulations issued by the U.S. Department of Education's Office for Civil Rights in May 2020. This policy also is drafted to comply with relevant portions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), as amended by relevant provisions of the Violence Against Women Reauthorization Act of 2013 ("VAWA"). This policy specifically prohibits sexual harassment, including hostile environment sexual harassment (unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to education or employment) and quid pro quo sexual harassment. For the purposes of this policy, the term "sexual harassment" also encompasses sexual assault, domestic violence, dating violence, and stalking. Unlike hostile environment sexual harassment, these other offenses need not be "severe, pervasive, and objectively offensive" to violate this policy.

The College is committed to maintaining an environment free from discrimination and harassment on the basis of sex or gender and has established procedures for the reporting and prompt, equitable, and impartial resolution of sexual harassment reports and complaints, from the initial response to the final result. This policy describes the mechanisms for reporting and formally and informally resolving reports of sexual harassment that occur within the College's education programs or activities in the United States, as described below. Trinity College has adopted other policies, including those in the *Student Handbook* and *Employee Handbook*, that prohibit sex discrimination more broadly, including forms of sexual misconduct that may not fall within this policy's definition of sexual harassment or that occur outside the United States but still within the College's education programs or activities. The prohibitions in those policies may overlap with those of this policy. This policy, however, is Trinity College's official policy governing sexual harassment. It supersedes any other existing policy, and to the extent there is a conflict with other policies, this policy shall prevail. The College reserves the right to amend this policy, without advance notice, to update important information and to ensure ongoing compliance with applicable laws.

1. *Effective Date*

An interim draft of this policy became effective on August 14, 2020. This policy, which is effective March 15, 2021, will apply only to reports of sexual harassment brought on or after the effective date of this policy, regardless of when the conduct reportedly occurred. Where the date of the reported conduct precedes the effective date of this policy, the definitions of prohibited conduct in existence at the time of the alleged incident(s) will be used. The procedures under this policy, however, will be used to investigate and resolve reports made on or after the effective date of this policy, regardless of when the incident(s) occurred.

II. Scope of the Policy

This policy applies to all College community members, regardless of the sexual orientation, gender expression, or gender identity of the parties involved, including students, faculty, staff, board members, visitors, and independent contractors, as well as those who participate in the College's domestic education programs and activities, whether on or off campus. Vendors and others who conduct business with the College or on College property also are expected to comply with this policy; complaints against such College affiliates will be handled in accordance with existing contracts and agreements. Any person found responsible for sexual harassment under this policy is subject to disciplinary action, up to and including dismissal, as well as potential personal legal liability.

This policy applies to sexual harassment that occurs both in the United States and in an education program or activity of the College. The College's education program or activities include all of the College's operations, including locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which conduct occurs, and any building owned or controlled by a student organization that is officially recognized by the College. This policy does not draw a line between on-campus, off-campus, or online conduct, provided the conduct occurred in an education program or activity in the United States. Examples include College-sponsored, College-funded, or College-supported study off campus, research, internships, mentorships, summer sessions, conferences, meetings, social events, or other affiliated programs or premises.

Any person, regardless of their affiliation to the College, may make a report of sexual harassment pursuant to this policy. The formal and informal resolution processes described in this policy may only be initiated, however, if the Complainant is participating in or attempting to participate in the College's education program or activity at the time of filing a formal complaint.¹ Where a Complainant is not participating in or attempting to participate in the College's education program or activity, the College still will offer reasonably available Supportive Measures and assist in offering additional reporting options.

The College's ability to respond to a report of sexual harassment under this policy is based on its disciplinary authority over the Respondent. If the Respondent is not an employee or student, the College's ability to take disciplinary action will be limited and is determined by the context of the reported conduct and the nature of the relationship of the third-party Respondent to the College. The College will determine the appropriate manner of resolution, which may include referral to local law enforcement or to the home school or employer of the third-party Respondent, and/or restriction from access to campus or College programs or activities. Additionally, the College does not have jurisdiction to investigate reported incidents involving Respondents who are members of the College community that occurred prior to the Respondent

¹ In this policy, the individual reported to have experienced sexual harassment is referred to as the Complainant. The individual who is reported to have committed the sexual harassment is referred to as the Respondent. When the Complainant and the Respondent are discussed collectively, they will be referred to as the Parties and may be referred to individually as a Party. An individual who reports an allegation of sexual harassment but who did not personally experience sexual harassment is referred to as the Reporter.

being enrolled at or employed by the College where the incident did not occur on campus or in connection with the College's domestic program, activity, or employment.

The College will respond promptly and equitably to all reports of sexual harassment and will provide reasonably available Supportive Measures to Complainants and Respondents, regardless of whether a formal complaint is filed. After making a report, a Complainant may request Supportive Measures only, may request to keep the report confidential, or may choose to file a formal complaint. Alternatively, as described below, the Title IX Coordinator may determine that it is appropriate to file a formal complaint on behalf of a Complainant. After the filing of a formal complaint, the Complainant may decide to seek an informal resolution in lieu of a formal resolution process (investigation and hearing).

The College will consider any requests for confidentiality within the context of the College's obligation to provide a safe, nondiscriminatory environment for all community members. Further details on how requests for confidentiality are handled may be found in the "Reporting Protocols and Confidentiality" section of this policy (Part VII).

In certain cases, the College may exercise its independent authority to investigate (apart from any separate criminal investigation by law enforcement) and address sexual harassment, even in the absence of a formal complaint by the Complainant.

III. The Title IX Coordinator

The College's Title IX Coordinator may be reached by email at titleixcoordinator@trincoll.edu, by phone at 860-297-2688, or at Williams Memorial, Room 127. The Title IX Coordinator is responsible for providing leadership and centralized support to ensure compliance with Title IX, relevant portions of the Clery Act, and other federal and state laws and regulations pertaining to sex discrimination, harassment, and sexual violence. The Title IX Coordinator serves as the primary College resource on Title IX requirements and compliance and provides consultation as needed. The Title IX Coordinator also is charged with providing education and training, overseeing the reporting and complaint processes, coordinating the College's investigation and resolution of all reports of sexual harassment, and maintaining centralized records of all reports, formal complaints, investigations, and resolutions in accordance with Title IX.

The Title IX Coordinator may designate Deputy Title IX Coordinators to assist in Title IX compliance. Deputy Title IX Coordinators have duties and responsibilities similar to the Title IX Coordinator and report to the Title IX Coordinator. Where the Title IX Coordinator is listed as the designated point of contact for any role in this policy, the Title IX Coordinator may designate a Deputy Title IX Coordinator or another qualified member of the College community to assume the role at issue, as necessary and appropriate.

The Title IX Coordinator also works in partnership with campus administrators referred to as Appropriate College Officials in this policy. For purposes of this policy, the term Appropriate College Official refers to the Title IX Coordinator or a Deputy Title IX Coordinator; the Vice President for Student Success and Enrollment and any Dean, Associate Dean, or Assistant Dean in the Office of Student and Community Life; the Dean of the Faculty and Vice President for Academic Affairs and the Associate Dean for Faculty Development; the Vice President for Finance and Operations, the Assistant Vice President for Human Resources and any Associate Director in the Office of Human Resources; and the Director of Campus Safety.

IV. Definitions of Sexual Harassment and Retaliation

This policy prohibits a broad range of behaviors, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation.

If you have any questions about the definition or application of any of these terms, the policy in general, or the resources available to you as a member of the College community, please contact the Title IX Coordinator or a Deputy Title IX Coordinator.

1. Title IX Sexual Harassment

The Title IX regulations define “sexual harassment” as conduct on the basis of sex that must satisfy one or more of the following:

- a. Hostile environment sexual harassment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectionably offensive that it effectively denies a person equal access to an education program or activity;
- b. Quid pro quo sexual harassment: An employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct; and
- c. Sexual assault, dating violence, domestic violence, and stalking, as defined below.

Sexual harassment can occur between persons of equal power status (e.g., student to student, staff to staff) or between persons of unequal power status (e.g., faculty member to student, coach to student-athlete). Although sexual harassment often occurs in the context of the misuse of power by the individual with the greater power, a person who may in fact have less or equal power in a relationship also can commit sexual harassment. Sexual harassment can be committed by (or against) an individual or by (or against) an organization or group. Sexual harassment can be committed by an acquaintance, a stranger, or people who have shared a personal, intimate, or sexual relationship. Sexual harassment can occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.

a. Hostile Environment Sexual Harassment

The College considers a variety of factors related to the objective offensiveness, pervasiveness, and severity of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one’s employment or educational opportunities.

Examples of behavior that might be considered hostile environment sexual harassment include, but are not limited to:

1. Unwanted sexual innuendo, propositions, sexual attention, or suggestive comments and gestures; inappropriate humor about sex or gender-specific traits; sexual slurs or derogatory language directed at another person’s sexuality, gender, gender identity, sexual orientation, or gender expression; insults and threats based on sex, gender, gender identity, sexual orientation, or gender expression; and other oral, written, or electronic

communications of a sexual nature that an individual communicates is unwanted and unwelcome.

2. Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; or the circulation, display, or creation of emails, text messages, or websites of a sexual nature.
3. Display, presentation, or circulation of materials or pictures degrading to an individual or gender group where such display is not directly related to academic freedom or to an educational/pedagogical, artistic, or work purpose. See *Faculty Manual*, Appendix B1, regarding academic freedom.
4. Unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body.
5. Use of a position of power or authority to: (1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (2) promise rewards in return for sexual favors.
6. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping.
7. Sexual exploitation—taking sexual advantage of another person for the benefit of anyone other than that person, without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include prostituting another person or viewing, recording, or distributing another person's sexual activity, intimate body parts, or the person in a state of undress, without their knowledge and consent.

b. Quid Pro Quo Sexual Harassment

Quid pro quo sexual harassment occurs when an employment opportunity (e.g., hiring, compensation, advancement, etc.) or an educational opportunity (e.g., admission, grades, research, etc.) is conditioned by an employee upon the targeted student or employee submitting to unwelcome requests or demands for sexual favors. Only individuals with authority to grant or withhold employment or educational opportunities can engage in quid pro quo sexual harassment.

In some cases, quid pro quo sexual harassment is obvious and may involve an overt action, threat, or reprisal. In other instances, it is subtle and indirect, with a coercive aspect that is unstated. Examples of behavior that might be considered quid pro quo sexual harassment include, but are not limited to:

1. Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances.
2. Use of a position of power or authority to: (a) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (b) promise rewards in return for sexual favors.

2. Sexual Assault

Sexual assault is having or attempting to have sexual contact with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental

incapacity (see below for definition of consent and incapacitation).² Sexual contact includes:

- a. Sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object or requiring another to penetrate themselves with a body part or an object, however slight;
- b. Sexual touching of the private body parts, including, but not limited to, contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body for the purpose of sexual gratification; or
- c. Attempts to commit sexual assault.

3. Dating and Domestic Violence

Dating and domestic violence means any act of violence against a Complainant who is or has been in a sexual, dating, domestic, or other intimate relationship with the Respondent or against a person with whom the Respondent has sought to have such a relationship, as follows:

a. Dating Violence

Dating violence includes any act of violence committed by a person:

- i. Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (1) The length of the relationship;
 - (2) The type of relationship; and
 - (3) The frequency of interaction between the persons involved in the relationship.

b. Domestic Violence

Domestic violence includes any act of violence committed by a current or former spouse or intimate partner of the Complainant; by a person with whom the Complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the Complainant under Connecticut state law; or by any other person against an adult or minor Complainant who is protected from that person's acts under Connecticut state law.

² The statutory definition of sexual assault referenced by the Title IX regulations also includes having or attempting to have sexual contact between persons who are related to each other within the degrees where marriage is prohibited by law.

4. Stalking

Stalking involves a course of conduct directed at a specific person that would cause a reasonable person to suffer substantial emotional distress or to fear for that person's own safety or that of another. This includes cyberstalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, texts, or other similar forms of contact are used to pursue, harass, or make unwelcome contact with another person. Stalking and cyberstalking may involve individuals who are known to one another or who have an intimate or sexual relationship or may involve individuals not known to one another. For the purposes of this definition:

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

“Reasonable person” means a prudent person who normally exercises due care under similar circumstances.

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

5. Retaliation

Retaliation means any adverse action, intimidation, threat, coercion, or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX or its regulations or because the individual has made a report or formal complaint of sexual harassment, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing under this policy.

Retaliation can be committed by any individual or group of individuals, not just a Complainant or Respondent. Retaliation may constitute a violation of this policy even when the underlying allegations did not result in a finding of responsibility.

Any person who retaliates against an individual for reporting, filing, or participating in the investigation or adjudication of a complaint of discrimination or sexual harassment as defined in this policy is subject to disciplinary action up to and including expulsion or termination. Retaliation is prohibited even if the underlying complaint is eventually dismissed or is deemed to lack merit.

The prohibited conduct listed above is not exhaustive. The College may consider any other conduct that has a sexual or gender-based connotation under this policy.

V. Forms of Sexual Misconduct Prohibited under Other College Policies

Trinity College also prohibits forms of sexual misconduct that, although they do not qualify as “sexual harassment” under this policy and the Title IX regulations, nonetheless pose similar threats to equal opportunity to employment and education as sexual harassment. Accordingly, such misconduct is prohibited and may be subject to investigation and adjudication under the

Student Handbook, Employee Handbook, or Faculty Manual. Although the formal and informal resolution processes set forth in this policy apply only to sexual harassment as defined by the Title IX regulations (defined above), for ease of reference, selected additional forms of sexual harassment and sexual misconduct prohibited by other College policies are listed below. (See Part XI.5 below for information regarding Coordination with Other Policies.)

1. Sexual Harassment

Pursuant to Title VII, Connecticut state law, and the recognition that sexual harassment also may occur in a wider variety of contexts, the College also prohibits a broader form of sexual harassment, as defined in the *Employee Handbook*. The College, its agents, supervisory employees, staff, and students shall be held liable for their acts of sexual harassment and are subject to appropriate College disciplinary action and personal liability. Sexual harassment, whether opposite or same sex, includes but is not limited to: unwelcome sexual advances, unwelcome requests for sexual favors, or other behavior of a sexual nature, on or off campus, when:

- Submission to such conduct is made a condition, explicit or implicit, of an individual's education or employment; or
- Submission to or rejection of such conduct is used as a factor in or basis for decisions affecting an individual's education or employment; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's education or employment by creating an intimidating, hostile, or offensive educational, living, or work environment.

While it is not possible to list all the circumstances that may be considered sexual harassment, the following are examples of conduct which, if unwelcome, may constitute sexual harassment: physical, verbal, visual, or written conduct of a sexual nature, including, but not limited to, pressuring someone for dates, retaliation for non-submission to a request for sexual favors, and electronic messages or photos.

2. Inducing Incapacitation

Inducing incapacitation includes the provision of alcohol or drugs to an individual, with or without that individual's knowledge, for the purpose of causing harm, impairment, or intoxication or of taking advantage of that individual's impairment or intoxication.

3. Improper Romantic Relationships

All relationships that occur in a hierarchical relationship present an imbalance of power. By virtue of their position of authority, a supervisor or faculty member has the ability to influence the terms and conditions of a subordinate's employment or a student's academic standing. Therefore, Trinity College forbids romantic relationships between an employee (faculty or staff) and any student (including undergraduate, graduate, and IDP) for which that employee (faculty or staff) has responsibility by virtue of any professional supervisory obligations, including teaching, advising, departmental, committee, and coaching. Additionally, the College expects all

supervisory staff (whether faculty or staff) and all faculty (whether supervisory or not) to avoid engaging in romantic relationships with individuals (whether students or employees) over whom they exercise or have the potential to exercise power. The full policy on Romantic Relationships is available in the College's *Employee Handbook*.

If an employee feels that such a relationship cannot be avoided, counsel should be sought from an Appropriate College Official (see [Appendix A](#)) to ensure that necessary steps are taken to avoid potential conflict.

VI. Related Definitions

1. Affirmative Consent

References to “consent” in this policy should be construed as meaning “affirmative consent.”

Affirmative consent means an active, clear, and voluntary agreement by a person to engage in sexual activity with another person. Affirmative consent is informed, freely and actively given, and communicated through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. It is the responsibility of each person to ensure that they have the affirmative consent of all persons engaged in the sexual activity and that such consent is sustained throughout the sexual activity.

Consent may never be given by minors, mentally disabled persons, those who are incapacitated (see below), and those who are by law unable to give consent.

Consent obtained by fraud or force (actual or implied) is not consent, whether that force is physical force, threats, intimidation, or verbal coercion. A lack of verbal or physical resistance alone does not meet the affirmative-consent standard and does not of itself indicate consent. Prior consent on its own cannot be construed as current/future consent. Moreover, consent may be withdrawn at any time. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person. Consent to engage in one form of sexual activity does not imply consent to engage in other forms.

2. Coercion

Coercion is the application of unreasonable pressure to take part in sexual activity or in any of the prohibited conduct listed in this document. Unreasonable pressure can be exerted through physical or emotional force, intimidation, misuse of authority, or outright threats. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point may be considered coercive depending on the circumstances.

3. Incapacitation

Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically impaired, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if the individual demonstrates that the individual is unaware at the

time of the incident of the fact, nature, or extent of the sexual activity or why or how they became engaged in a sexual interaction.

When alcohol or other drugs are involved, incapacitation is a state of impairment that is so severe that it interferes with a person's capacity to make informed and knowing decisions. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination. The College does not expect community members to be medical experts in assessing incapacitation. Rather, individuals should look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. A person's level of intoxication is not always demonstrated by objective signs; however, some signs that a person may be incapacitated include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, or emotional volatility. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" "Do you know whom you are with?"

An individual's level of intoxication may change over a period of time based on a variety of factors, including the amount of substance intake, speed of intake, body mass, and metabolism. It is especially important, therefore, that anyone engaging in sexual activity is aware of both their own and the other person's level of intoxication and capacity to give consent.

It is important to remember that the use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one's own or the other individual's intoxication or incapacitation, the safest course of action is to forgo or cease any sexual activity. Even where there is insufficient evidence to establish incapacitation, a complainant's level of impairment may still be a relevant factor in establishing whether consent was sought and freely given.

In evaluating consent in cases of reported incapacitation, the College asks two questions: (1) Did the Respondent know that the Complainant was incapacitated? (2) If not, would a sober, reasonable person in a similar set of circumstances as the Respondent have known that the Complainant was incapacitated? If the answer to either of these questions is "yes," there was no consent, and the conduct likely is a violation of this policy. A Respondent's voluntary intoxication never is an excuse or a defense, and it does not diminish one's responsibility to determine that the other person has given consent.

VII. Reporting Protocols and Confidentiality

1. Understanding the Distinction between Privacy and Confidentiality

Trinity College strongly encourages all individuals who have experienced or witnessed incidents of sexual harassment to share information with the Title IX Coordinator. The Title IX Coordinator will provide the Complainant with information about resolution options and access to reasonably available Supportive Measures. The Title IX Coordinator also will consider the Complainant's wishes with respect to Supportive Measures and resolution options and will seek to honor specific requests when appropriate.

If a Complainant or witness does not wish to report an incident of sexual harassment to the College but wishes to seek support or information in a confidential setting, such support should be sought from one of the Confidential Resources listed below and also listed in [Appendix A](#).

The following information about privacy and confidentiality is intended to differentiate these two terms as they are used in this policy.

a. Privacy refers to the discretion that will be exercised by the College, including the Title IX Office, in the course of any formal or informal resolution process under this policy. Information related to a report of sexual harassment will be handled discreetly and shared with a limited circle of College employees or designees who need to know to assist in the assessment, investigation, and resolution of the report and related issues. Individuals in the Title IX Office, along with investigator(s), Administrative Hearing Panelists, those tasked with facilitating Informal Resolutions, and appellate officials will receive training in how to safeguard private information. The College will make reasonable efforts to investigate and address reports of sexual harassment under this policy, and information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the College will maintain the privacy of the parties to the extent reasonably possible. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). Access to an employee's personnel records also is governed by College policy and by applicable state laws.

b. Confidentiality refers to statutory protections provided to individuals who disclose information in legally protected or privileged relationships, including professional mental health counselors, medical professionals, attorneys, and ordained clergy (see [Confidential Resources](#) below and [Appendix A](#)). When an individual shares information with a Confidential Resource as a confidential communication in the course of a protected relationship, the Confidential Resource cannot disclose the information without the individual's written permission or unless required by ethical or legal obligations that compel the professional to reveal such information. For example, information may be disclosed when the individual gives written consent for its disclosure, there is an imminent threat of physical harm to self or others, or the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18. Similarly, medical and counseling records cannot be released without the individual's written permission or unless permitted or required consistent with ethical or legal obligations.

Confidential Resources may share non-personally identifying information about Clery-reportable crimes with the Campus Safety Department for purposes of the anonymous and aggregate statistical reporting under the Clery Act.

c. Release of Information by the College: Pursuant to the Clery Act, the College must disclose statistics about Clery Act crimes in its daily crime log and Annual Security Report and provides those statistics to the U.S. Department of Education. If a report of sexual assault, dating violence, domestic violence, stalking, or another Clery Act crime poses a serious or continuing threat to the campus community, the College will issue a timely notification to the campus community to protect the health and safety of the campus community as required by the Clery Act. In all of these instances, the information is reported in a manner that does not include personally identifying information about persons involved in an incident.

The College will not release to the general public the name of the Complainant, the Respondent, or witnesses except as otherwise permitted or required by law. The College also will maintain the confidentiality of any Supportive Measures provided to a Complainant, to the extent that maintaining such confidentiality would not impair the College's ability to provide the Supportive Measures. The College also may share non-personally identifying information about reports received in aggregate form, including data about outcomes and sanctions. All College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act (as amended by VAWA), Title IX, state and local law, and College policy.

d. *Mandatory Reporting of Child Abuse and Neglect:* In addition to the above reporting responsibilities, all College employees have an obligation to report known or suspected child abuse and neglect consistent with Connecticut state law. Child abuse can be reported to the Connecticut State Department of Children and Families hotline at 1-800-842-2288. After an external report is made, the employee also must report the information to the Title IX Coordinator.

2. *Reporting Responsibilities of College Employees*

This section describes the various reporting and disclosure options available and the associated confidentiality implications. Because of their role at Trinity College, some employees are designated as Confidential Resources, meaning they are able to maintain a higher degree of confidentiality, as described above. All other employees are required to promptly share all relevant details of an alleged incident of sexual harassment with the Title IX Coordinator. The distinctions between these groups are explained below so that individuals can make informed choices about how and where they seek help and guidance.

a. *Confidential Resources*

Confidential Resources include any College employee who has the ability to maintain the confidentiality of communications under applicable law or by designation. Confidential Resources include medical, clinical, and mental health professionals and clergy when acting in that professional role in the provision of services, as well as any employee providing administrative, operational, and/or related support for such providers in their performance of such services. Information about Confidential Resources is contained in [Appendix A](#). When individuals who otherwise are Confidential Resources receive information outside of the provision of services, the Confidential Resource is required to share that information with the Title IX Coordinator. For example, a licensed counselor who receives a disclosure in the context of speaking at a prevention program would be required to share the information with the Title IX Coordinator.

A Complainant may seek assistance, support, and advice from a Confidential Resource without initiating a College investigation that could reveal the identity of the Complainant or the fact that the Complainant has disclosed the incident.

Some Confidential Resources are confidential by state law and have heightened protections recognized by the courts and law enforcement agencies, as defined in the Confidentiality section above. These include the Counseling and Wellness Center, the Health Center, and the College Chaplain (identified in [Appendix A](#) by the initials **PE**). Other campus Confidential Resources are

confidential under College policy; while not required to share identifying information with the Title IX Coordinator under College policy, these employees will share with the Title IX Coordinator general details, such as the nature, date, time, and general location of the alleged incident, without sharing personally identifying information. Additionally, this category of campus Confidential Resources may be required to provide information in response to a search warrant, subpoena, or court order. Such campus Confidential Resources include nonstudent employees of the Women & Gender Resource Action Center (WGRAC) and the Director of LGBTQ Life (identified in [Appendix A](#) by the initials CE).

An individual who speaks to any of the employees described above must understand that if a Complainant wants to maintain confidentiality, the College may be unable to conduct an investigation of the particular incident or pursue disciplinary action against a Respondent. However, Confidential Resources can provide information about and assist individuals in requesting other support and services, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working, or transportation arrangements (Supportive Measures). A Complainant who at first requests confidentiality may later decide to file a formal complaint with the Title IX Coordinator or to make a report to law enforcement and may be assisted by Confidential Resources in doing so.

b. All Other Employees – Private Communications

Other than those employees who are designated as Confidential Resources, as described above, all College employees, including faculty and staff, Resident Advisors and Orientation Leaders (while employed during new student orientation week) will be Responsible Employees and must report any possible violations of the Policy on Sexual Harassment to the Title IX Coordinator or a Deputy Title IX Coordinator. P.R.I.D.E. leaders will be required to either report to the Title IX Coordinator/Deputy Title IX Coordinator (if the reporting individual requests this) or to a Confidential employee.

All College employees including faculty and staff, Resident Advisors and Orientation Leaders (while employed during new student orientation week) are required to report to the Title IX Coordinator all known information about the incident, such as the identities of the parties, any witnesses, and the date, time, and specific location of the alleged incident. The Title IX Coordinator may share reports with other College employees to ensure a coordinated institutional response; examples include College employees or agents who are responsible for processing, investigating, adjudicating, and responding to sexual harassment reports: deans, program directors, supervisors, human resources staff, and Campus Safety Department or other campus security personnel who are responsible for reporting campus crime statistics and issuing timely warnings under the Clery Act.

i. Exception for Disclosures during Certain Public Awareness Events

Employees are *not* required to report information disclosed at public awareness events (e.g., “Take Back the Night,” vigils, protests, survivor speak-outs, or other public forums in which students may disclose sexual harassment. The College may provide information about Title IX and available College and community resources and support at public awareness events.

ii. Requests to a College Employee for Confidentiality

In the event that a Complainant discloses an incident of sexual harassment to an employee who is not a Confidential Resource and requests confidentiality or requests that the College not take action regarding the report, the employee still is required to report all known information to the Title IX Coordinator; however, the employee also shall include the Complainant and/or Reporter's request to maintain confidentiality. In such a case, the Title IX Coordinator will weigh the request for confidentiality against the College's obligation to provide a safe, nondiscriminatory environment for all College community members, including the Complainant.

VIII. Reporting Options

The College encourages all individuals to report sexual harassment or a potential violation of this policy to the Title IX Coordinator, to the Campus Security Department, and/or to local law enforcement. A Complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the College will assist a Complainant in contacting law enforcement at any time. Under limited circumstances (posing a threat to health or safety of any individual or to comply with applicable law), the College may independently notify law enforcement.

An individual may make a report to the College, to law enforcement, to neither, or to both. Campus Title IX processes and law enforcement investigations operate independently of one another, although the Title IX Coordinator may coordinate information with law enforcement as part of the initial assessment. Anyone can make a report as follows:

1. Make a Report to the Title IX Coordinator in Person, by Email, or by Telephone

Williams Memorial, Room 127
titleixcoordinator@trincoll.edu
860-297-2688

2. Make a Report to Local Law Enforcement

Hartford Police Department
253 High Street
Hartford, Connecticut 06103
Emergency Line: 911
Nonemergency Line: 860-757-4000

See [Appendix A](#) for additional information on how to report to local law enforcement.

3. Community Resources for Emergency Medical Assistance

- a. See [Appendix A](#) for information on emergency resources.
- b. See [Appendix A](#) for information on where to receive medical care and assistance with evidence preservation.

4. Make an Anonymous Report

A Complainant is not required to reveal their identity to report an incident. However, an anonymous report may limit the College's ability to respond with an investigation or disciplinary action. The College provides an online form, accessible from the Title IX webpage (<http://www.trincoll.edu/title-ix>; click on "Sexual Harassment Reporting Form"), for anonymous reporting to the Title IX Coordinator and Campus Safety officials. Although providing anonymous information may limit the ability of the College to investigate or impose discipline, it can help the College maintain accurate records regarding the number of incidents involving students, employees, and third parties; determine if there is a pattern of conduct with regard to a particular location, group or Respondent; and alert the campus community to potential dangers when appropriate.

5. Time Frame for Reporting

Complainants and witnesses are encouraged to report sexual harassment or potential policy violations as soon as possible to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. Depending on the relationship of the Respondent to the College, the College may not have the authority to impose disciplinary action. Where the College does not have disciplinary authority—i.e., a report is made after a student has left or graduated or an employee no longer works for the College—the College still will seek to meet its Title IX obligations by evaluating the reported conduct, providing reasonably available Supportive Measures to the Complainant, and assisting the Complainant in identifying external reporting options and may take other appropriate action to address the reported conduct.

6. Amnesty

The College encourages reporting and seeks to remove barriers to reporting by providing amnesty for Complainants and witnesses who report sexual harassment or potential policy violations occurring at or near the time of the incident. The College recognizes that students who have been drinking and/or using drugs at the time the incident occurs may be hesitant to report such incidents due to fear of potential consequences of their own conduct. In general, the College will offer leniency with respect to other policy violations (e.g., minor drug or alcohol violations) that may be revealed as a result of a good faith report of sexual harassment. The nature and scope of the leniency will depend on the particular circumstances involved. The Title IX Coordinator and/or other Appropriate College Official will have sole discretion in determining the appropriate course of action. (See Trinity College Medical Amnesty and Good Samaritan Policy.)

7. Coordination with Law Enforcement

All Trinity students, faculty members, staff members, and covered third parties have the right to report, or decline to report, potential criminal conduct outside of Trinity College's disciplinary processes and are encouraged to consult local, state, or federal law enforcement agencies, including the local police or the U.S. Department of Education's Office for Civil Rights, regardless of whether they file a complaint with the College. See Appendix A for information on

how to file an external complaint.

Trinity will not, however, wait for the conclusion of a criminal proceeding to begin or conclude its own investigation and resolve complaints under this policy. The College will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, the College will provide reasonably available and appropriate Supportive Measures to promote the safety and well-being of the Complainant and the school community while law enforcement is gathering evidence.

IX. Supportive Measures

Upon receipt of a report, Trinity College will identify and provide reasonably available and appropriate Supportive Measures. A Supportive Measure is a non-disciplinary, non-punitive individualized service offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent at any time before or after a formal complaint is filed or where no formal complaint has been filed. Supportive Measures are designed to preserve access to the College's education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of the Complainant, the Respondent, or broader College community; maintain the integrity of the investigative and/or resolution process; and deter retaliation. The College will maintain the confidentiality of any Supportive Measures provided to a Complainant, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the Supportive Measures.

Available Supportive Measures may include, but are not limited to, the following:

- No-contact orders issued by the College, which are measures that restrict encounters and communications between the parties. See XVIII below for more information about no-contact orders.
- Academic accommodations, which are measures that include deadline extensions, incompletes, course changes, late drops, or other arrangements as appropriate.
- Residential accommodations, which are measures that include arranging for new housing or providing temporary housing options, as appropriate.
- Transportation or working arrangement changes or other employment accommodations, as appropriate.
- Access to support services, provided with assistance from the College, including advocacy, academic support, counseling, disability, health or mental health services, visa and immigration assistance, student financial aid services, and legal assistance, both on and off campus, as applicable.
- Assistance with reporting a crime to local law enforcement, which may be requested at any time by an individual involved in an alleged incident of sexual harassment. Such individuals may request orders of protection, restraining orders, or relief from abuse orders from courts of appropriate jurisdiction. The College will provide reasonable assistance upon request. The College also will work to respect and implement the

requirements of such orders on premises that it owns or controls, as necessary and appropriate.

For a list of available resources and services, including information about medical care and evidence preservation, see [Appendix A](#).

The availability of Supportive Measures will be determined by the specific circumstances of each report. The College will consider a number of factors in determining which Supportive Measures to take, including the needs of the student or employee seeking Supportive Measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the parties; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether court proceedings have been used to protect any parties (e.g., protective orders). The College will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority.

The Title IX Coordinator is responsible for ensuring the implementation of Supportive Measures and coordinating the College's response with the appropriate offices on campus. The Title IX Coordinator has the discretion to impose and/or modify any Supportive Measure based on all available information and is available to meet with a Complainant or Respondent to address any concerns about the provision of Supportive Measures. The College will maintain the privacy of any Supportive Measures provided under this policy to the extent practicable.

The College will provide reasonable Supportive Measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the College.

1. Emergency Removal

Certain circumstances may warrant removing a student Respondent from a College education program or activity. The College may remove a student Respondent on an emergency basis from College property or employment, education or research programs, or activities. The determination of whether to remove a student may be made by the Title IX Coordinator in consultation with other College employees, as necessary. This decision may be made at any point in the process.

Before imposing an emergency removal, the College will undertake an individualized analysis of safety and risk for the campus community to determine whether the Respondent's presence in the program or activity poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies a removal. If the College determines such removal is necessary, the Respondent will promptly be provided written notice and an opportunity to challenge the decision immediately following the removal. During any challenge, the Respondent will remain off campus and must comply with the notice of removal. That notice shall include a statement that the use of any information the Respondent chooses to provide may be used subsequently in implementing any aspect of this policy, including the investigation and adjudication. The Respondent will have 72 hours to submit a written challenge of the safety and risk analysis to the Title IX Coordinator. The Title IX Coordinator will assign the matter to be reviewed by a decision maker to evaluate the

information in support of the individualized safety and risk analysis and any information provided by the Respondent and the Complainant, as applicable. The decision maker will submit a final decision in writing to the Respondent and the Complainant within three (3) business days, with a copy to Title IX Coordinator.

Any individual who hears the challenge to the removal determination will not be involved in any decision regarding responsibility or appeal of that decision regarding responsibility.

2. Administrative Leave

The College retains the authority to place an employee Respondent on administrative leave during the investigation and adjudication process, consistent with the procedures set forth in the *Employee Handbook* and the *Faculty Manual*.

X. Overview of the College's Resolution Processes

The College is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this policy. To implement this policy, the College has developed a formal and an informal resolution process to resolve reports of sexual harassment:

- **Informal Resolution:** an informal framework that includes informal or restorative options for resolving reports that may, but typically do not, involve disciplinary action against a Respondent.
- **Formal Resolution:** formal procedures that involve an investigation, adjudication and, if appropriate, the imposition of sanctions.

In all formal and informal resolution processes, the College will treat Complainants and Respondents equitably by offering Supportive Measures to a Complainant when the College has notice of potential sexual harassment and by following either the formal or informal resolution process before the imposition of any disciplinary sanction against a Respondent. Upon receipt of a report, the College will conduct an initial assessment of the available information and consider the Complainant's stated interests, as well as the College's compliance obligations, in determining how to proceed. A Complainant always is entitled to reasonably available Supportive Measures, regardless of whether a formal or informal resolution process is initiated.

1. Time Frame for Resolution

The College will seek to complete the appropriate resolution process as promptly as possible, consistent with the need to conduct sensitive and informed fact gathering to ensure an equitable resolution. The policy designates reasonably prompt time frames for the major stages of the investigation and resolution process (typically set forth in business days), but the College may extend any time frame in this policy for good cause and/or due to extenuating circumstances. An extension may be required for good cause to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the College calendar, exam periods, the complexity of the investigation, the volume of information, number of witnesses, length of the written record, and/or the severity and extent of the alleged misconduct. While requests for delays by the parties may be considered, the College will not

unduly or unreasonably delay the prompt resolution of a report under this policy. Reasonable requests for delays by the parties may serve to extend the time period for resolution of the report.

The Title IX Coordinator, in consultation with the investigator(s), has the authority to determine whether an extension is required or warranted by the circumstances. The College will notify the parties in writing of any extension of the time frames for good cause, the reason for the extension, and the length of the extension. Although cooperation with law enforcement may require the College to delay temporarily an investigation under this policy while law enforcement investigates, the College promptly will resume its Title IX investigation once law enforcement has completed gathering evidence.

Investigations will proceed according to the time frames in this policy to the extent possible during the summer and at other times when classes at the College are not in session. The Title IX Coordinator will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation.

Time frames for all phases of the disciplinary process, including the investigation, any related disciplinary proceedings, and any related review of the finding, apply equally to both the Complainant and the Respondent.

2. Adviser

Throughout the informal or formal resolution process, each party has the right to be accompanied at any meeting or hearing by an adviser of their choice. The adviser may be any person, including an attorney. A party may decline to use an adviser for any or all stages of the formal or informal resolution process, with the exception of the hearing, where any questioning of the other party must be conducted by the party's adviser. If a party does not have an adviser for the hearing, the College will provide an adviser, free of charge, who may be, but is not required to be, an attorney, to attend the hearing and conduct questioning on behalf of that party.

The adviser may observe, provide support, and provide guidance or advice to the party (in a nondisruptive manner). With the exception of the adviser's live questioning during the hearing, the adviser may not speak on behalf of the parties or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings. An adviser should plan to make themselves reasonably available; the College will not unduly delay the scheduling of meetings or proceedings based on an adviser's unavailability. An adviser may be asked to meet with a College administrator in advance of any proceedings to understand the expectations of the role, privacy considerations, and appropriate decorum. An adviser may be removed for failure to follow these expectations. The adviser is entitled to review all information gathered in the investigation that is directly related to the allegations (as part of evidence review), to access to the investigation report, and to cross-examine the other party and all witnesses during the hearing.

3. Obligation to Provide Truthful Information

All College community members are expected to provide truthful information in any proceeding under this policy. Intentionally false accusations will not be tolerated. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to

another in connection with an incident of sexual harassment is prohibited and subject to disciplinary sanctions, in accordance with the *Student Handbook* and *Employee Handbook*, as applicable. A claim will not be deemed intentionally false merely because there is insufficient evidence to prove a violation of this policy or because it is deemed to be without merit. An intentionally false claim is one made with knowledge beforehand that it is false and with malicious intent toward another person.

XI. Intake and Initial Assessment

1. Response to a Report

Any person may report sexual harassment or retaliation to the Title IX Coordinator or the Campus Safety Department or may utilize the other reporting options cited above. A report may be made verbally or in writing. Upon receipt of a report, the Title IX Coordinator will contact the Complainant to discuss the availability of Supportive Measures with or without the filing of a formal complaint, will explain to the Complainant the process for filing a formal complaint, and will consider the Complainant's wishes with respect to Supportive Measures.

During the initial assessment, a Complainant may request Supportive Measures only or may file a formal complaint. Alternatively, as described below, the Title IX Coordinator may determine that it is appropriate to file a formal complaint on behalf of a Complainant. After the filing of a formal complaint, the Complainant may decide to seek informal resolution in lieu of a formal resolution process (investigation, hearing, and appeal). A Complainant always is entitled to reasonably available Supportive Measures, regardless of whether a formal or informal resolution process is initiated.

The Title IX Coordinator also will determine whether the policy applies to the report and whether the reported conduct falls within the jurisdiction and scope of the policy and/or Title IX.

2. Overview of Initial Assessment

As part of the initial assessment, the Title IX Coordinator will:

- Promptly contact the Complainant to discuss the availability of Supportive Measures.
- Consider the Complainant's wishes with respect to Supportive Measures.
- Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the Complainant, the Respondent, any witness, and/or any other individual with knowledge of the reported incident.
- Address immediate physical safety and emotional well-being needs.
- Conduct an individualized analysis of safety and risk for the campus community to determine whether a student Respondent's presence in the College's education programs or activities poses an immediate threat to the physical health or safety of any student or other individual that justifies removal.

- Notify the Complainant of the right to contact (or decline to contact) law enforcement or seek a civil protection order.
- Notify the Complainant of the right to seek medical treatment.
- Notify the Complainant of the importance of preservation of evidence.
- Refer the report to the Campus Safety Department to assess the reported conduct for any Clery Act obligations, including entry in the daily crime log or issuance of a timely warning.
- Provide the Complainant with written information about on- and off-campus resources.
- Provide the Complainant with a copy of this policy and an explanation of the procedural options, including seeking Supportive Measures, the process for filing a formal complaint, the formal resolution process, and informal resolution.
- Notify the Complainant of the right to be accompanied at any meeting or proceeding by an adviser of their choice, and that the College will provide an adviser, without fee or charge, to conduct questioning on behalf of that party at the hearing if they do not have an adviser.
- Assess the available information for any pattern of conduct by Respondent.
- Discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns).
- Explain the College's policy prohibiting retaliation and how to report acts of retaliation.
- Determine the age of the Complainant, and if the Complainant is a minor, make the appropriate report of suspected abuse consistent with Connecticut state law.

The initial assessment will be conducted promptly and the time frame for the initial assessment will be tailored to the context and circumstances. The College will seek to complete the initial assessment within 10 business days but recognizes that there may be circumstances in which the initial assessment takes longer based on the availability of the Complainant or other necessary information, a Complainant's request to maintain privacy or not seek disciplinary action, or other factors outside of the College's control. The College understands that a Complainant may engage in delayed decision-making, which may impact the timing of the conclusion of the initial assessment.

3. Filing a Formal Complaint

The formal resolution process (investigation, hearing, and appeal) and informal resolution process are initiated by the filing of a formal complaint. A formal complaint is a written document alleging sexual harassment, within a domestic education program or activity of the College by a Respondent over whom the College has jurisdiction, and requesting initiation of the

College's investigation and adjudication process. A formal complaint may be submitted to the Title IX Coordinator.

a. Mandatory Dismissal of a Formal Complaint

The Title IX Coordinator will determine whether the conduct alleged in the formal complaint falls within the scope of the policy and the definitions of sexual harassment. The Title IX regulations require the College to dismiss some or all of the allegations in the formal complaint related to sexual harassment if: 1) the conduct alleged, even if substantiated, would not constitute sexual harassment as defined in the Title IX regulations; 2) the conduct did not occur within College's education program or activity; or, 3) the conduct did not occur in the United States. This means that the College may be required by law to dismiss some or all of the allegations in the formal complaint under Title IX and provide the parties notice of the dismissal and the opportunity to appeal that dismissal.

Stated another way, the procedures described in this policy will apply only when all of the following elements are met, in the reasonable determination of the Title IX Coordinator or a Deputy Title IX Coordinator:

- The conduct is alleged to have occurred on or after March 15, 2021;
- The conduct is alleged to have occurred in the United States;
- The conduct is alleged to have occurred within the College's education program or activity; and
- The alleged conduct, if true, would constitute sexual harassment as defined in this policy.

While formal complaints falling outside of the Title IX regulations will be dismissed for Title IX purposes, where such conduct otherwise constitutes prohibited conduct and falls within the scope of either the *Student Handbook* or *Employee Handbook*, it still will be addressed and will proceed to either the formal or informal resolution process described in those other policies.

b. Discretionary Dismissal of a Formal Complaint

The Title IX Coordinator or a Deputy Title IX Coordinator may dismiss a formal complaint brought under this policy 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 or a Deputy Title IX Coordinator in writing that the Complainant wishes to withdraw the formal complaint or any allegations raised in the formal complaint;
- The Respondent is no longer enrolled or employed by the College; or,
- If specific circumstances prevent the College from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations within the formal complaint.

c. Notice of Dismissal of a Formal Complaint and How to Appeal the Dismissal

The decision about whether to dismiss a formal complaint, in whole or in part, may be made at any time in the process. Upon reaching a decision that the formal complaint will be dismissed, the Title IX Coordinator will promptly notify the Complainant and the Respondent of the dismissal of the formal complaint or any specific allegation within the formal complaint and the reason for the dismissal, simultaneously, in writing. If some or all of the allegations in the formal complaint have been dismissed, the parties may appeal this dismissal using the procedure outlined in the “Appeals” section below.

4. Consolidation of Formal Complaints

The College may consolidate formal complaints 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 sexual harassment arise out of the same facts or circumstances. All parties will receive simultaneous, timely notification of any such consolidation. During the course of the investigation, the investigation may reveal the existence of additional or different potential policy violations, which also may be consolidated following notification to the parties of the amended notice of investigation.

5. Coordination with Other Policies

Where conduct involves the potential violation of both this policy and another College policy arising from the same or similar set of facts and circumstances, the College has the discretion to investigate and resolve the conduct under the investigation and adjudication procedures set forth in this policy, provided that doing so does not unduly delay a prompt and equitable resolution of the report and that the parties are provided timely notice of a decision to consolidate the cases and an opportunity to respond. In such cases, the decision maker may adjudicate and sanction misconduct that falls outside the purview of this policy, even if the sexual harassment claim is not substantiated.

Complaints that are finally resolved pursuant to the formal or informal resolution processes set forth in this policy may not be pursued under other College policies, if the complaint is based on the same transactions and occurrences addressed under this policy. However, cases that are dismissed pursuant to the mandatory or discretionary dismissal processes described above, prior to any formal investigation or adjudication, may be pursued under other applicable College policies.

6. Balancing Complainant Autonomy with the College’s Responsibility to Investigate

The College endeavors to respect the wishes of a Complainant to not pursue a formal complaint. If a Complainant requests that their name or other personally identifiable information not be shared with a Respondent or that no formal complaint be pursued, the College will balance this request against its commitment to a safe, nondiscriminatory learning, living, and working environment for all community members, including for the Complainant. In particular, the Title IX Coordinator will consider the Complainant’s articulated concerns, the safety of the campus community, fairness to all individuals involved, and the College’s obligations under Title IX.

In these instances, before taking any further investigative steps, the Title IX Coordinator will

discuss any concerns with the Complainant and will seek to address and remedy barriers to reporting based upon concerns about retaliation or questions about procedural options and potential outcomes.

In evaluating the appropriate manner of resolution, including whether the Title IX Coordinator will file a formal complaint in the absence of a formal complaint by the Complainant, the Title IX Coordinator may consult with other College officials or law enforcement agencies, as appropriate, and may consider a range of factors, such as:

- i. The totality of the known circumstances;
- ii. The risk that the Respondent may commit additional acts of sexual or other harassment, which will be informed by additional factors, such as:
 - a. Whether there have been other sexual harassment complaints involving the Respondent;
 - b. Whether the Respondent has a known history of arrests or records indicating a history of violence;
 - c. Any threats of further sexual harassment or other violence against the Complainant or others; and
 - d. Whether multiple Respondents were involved in the reported incident;
- iii. The nature and scope of the alleged conduct, including whether the reported behavior involved the use of a weapon;
- iv. The respective ages and roles of the Complainant and Respondent, including whether the Complainant was a minor at the time of the incident;
- v. Whether the College possesses other means to obtain relevant evidence of the reported conduct (e.g., security cameras, information known to College personnel, or physical evidence);
- vi. The Complainant's interest in the College not pursuing a formal complaint and the impact of such actions on the Complainant;
- vii. Whether the report of sexual harassment reveals a pattern of misconduct at a given location or by a particular group (e.g., intoxication induced by illicit drugs or alcohol);
- viii. Fairness considerations for both the Complainant and the Respondent;
- ix. The College's obligation to provide a safe and nondiscriminatory environment; and

- x. Any other available and relevant information.

The College will not compel a Complainant to participate in an investigation or disciplinary proceeding. Where the balance of factors requires the Title IX Coordinator to file a formal complaint on behalf of the Complainant, the Title IX Coordinator will inform the Complainant in writing about the chosen course of action.

Because the College is under a continuing obligation to address sexual harassment campuswide, reports of sexual harassment (including anonymous and third-party reports in which names are not mentioned) also will prompt the College to consider broader remedial action such as increased monitoring, supervision, or security at locations where the reported sexual harassment occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

7. Determination after the Initial Assessment: Scope and Manner of Resolution

The Title IX Coordinator will consider the nature of the report, the safety of the individual and the campus community, and the Complainant’s expressed preference for the manner of resolution in determining the appropriate course of action to achieve the goals of Title IX and the policy. The range of available resolution options include:

No Further Action	Supportive Measures Only	Formal Resolution	Informal Resolution
<p>This option may involve referral to another College policy or grievance procedure, such as the <i>Student Handbook</i>, <i>Employee Handbook</i>, or <i>Faculty Manual</i>.</p>	<p>These measures will be available regardless of whether a formal complaint is filed.</p>	<p>This option is available only after a formal complaint by a Complainant or the Title IX Coordinator.</p>	<p>This option is available only after a formal complaint by a Complainant or the Title IX Coordinator.</p>

At the conclusion of the initial assessment, the Complainant will receive a written notice of the determination about how the College will proceed.

XII. Informal Resolution Process

The College may resolve reports through informal resolution (which may include the possibility of mediation), as appropriate based on the circumstances. Informal resolution is not appropriate for all matters, and the College retains the discretion to determine which cases may be appropriate for informal resolution and the type of informal resolution process that may be appropriate in a specific case.

Informal resolution is available only once a formal complaint has been filed, prior to a determination of responsibility, and where the Complainant, Respondent, and the College

voluntarily consent to the process in writing. Informal resolution is not available in cases in which an employee is alleged to have sexually harassed a student.

Before initiating an informal process, the College will provide the parties a written notice of the process and obtain the parties' voluntary, written request for and consent to the informal resolution process. The written notice to the parties will disclose:

- The allegations and potential policy violations at issue;
- The requirements of the informal resolution process (described below);
- The consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- The circumstances under which the parties are precluded from resuming a formal complaint arising from the same allegations; and
- The parties' right to withdraw from the informal resolution process and resume the formal resolution process with respect to the formal complaint, at any time prior to agreeing to a resolution.

Upon initiation of the informal resolution process, an impartial facilitator, appointed by the Title IX Coordinator or Deputy Title IX Coordinator, will attempt to mediate the dispute through meetings with the parties. Although face-to-face mediation or a restorative justice process may be suggested, parties will never be required to meet directly with one another as part of the informal resolution process.

When sexual harassment allegations have been resolved through informal resolution by mutual consent of the parties and on a basis that is acceptable to the appointed facilitator in consultation with the Title IX Coordinator or a Deputy Title IX Coordinator, the resolution process shall be considered finally decided and there will be no subsequent process or appeal.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution, which typically will be complete within 60 business days of the initial report.

XIII. Formal Resolution Process: Investigation

The information in the sections below, except as noted, applies to Trinity College employees and students, as well as third parties who wish to file a formal complaint of sexual harassment involving a Trinity employee (staff or faculty) or student to initiate the following investigation and adjudication process.

The College will conduct a prompt and equitable investigation to gather information relevant to the determination of whether there is sufficient information, by a preponderance of the evidence, to determine that a policy violation occurred. The investigation will be impartial and will be conducted by trained investigator(s) who have no actual bias or conflict of interest for or against the Complainant or Respondent.

During the investigation and disciplinary proceedings, both the Complainant and Respondent have equitable opportunities, including the opportunity to receive a written notice of investigation; to participate in the investigation; to review and present information and evidence; to be accompanied by an adviser of their choice to any meeting; to timely and equal access to information that will be used in disciplinary proceedings; to timely notice of meetings at which their presence will be requested or required; to simultaneous written notice of the outcome, sanction, and rationale; and to appeal the outcome.

The investigator(s), not the parties, are responsible for gathering relevant evidence. The Complainant and Respondent will be asked to identify witnesses and provide other relevant information, such as documents, communications, and other evidence, if available. The parties are encouraged to provide all relevant information as promptly as possible to facilitate prompt resolution and are encouraged to preserve relevant evidence. In the event that a party declines to voluntarily provide material information, the College's ability to conduct a prompt, thorough, and equitable investigation may be adversely impacted.

1. Initiating an Investigation

If the Title IX Coordinator or a Deputy Title IX Coordinator determines that an investigation and adjudication should proceed under this policy, the Title IX Coordinator or a Deputy Title IX Coordinator will assign one or more investigators to conduct a prompt, thorough, fair, and impartial investigation. At the discretion of the Title IX Coordinator or a Deputy Title IX Coordinator, the assigned investigator may be an employee of Trinity College and/or may be an external investigator hired by the College. The investigator also may be an attorney or other individual with legal training. This decision will be informed by the complexity of the case, the availability of internal resources at the time of the investigation, and other reasonable considerations.

Students will play no role as investigators or panelists in the investigation and adjudication process. Any investigator used by the College will receive annual training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking; the definition of sexual harassment in the Title IX regulations; the scope of the College's education program and activity; how to conduct an investigation that is fair and impartial, providing the parties with notice and a meaningful opportunity to be heard and protecting the safety of all participants while promoting accountability; how to create an investigative report that fairly summarizes relevant evidence; and, how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The investigator(s) will be impartial and free from actual bias or conflict of interest for or against the Complainant or Respondent. If either party believes an assigned investigator has a conflict of interest or bias, they must notify the Title IX Coordinator as soon as possible, but no later than three (3) calendar days after receiving notice of the identity of the investigator(s) and/or adjudicator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as investigator(s) and/or adjudicator(s). The Title IX Coordinator's decision regarding any conflicts is final.

2. Notice of Allegations

The Title IX Coordinator or a Deputy Title IX Coordinator will provide the Notice of Allegations to the Complainant and Respondent. Such notice will occur as soon as practicable after the College receives a formal complaint of the allegations, if there are no extenuating circumstances.

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

a. Notice Contents

The Notice of Allegations will include the following:

- i. Notice of the College's investigation and adjudication process and a hyperlink to a copy of this policy;
- ii. Notice of the allegations potentially constituting 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 sexual harassment; and the date and location of the alleged incident, if known;
- iii. 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 investigation and adjudication process;
- iv. The name(s) of the investigator(s), including how to challenge participation by the investigator(s) on the basis of a conflict of interest or bias;
- v. Information about the parties' participation options in the process;
- vi. The prohibition against retaliation;
- vii. A list of available Supportive Measures;
- viii. A statement that the parties may have an adviser of their choice, who may be, but is not required to be, an attorney;
- ix. The importance of preserving any potentially relevant evidence in any format;
- x. 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 College 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; and

- xi. A statement that the College prohibits knowingly making false statements or knowingly submitting false information during a College-authorized investigation.

b. The Duty to Provide Ongoing Notice

If the investigation reveals the existence of additional or different potential violations of this policy, the Title IX Coordinator will issue a supplemental written notice of investigation. The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding the additional charges.

c. Acceptance of Responsibility

At any point during the investigation, the Respondent may elect to accept responsibility for some or all of the policy violations at issue. Where there is an acceptance of responsibility as to some but not all of the charges, the investigation will continue to conclusion, and any acceptance of responsibility will be documented in the investigation report. Where there is an acceptance of responsibility as to all of the potential policy violations, the investigator(s) will complete an investigation report of all information gathered to date and, after consultation with the Title IX Coordinator, will refer the matter for sanctioning, as described below. Where both parties agree, the matter also may be resolved through the Informal Resolution process.

d. Investigative Steps

The College recognizes the interests of all persons involved to have the investigation and adjudication process completed in the most expeditious manner possible; however, the College expressly states that it must balance this interest with the need to ensure that a thorough investigation, full participation, and adequate response time are afforded all parties.

During an investigation, the investigator(s) will seek to meet separately with the Complainant, Respondent, and relevant witnesses. Although the parties to the investigation may provide information and evidence, it is the investigator's responsibility to gather any evidence directly related to the allegations in the formal complaint to the extent reasonably available, such as information in the possession, custody, or control of the College (e.g., College security access records, employee or student information, etc.). The investigator(s) will send written notice of the interview date, time, and location, name of participants and purpose of the interview to the parties and witnesses, in sufficient time for the party to prepare and participate.

The investigator(s) will interview the parties and any witnesses likely to have information directly related to the formal complaint. The investigator(s) also will gather other related information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the applicable person), and other electronic records as appropriate.

The Complainant and Respondent will be asked to identify all relevant evidence they would like the investigator to review, as well as witnesses they would like the investigator to interview. Both parties may provide, if they wish, a list of questions they would like the investigator to ask

of particular witnesses or of each other. The investigator will exercise reasonable discretion in deciding which questions, if any, should be excluded.

At the conclusion of the investigation, the Complainant and the Respondent will have the opportunity to review and respond to all information gathered in the investigation that is directly related to the allegations, including information shared by the Complainant or the Respondent during their interviews or through evidence either provides.

3. Witnesses

The investigator(s) is authorized to contact any and all individuals with potentially relevant information and may interview such individuals on more than one occasion if necessary. The nature and scope of the investigation is within the discretion of the Title IX Coordinator or a Deputy Title IX Coordinator.

Both the Complainant and Respondent have the option to provide names of potential witnesses to the investigator(s). Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, the parties, or related matters. Witnesses also may be offered to provide subject matter expert information (See Other Evidence: Site Visits and Experts below).

In the event that witnesses are interviewed as part of the investigation, the name of the witness and the information gathered in the interviews will be included in the written investigation report, which the parties will have the opportunity to review at the conclusion of the investigation. Witnesses may be asked to participate in the hearing in response to the information gathered by the investigator(s).

4. Additional Evidence

Both the Complainant and the Respondent are permitted to provide other relevant evidence to the investigator(s). Evidence includes any facts or information presented in support of an assertion and may include text messages, email exchanges, timelines, receipts, photographs, etc. Any documentation shared by the Complainant or the Respondent with the investigator(s) will be provided to the other party. The investigator(s) also may consider additional documents, items, or other relevant information.

During the course of the investigation, the parties should bring any new or evolving evidence, such as harassing or retaliatory conduct, to the attention of the investigator(s). The investigator(s) may consider such information in the investigation and also will share any information about retaliation or violation of the terms of a Supportive Measure with the Title IX Coordinator for further action.

5. Relevance

The College will not restrict the ability of either party to gather and present relevant evidence. Evidence is relevant if it makes a material fact more or less probable than it would be without the evidence. In general, the investigator(s) have the discretion to determine the relevance and

probative value of information proffered or received. At the live hearing, as further described below, the Hearing Convener has the discretion to determine whether questions posed by the party's adviser are relevant, and only relevant questions may be asked of parties or witnesses at the hearing.

In addition, the investigator(s) and Administrative Hearing Panel will be guided by the following evidentiary considerations:

- ***Prior or Subsequent Conduct of the Respondent:*** In gathering information, the investigator also may consider other reports of, or findings of responsibility for, similar conduct by the Respondent to the extent such information is relevant and available. Such information may be relevant to prove motive, intent, absence of mistake, pattern, or another material fact. For example, where there is evidence of a pattern or conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be relevant and probative to the determination of responsibility and/or assigning of a sanction. Similarly, prior or subsequent conduct of a Complainant, even when it involves conduct that may violate College policy, may be considered when relevant. The investigator(s) will determine the relevance of this information, and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.
- ***Prior Sexual History of the Complainant:*** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless 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,
 - 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.

However, previous relationships or prior consent cannot imply consent to future sexual acts. The investigator(s), in consultation with the Title IX Coordinator, will assess whether information related to prior sexual history makes a material fact in the investigation more or less likely. Where a sufficient informational foundation exists for the inclusion of prior sexual history, the investigator(s) will provide notice to both parties of the scope of any inclusion of such information in the investigation report. The parties will have a full and fair opportunity to respond to the information included in the investigation report.

6. Social Media and Personal Communications

The investigator(s) also may consider information publicly available from online sources that comes to the attention of the investigator(s). The College does not actively monitor online sources, however, and as with all potentially relevant information, the Complainant, Respondent, or witness should bring online information to the attention of the investigator(s) if they believe it is relevant. The investigator(s) also may consider communications involving or relating to one or

both parties that either party brings to the attention of the investigator(s) or that is provided by the parties in response to a request by the investigator(s). The investigator(s) also may seek a review of information available on College devices or servers, consistent with the College's technology policies.

7. Other Evidence: Site Visits and Experts

The investigator(s) may visit relevant sites or locations and record observations through written, photographic, or other means. In some cases, the investigator(s) may consult with relevant experts when deemed appropriate and necessary by the College. If the investigator(s) or the Administrative Hearing Panel determines that expert witness testimony is necessary, then the College would secure attendance and be responsible for costs. If either party wishes to provide expert testimony or evidence, they are solely responsible for securing attendance of any expert witness at a hearing and for the costs or fees associated with any expert report or testimony.

8. Medical and Counseling Records and Other Privileged Information

The investigator(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege. There is no requirement that a Complainant or Respondent share privileged or confidential medical and counseling records. If a person voluntarily chooses to share medical or counseling records with the investigator(s), they must sign a written consent that acknowledges that relevant information from the medical or counseling records must be shared with the other party to ensure the other party has notice of that information and an opportunity to respond.

9. Expectations of the Parties

The College expects all members of the College community to cooperate fully with the investigation and disciplinary procedures. It is understood that there may be circumstances in which a Complainant or Respondent wishes to limit their participation, and the College will respect the choice of the Complainant or Respondent as to how to engage in proceedings under this policy. The College may, however, move forward with formal resolution without the participation of a party or parties.

The College will not draw any adverse inference solely from a Complainant's or Respondent's decision not to participate in the investigation or any form of resolution under this policy; however, the Complainant or Respondent should be aware that declining to participate in the investigation may impact the timing and outcome of the case.

In the event that a Respondent who has been notified of an investigation or adjudication fails to cooperate with the investigator(s), the investigation or adjudication may proceed, findings reached, and if appropriate, a sanction imposed based solely on the other information available.

10. Effect of Withdrawal from the College

At any time, the College may place an administrative hold on the Respondent's College transcript or defer or withhold the award of the Respondent's degree. Even if a Respondent

withdraws from the College, the Title IX Coordinator may proceed with further action as necessary to eliminate, prevent, or address any impacts of the reported conduct.

11. Safeguarding the Privacy of Complainants and Respondents

As stated above, the College will not restrict the ability of either party to gather and present relevant evidence. Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information to safeguard the integrity of the process and to avoid the appearance of retaliation.

While discretion regarding the process is important, Complainants and Respondents are not restricted from discussing and sharing information with others who may support or assist them during the process. All parties, however, are encouraged to maintain the privacy of Family Educational Rights and Privacy Act (FERPA)-protected and/or sensitive information gathered or learned in the process.

12. Timing of Investigation

The investigator(s) will provide periodic updates to the parties about the status of the investigation, with a goal to complete the fact-gathering portion of the investigation within approximately fifty (50) business days.

At the conclusion of the fact-gathering process and prior to the completion of the investigation report, the investigator will make information gathered in the investigation available for review by the parties and their advisers. The parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The investigator will send to each party and the party's adviser, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) business days to submit a written response, which the investigator will consider prior to completion of the investigative report. In the written submission, the parties may offer additional comment or feedback on the facts as gathered, clarify information previously shared, suggest additional witnesses, or identify any other relevant information or evidence to assure the thoroughness, sufficiency, and reliability of the investigation.

XIV. The Investigation Report

Based on the written responses to the evidence review and preliminary investigation report, the investigator(s), in coordination with the Title IX Coordinator or a Deputy Title IX Coordinator, will determine whether further investigation is required. In either case, the investigator will produce an investigation report. The Title IX Coordinator or a Deputy Title IX Coordinator will share the report with the Complainant and Respondent, simultaneously, in writing.

The investigation report will be sent to each party and their advisers in an electronic format or a hard copy for their review and written response. Both parties may submit a written response to the investigation report to the Title IX Coordinator or a Deputy Title IX Coordinator within ten (10) calendar days of receiving the investigation report. The Title IX Coordinator or a Deputy Title IX Coordinator may extend this deadline for good cause, in which case, both Complainant and Respondent will be afforded the same duration of time in which to submit a written response.

If a party disagrees with the investigator's determinations about relevance, the party can make that argument in the party's written response to the investigation report and to the Administrative Hearing Panel at any hearing held.

1. Special Situations in the Investigative Process

The College retains the right to determine, in its sole discretion, if it will address a report of conduct that falls under this policy administratively and outside of the process described herein when the safety of the College community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving either of the parties, or if the Title IX Coordinator or a Deputy Title IX Coordinator, in consultation with appropriate administrators, determines it is in the best interest of the College and/or the community to do so.

Regardless of whether a complaint is made, the College may investigate health, safety, or welfare concerns involving Trinity College students, employees, programs, or activities, including concerns about sexual violence or harassment. The scope of such investigations will be determined on a case-by-case basis by the College's administration in consultation with legal counsel and may include outside investigators or consultants. Depending on the purpose of the investigation, disclosure of the results may be limited. Faculty, staff, and students are expected to cooperate fully with any investigation authorized by the College.

XV. Formal Resolution Process: Hearing and Appeal

1. Selection of the Administrative Hearing Panel

Upon submission of the investigation report to the parties, the Title IX Coordinator or a Deputy Title IX Coordinator will select an Administrative Hearing Panel and charge that panel to (a) review the investigation report and the responses of the parties to that report, (b) convene and conduct an impartial hearing with live examination of witnesses, (c) determine whether the information is sufficient, by a preponderance of the evidence standard, to establish that the Respondent violated College policy, and (d) in cases where the Respondent is found responsible, deliberate and impose an appropriate sanction.

The Administrative Hearing Panel will have three members, two of whom must be College employees. The employee members of the panel will be drawn from a pool of College employees who have received specialized training, as described below. Whenever possible, in cases in which the Respondent is an employee of the College, at least one member of the panel will be from the same job classification (i.e., staff or faculty) as the Respondent. The pool will not include the Vice President for Academic Affairs, the Vice President of Finance and Operations, nor the Vice President for Student Success and Enrollment, who must remain available for appeals, nor will the President of the College serve on an Administrative Hearing Panel.

The third member of the panel will serve as the chair and Hearing Convener. The Hearing Convener need not be a member of the College community.

All members of the Administrative Hearing Panel will be free from conflicts of interest and bias for or against either party and will receive annual training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking; the scope of the College's education program or activity; how to conduct a hearing and adjudicate in a manner that is fair and impartial by avoiding prejudgment of the facts at issue; technology that will be used at a live hearing; and issues of relevance of questions and evidence. [Training materials are posted on the College's Title IX Office web page](#). If either party believes a member of the Administrative Hearing Panel has a conflict of interest or bias, they may notify the Title IX Coordinator, who will determine if a designee should be appointed.

2. Notice of Hearing

The Title IX Coordinator or a Deputy Title IX Coordinator will notify the Complainant and the Respondent simultaneously in writing of the date, time, location, and factual allegations concerning the violation(s); the provisions of the policy alleged to have been violations; the proposed membership of the Administrative Hearing Panel; how to challenge participation of the any member of the Administrative Hearing Panel on the basis of conflict of interest or bias; the right to have an adviser present at the hearing and conduct questioning on the party's behalf; that the College will provide an adviser, without fee or charge, to conduct questioning on behalf of the party at the hearing if the party does not have an adviser present for the hearing; how to request that witnesses be present at the hearing; information about the hearing format; and the sanctions that may be imposed.

The Respondent and Complainant will be provided the Notice of Hearing at least ten (10) calendar days prior to the date of the hearing. The time frame in which the hearing is conducted may be extended for good cause at the discretion of the Title IX Coordinator or Deputy Title IX Coordinator. Hearings may be scheduled whenever the College is officially open (including summer and winter breaks).

The Complainant and Respondent will have three (3) business days to request that a proposed panel member be recused for cause, conflict of interest, or bias. The Title IX Coordinator or a Deputy Title IX Coordinator, after considering the party's stated reasons for recusal, will determine whether the proposed member should be recused and replaced with someone else. Anyone proposed as a replacement panel member will be subject to the same vetting process and time frame set forth above in this paragraph.

Upon expiration of the deadlines for the Complainant and Respondent to respond to the Notice of Hearing and to make any potential objections to the proposed members of the panel, the Title IX Coordinator or a Deputy Title IX Coordinator will share the investigation report and the written responses of the Complainant and Respondent to that report and any evidence shared with the parties for their review as part of evidence review with the Administrative Hearing Panel, the Complainant, the Respondent, and the parties' advisers simultaneously, in writing. This record will constitute the entirety of the evidence that the Administrative Hearing Panel may consider prior to the live hearing.

3. Impact and Mitigation Statements

Upon receiving the Notice of Hearing, and until three (3) business days prior to the commencement of the Administrative Hearing, both parties may submit Impact and Mitigation Statements to the Title IX Coordinator or a Deputy Title IX Coordinator. These statements present the parties with the opportunity to share any information they would like the Administrative Hearing Panel to consider when assigning a sanction. The Title IX Coordinator or a Deputy Title IX Coordinator shall disclose Impact and Mitigation Statements to the Hearing Panel only in cases in which the Respondent is found responsible and only after the Hearing Panel already has reached its decision regarding the Respondent's liability.

4. The Hearing

As promptly as possible, but no earlier than ten (10) calendar days after the Notice of Hearing is issued, the Administrative Hearing Panel will hold a hearing for the presentation of live testimony and examination of relevant witnesses. Throughout the hearing, the Respondent is presumed not responsible.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through electronic video conferencing. This technology will enable participants simultaneously to see and hear one another and all participants. At its discretion, the College may delay or adjourn a hearing based on technological errors not within the College's or a party's control. All proceedings will be recorded through audio and a transcript will be made available to the parties upon request.

The hearing is an opportunity for the parties to address the Administrative Hearing Panel. The parties may address any information in the investigation report and supplemental statements submitted in response to the investigation report. The College will make all evidence directly related to the allegations, as shared in the evidence review with the preliminary investigation report, available to the parties at the hearing, including for the purposes of cross-examination.

The Administrative Hearing Panel has the discretion to determine the format for the hearing and its deliberations. Typically, the Complainant and Respondent will have an opportunity to provide an opening statement to the Administrative Hearing Panel. Each party will then have an opportunity to address the Administrative Hearing Panel and respond to questions by the Administrative Hearing Panel, and/or as described below, the other party's adviser. The Administrative Hearing Panel also will hear from relevant witnesses, including the investigator(s). Each party will have the opportunity to question the other party, the witnesses, and the investigator(s) through their adviser of choice, or hearing adviser provided by the College, directly, orally, and in real time. If a party does not have an adviser present at the live hearing, the College will provide an adviser, free of charge, who may be, but is not required to be, an attorney, for questioning on behalf of that party.

Only relevant questions may be asked of a party or witness. Before a Complainant, Respondent, or witness responds to a question, the Hearing Convener first will determine whether the

question is relevant and briefly explain any decision to exclude a question as not relevant as defined above. If a party or witness does not submit to questioning by the other party's advisers at the hearing, the Administrative Hearing Panel may not rely on any statement made by that party or witness in reaching a determination regarding responsibility. The Administrative Hearing Panel may not draw any inference from the decision of a party or witness to not participate at the hearing.

After all parties and witnesses have been heard, the parties will have an opportunity to provide a closing statement. The adviser may not provide the opening or closing statement and may not provide answers or responses on behalf of a party. The adviser's role during the hearing is to conduct questioning of the other party and any witnesses. A party may never conduct questioning of the other party themselves.

Following the conclusion of the hearing, the Administrative Hearing Panel will resolve all outstanding questions of fact, including the credibility of witnesses and the adequacy of the proof of the allegations, and will render a decision. In determining the outcome of the case, the Administrative Hearing Panel will apply the "preponderance of the evidence" standard, i.e., whether it is more likely than not that the allegations of the complaint are proven, and if so, whether the conduct violated this policy. The burden of proving that this standard was met rests with the College, not the parties to the case. The Administrative Hearing Panel will notify the Title IX Coordinator or a Deputy Title IX Coordinator of its decision. After being informed of the decision of the Administrative Hearing Panel, and only in cases in which the Respondent is found responsible, the Title IX Coordinator or a Deputy Title IX Coordinator shall disclose the Impact and Mitigation Statements, if any, to the Hearing Panel.

5. Assigning a Sanction(s)

Following receipt of the parties' impact statements, the Administrative Hearing Panel will reconvene to assign a sanction. In addition to the parties' impact statements, the Title IX Coordinator or a Deputy Title IX Coordinator also will provide the panel with a summary of the judicial/disciplinary history (date, charge, and disciplinary action) of the respondent, if applicable, along with any available sanctioning precedents in similar cases. The Administrative Hearing Panel will consider all of the documents and information provided in determining an appropriate sanction. The Title IX Coordinator or a Deputy Title IX Coordinator will notify the Complainant and the Respondent of the decision of the Administrative Hearing Panel and any sanction imposed, simultaneously, in writing, no later than ten (10) business days following the decision.

The policy prohibits a broad range of conduct, all of which is serious in nature. In keeping with the College's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the Administrative Hearing Panel has great latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the conduct on the Complainant and surrounding community, and accountability for the Respondent. Sanctions should support the College's educational mission and federal obligations.

In determining the appropriate sanction(s) and/or remedies, the Administrative Hearing Panel will consider a number of factors, including:

- The nature of the conduct at issue;
- The impact of the conduct on the Complainant;
- The impact or implications of the conduct on the College community;
- Prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the College or elsewhere, and any criminal convictions, if such information is available and known;
- Any expression of remorse or acceptance of responsibility by the Respondent;
- Maintenance of a safe and respectful environment conducive to learning;
- Protection of the College community;
- The necessity of any specific action to eliminate the harassment, prevent its recurrence, and remedy its effects on the Complainant or other College community members; and,
- Any mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

Sanctions may be issued individually, or a combination of sanctions may be imposed. Sanctions typically will be imposed immediately, although the Title IX Coordinator in consultation with the Vice President for Student Success and Enrollment (if a student), the Vice President for Academic Affairs (if a faculty member), or the Vice President of Finance and Operations (if a staff member) has the discretion to stay imposition of some or all sanctions pending an appeal. See Part XVI below for the range of possible sanctions.

6. The Written Outcome Letter

The Administrative Hearing Panel will prepare a written outcome letter, including the finding of responsibility or non-responsibility, and, if applicable, the sanction and rationale. To the extent permitted by law, the Complainant and Respondent will be informed simultaneously, in writing, no later than ten (10) business days following the conclusion of the disciplinary hearing.

The written outcome letter will include:

- Identification of the allegations potentially constituting a policy violation;
- 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;

- Findings of fact supporting the determination;
- Conclusions regarding the application of the policy to the facts;
- A statement of, and rationale for, the result as to each alleged policy violation, including a determination regarding responsibility, any disciplinary sanctions, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided to the Complainant; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

Sanctions will be imposed by the Appropriate College Official. Sanctions against a faculty member are subject to the procedure outlined in Appendix B.9 of the *Faculty Manual*.

XVI. Range of Sanctions

1. Students

Disciplinary action for students may include suspension or expulsion from any or all College program(s) and activities in which the student is enrolled or participating (including club or intercollegiate athletics); admonition; confiscation of property; censure; educational sanctions; referral for alcohol/drug education, assessment, or counseling; restitution; fines; restriction; prohibition against participation; or any combination of these sanctions or those listed in the *Student Handbook*. It also may include other action as deemed appropriate under the circumstances to preserve the rights of the Complainant to a safe environment. Although sanctions for violation(s) of this policy can include any form of discipline as stated in this section, students found to have committed sexual assault most likely will receive a sanction of suspension or expulsion.

2. Staff

Disciplinary action for staff employees is governed by existing policies in the *Employee Handbook* and/or collective bargaining agreements, as applicable, and may include verbal warnings, written warnings, written reprimands, suspension, termination of employment, or other action as deemed appropriate under the circumstances.

3. Faculty

Sanctions against a faculty member are subject to the procedure outlined in Appendix B.9 of the *Faculty Manual*. Disciplinary action for faculty employees includes:

1. Treatment: Medical or psychological treatment may be indicated. The matter may be considered closed when the faculty member is verified by a competent professional to be able to resume his or her duties, or this action may be coupled with admonition, censure, or suspension.
2. Admonition: A letter of admonition will be sent to the Respondent by the Dean. In

addition, a copy of the letter of admonition will be placed in the Respondent's official personnel file.

3. Censure: A letter of admonition will be sent to the Respondent by the Dean. In addition, the fact of the admonition will be published in the faculty minutes, and a copy of the letter of admonition will be placed in the Respondent's personnel file.
4. Suspension: This penalty is a temporary separation from the College. The conditions for the return of the faculty member to the College will be stipulated as part of the sanction. Notice of this penalty will be placed in the Respondent's personnel file.
5. Dismissal: This sanction is a permanent separation from the College. Notice of this sanction will be placed in the Respondent's personnel file.

XVII. Appeals

The Complainant and Respondent may appeal the outcome, subject to the limitations set forth below. The Title IX Coordinator or a Deputy Title IX Coordinator will provide written notification to the Complainant and the Respondent of any applicable appeal procedures at the time the Complainant and Respondent receive the Administrative Hearing Panel's written outcome letter. The purpose of an appeal is to allow the College to review and correct material errors in the adjudication process, if any.

1. Grounds for Appeal

A Complainant or Respondent may appeal the decision of the Administrative Hearing Panel on one or more of the following grounds:

- Discovery of new evidence, which was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could materially affect the original outcome. Omission of factual information that was known and available to the appealing party is not a valid ground for an appeal;
- Procedural irregularity that materially affected the outcome of the matter;
- Abuse of discretion in the issuance of a sanction, meaning the Administrative Hearing Panel imposed a sanction that was significantly disproportionate to the offense; or
- The Title IX Coordinator, investigator(s), and/or any member of the Administrative Hearing Panel had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The right of appeal is available only to a Respondent or Complainant.

2. Appeal Procedures

An appeal must be made in writing and signed by the party filing the appeal. An appeal in which the Respondent is a faculty employee must be directed to the Vice President for Academic

Affairs; an appeal in which the Respondent is a student must be directed to the Vice President for Student Success and Enrollment; and an appeal in which the Respondent is a staff employee must be directed to the Vice President of Finance and Operations. Any of these individuals may assign the appeal to a designee, so long as that person is appropriately trained and does not have a conflict of interest or bias.

Appeals must be made within five (5) business days of receipt of the written outcome letter and must include the grounds for appeal and an outline of any supporting evidence. Appeals transmitted via email will be considered to be “in writing” for the purposes of this section.

When a party appeals either the determination of the Administrative Hearing Panel or the dismissal of a formal complaint, the Title IX Coordinator or Deputy Title IX Coordinator will do the following:

- Notify the other party in writing when an appeal is filed;
- Ensure that the appellate official is not the investigator(s) or a member of the Administrative Hearing Panel and ensure that this individual is trained appropriately; and
- Allow both parties the opportunity to submit a written statement in regard to the appeal.

The appellate official may deny the appeal if it does not satisfy at least one of the four grounds for appeal described above. In cases in which one or more of the appeal grounds have been met, the substance of the appeal will be weighed carefully. If the appellate official determines that there are sufficient grounds to alter the prior decision, it is the responsibility of the appellate official to determine the scope of a new review and to award one of the following two forms of relief:

- Return the case to the Title IX Coordinator or a Deputy Title IX Coordinator with instructions for further investigation, if applicable, and consideration by the same or a different Administrative Hearing Panel; the decision about the composition of the panel remains at the sole discretion of the appellate official; or
- Return the case to the Title IX Coordinator or a Deputy Title IX Coordinator with instructions to appoint a different Administrative Hearing Panel to review the case.

Absent extenuating circumstances, the appellate official will notify the Complainant and Respondent of the appeal decision (i.e., whether the grounds for appeal have been adequately established) simultaneously and in writing within fifteen (15) business days of receiving the appeal and will notify the Title IX Coordinator or a Deputy Title IX Coordinator in writing of instructions for any further action. All decisions by the appellate official are final.

XVIII. No-Contact Orders

No-contact orders are issued to prohibit individuals from visiting, calling, or sending messages to each other, whether physically, electronically, directly, or through third parties. No-contact orders are not disciplinary actions and do not become part of an individual’s conduct record. However, failure to abide by a no-contact order may result in disciplinary action and could result

in disciplinary sanctions and a conduct record. Alleged violations of no-contact orders involving students will be investigated and adjudicated by the Office of Student and Community Life. For employees, Human Resources will investigate and resolve alleged violations.

The Title IX Coordinator or Deputy Title IX Coordinator has authority to issue no-contact orders in cases involving allegations of sexual harassment. In so doing, the Title IX Coordinator or Deputy Title IX Coordinator will consider all known facts and circumstances that may be relevant to whether a no-contact order should be issued, including, but not limited to:

- Whether there are allegations, threats, or evidence of physical violence, emotional abuse, or intimidation that suggest a danger to either party or to the community;
- The respective living arrangements of the parties;
- Whether the parties share classes, work spaces, or offices;
- How to fairly manage any shared extracurricular activities; and
- How to address issues resulting from overlapping social circles or professional obligations.

The Title IX Coordinator may put a no-contact order in place even if students do not request one if circumstances warrant it.

No-contact orders typically remain in place until the Title IX Coordinator or a Deputy Title IX Coordinator deems it no longer necessary. Prior to dismissing a no-contact order, the Title IX Coordinator or a Deputy Title IX Coordinator will consult with all parties involved. No-contact orders that are long-standing will be reviewed at least every four months with each party. The purpose of the review is to assess compliance and effectiveness, and to determine if any changes need to be made.

XIX. Prevention and Education

The College offers prevention and education programs designed reduce and eliminate sexual harassment, including sexual violence, in the campus community. These programs are available to faculty, staff, students, and covered third parties. Incoming students and new employees receive primary prevention and awareness programming, and returning students and current employees receive ongoing training and related programs. Education programs include, but are not limited to, bystander intervention, social event management, and programs around consent. More information is available on the College website.

XX. Training, Documentation, and Record Retention Policies

Individuals facilitating informal resolutions and/or conducting investigations and adjudications under this policy will receive training annually on the issues related to sexual harassment, sexual assault, domestic violence, dating violence, stalking, and related retaliation; how to conduct a prompt, fair, and impartial investigation and/or adjudication process that protects the safety of

Complainants and promotes accountability; and any other specific training required by the Clery Act and Title IX.³

Further, the Title IX Coordinator, Deputy Title IX Coordinators, and Campus Safety will be educated in awareness and prevention of sexual assault, stalking, and intimate partner violence and will have an understanding of trauma-informed investigation models.

The College will create and maintain the following records for a period of seven years: records of any actions, including any Supportive Measures, taken in response to a report or formal complaint of sexual harassment; records of investigations, including any determination regarding responsibility and any audio recording(s) or transcript(s) created, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant; any appeal and the result of that appeal; and any Informal Resolution and the result of such resolution processes. These records will be maintained in accordance with the privacy protections set forth in Title IX, Title VII, the Clery Act, FERPA, and applicable state law regarding the privacy of personnel records.

Date: March 15, 2021

President Joanne Berger-Sweeney

A handwritten signature in cursive script that reads "Joanne Berger-Sweeney". The signature is written in black ink and is positioned below the printed name.

³ As required by the Title IX regulations, training required of—and received by—College officials or external professionals involved in responding to reports of sexual harassment is published online.

Appendix A – Resources

Available Assistance for Victims of Alleged Sexual Harassment

Immediate Assistance

An individual who has been subject to an incident of alleged sexual harassment, has observed an incident, or is otherwise involved should seek immediate assistance as provided below.

Hartford Police Department: Emergency, call 911
Nonemergency, call 860-757-4000

A victim of an alleged incident of sexual harassment also may access the following off-campus, confidential advocates, support, and resources at any time (24/7):

- Statewide Sexual Violence Hotline: 888-999-5545
- Statewide Sexual Violence Spanish Hotline: 888-568-8332
- Statewide Domestic Violence Hotline: 888-774-2900
- Statewide Domestic Violence Spanish Hotline: 844-831-9200

Trinity College Campus Safety: 860-297-2222, 76 Vernon Street
Campus Safety may, in turn, contact the Administrator-on-Call (AOC).

- The Administrator-on-Call is a College administrator who is available 24 hours a day, every day. Campus Safety personnel and AOCs are considered Responsible Employees as defined in this policy (see the “Reporting Protocols and Confidentiality” section) and are therefore required to report incidents of sexual harassment to the Title IX Coordinator. The AOC can assist the victim of alleged sexual harassment with contacting confidential campus resources. The College’s immediate response to an incident of alleged sexual harassment will include consideration of the victim of alleged sexual harassment’s request for confidentiality in accordance with this policy and also may include the implementation of safety measures as deemed necessary.

Employee Assistance Program for faculty and staff: www.HigherEdEAP.com or 800-225-2527

Medical Care and Evidence Preservation

Any individual who may be experiencing or has experienced sexual harassment, domestic violence, dating violence, stalking, or related retaliation is encouraged to immediately seek any necessary medical care and to seek help from an appropriate College official, law enforcement, and/or medical personnel, even if the individual is uncertain about whether to ultimately pursue a complaint, to file criminal charges, or to seek other legal remedies. *It is important for individuals to preserve all possible evidence in case they decide at some point to engage the legal process or to file a complaint with the College.* Therefore, if at all possible, victims of alleged sexual harassment should refrain from changing clothes, showering, or otherwise changing their

physical state after an incident until after consulting with medical personnel. The individual also should preserve any available physical evidence, documents, or electronic evidence (e.g., text messages, photographs, social media posts, etc.). Such evidence may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order.

A victim of alleged sexual harassment may seek medical care, including treatment for injuries, preventive treatment for sexually transmitted diseases, pregnancy tests and contraception, and other health services, plus evidence preservation through a medical exam (i.e., evidence collection kit) at the local facilities listed below. Campus Safety will facilitate transportation as needed and may be reached at 860-297-2222.

- Hartford Hospital: SANE (Sexual Assault Nurse Examiner) available: 80 Seymour Street, Hartford: 860-545-5000
- St. Francis Hospital, Hartford: SANE available: 114 Woodland Street: 860-714-4000
- Hospital of Central Connecticut: SANE available: 100 Grand Street, New Britain: 860- 224-5011

An individual seeking medical attention as described in this policy may be accompanied by an advocate. YWCA Sexual Assault Crisis Services (SACS) offers 24/7 trained volunteer advocates who will accompany a person to the hospital, explain the process, provide advocacy, and stay with the person, if they wish, for the duration of the exam and time at the hospital. An advocate may be reached by calling 860-225-4681, ext. 211.

Trinity College's Sexual Assault Resource Team (SART) members (see below) are available during business hours to accompany a person to the Trinity College Health Center or other facility.

Ongoing Assistance

A victim of alleged sexual harassment may receive ongoing assistance from on-campus resources as needed. The service locations and contact information for these resources are detailed below.

Interim Title IX Coordinator

Rita Kelley
titleixcoordinator@trincoll.edu
860-297-2688

Interim Deputy Title IX Coordinator

Amanda Brahm
titleixcoordinator@trincoll.edu
860-297-2291

The Sexual Assault Resource Team (SART)

Trinity College maintains a Sexual Assault Resource Team (SART). SART members offer support, guidance, referrals, and information. They are trained to provide a prompt and thorough response to victims of all forms of alleged sexual harassment.
www.trincoll.edu/Campus-Safety/SART

Appropriate College Officials

Rita Kelley, Interim Title IX Coordinator
Amanda M. Brahm, Interim Deputy Title IX Coordinator
Kristen Noone, Deputy Title IX Coordinator, Assistant Director, Athletics
Brian Heavren, Director of Campus Safety
Joe DiChristina, Vice President for Student Success and Enrollment
Jody Goodman, Dean of Student Life and Director of the Bantam Network
Robert Lukaskiewicz, Dean of Community Life and Standards
Ann Reuman, Senior Associate Dean and Special Assistant to the Vice President for Student Success and Enrollment
Sonia Cardenas, Acting Dean of the Faculty and Vice President for Academic Affairs
Takunari Mizayaki, Associate Dean for Faculty Development
Dan Hitchell, Vice President of Finance and Operations
Anita Davis, Vice President for Diversity, Equity, and Inclusion
Michelle Cabral, Assistant Vice President for Human Resources
Donna Ciarfella, Associate Director of Human Resources

Confidential Resources

Spiritual and Religious Life (PE): Chapel

The Reverend Trevor Beauford: 860-297-2013
The Reverend Rebekah Hatch: 860-297-2012

Counseling and Wellness Center (PE), 135 Allen Place, 860-297-2415

Randolph M. Lee, Ph.D., Director
Kristine Kennan, Psy.D., Associate Director
(After business hours: An available counselor's phone number may be obtained by calling the office number).

The Health Center (CE), Wheaton Hall, 860-297-2018

Martha Burke O'Brien, Practice Director of Student Health Services for Campus Care

Health Center Staff, with the exception of front desk staff

Women & Gender Resource Action Center (WGRAC) (CE), Mather Hall, second floor: Laura Lockwood, Director: 860-297-2408

Other Resources

The U.S. Department of Education's Office for Civil Rights (OCR) is responsible for

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enforcing Title IX and other federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial aid. Inquiries and complaints may be directed to OCR at 800-421-3481 or ocr@ed.gov.