

Trinity College Interim Policy on Sexual Harassment

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Trinity College Interim Policy on Sexual Harassment

Introduction

Trinity College prohibits sex discrimination in employment at Trinity and in the College's educational programs and activities. This policy specifically prohibits sexual harassment, defined as 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, typically understood as hostile environment sexual harassment. For the purposes of this policy, the term "sexual harassment" encompasses hostile environment sexual harassment, quid pro quo sexual harassment, as well as 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 takes allegations of sexual harassment seriously and has established procedures for the reporting and prompt, fair, and impartial adjudication of sexual harassment complaints, from the initial response to the final result. This policy describes the mechanisms for reporting and adjudicating allegations of sexual harassment in all its forms. Trinity College has adopted other policies that prohibit sex discrimination more broadly, including forms of sexual misconduct that may not fall within this policy's definition of sexual harassment. The prohibitions in those policies may overlap with those of this policy. This policy 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, in order to update important information and to ensure ongoing compliance with applicable laws.

Effective Date

This policy will become effective on August 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after August 14, 2020. Complaints brought prior to August 14, 2020 will be investigated and adjudicated according to the pre-existing Trinity College Policy on Sexual Misconduct.

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, visitors, and independent contractors, as well as those who participate in the College's domestic programs and activities, whether on or off campus. Any such individual may make a report under this policy. The College does not have jurisdiction to investigate reported incidents involving members of the College community that occurred prior to the individual being enrolled at or employed by the College when the incident did not occur on campus or in connection with the College's domestic program, activity, or employment. Individuals who wish to report or file a complaint pertaining to sexual misconduct that falls outside the scope of this policy may do so under the Student Handbook or the Employee Handbook, as appropriate. Vendors, and others

who conduct business with the College or on College property are also 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.

The College will respond promptly and equitably to all allegations of sexual harassment involving a College community member and will provide supportive measures for victims of alleged harassment and respondents to complaints of alleged sexual harassment. 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 in cases of sexual harassment may be found in the "Reporting Protocols and Confidentiality" section of this policy.

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

Obligation to Report

In accordance with the mandatory reporting requirements detailed in the "Reporting Protocols and Confidentiality" section below, any Trinity student, faculty member, staff member, or covered third party who has reasonable cause to believe that there has been a violation of this policy should immediately report this information to an Appropriate College Official, see "Appendix A."

Title IX Coordinator

The College's Title IX Coordinator may be reached by e-mail titleixcoordinator@trincoll.edu or phone at (860) 297-2688. The Title IX Coordinator is responsible for providing leadership and centralized support for compliance with all requirements under Title IX of the Education Amendments Act of 1972 (Title IX), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Violence Against Women Act (VAWA), 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 is also responsible for implementing complaint and investigation procedures, as well as training programs related to Title IX compliance. See the "Complaint Investigation and Adjudication Process" section of this policy for the Title IX Coordinator's specific duties related to complaints of sexual harassment.

The Title IX Coordinator may designate Deputy Coordinators to assist in Title IX compliance. Those individuals would have duties and responsibilities similar to the Title IX Coordinator and would 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.

Definition of Sexual Harassment

The following are the definitions of conduct prohibited under this policy. Sex-based conduct that does not meet these definitions may violate other College policies and remain subject to the procedures applicable to those policies. 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.

Sexual Harassment

For the purposes of this policy, “sexual harassment” is defined in three categories: (1) Hostile Environment Sexual Harassment; (2) Quid pro Quo Sexual Harassment; and (3) four specific offenses prohibited under the Clery Act, as amended by the Violence Against Women Act (VAWA) – Sexual Assault, Dating Violence, Domestic Violence, and Stalking. Such conduct violates college policy when it has the purpose or effect of unreasonably interfering with an individual’s employment or educational opportunities by creating an intimidating, hostile, or offensive educational, living, or work environment.

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 can also 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.

Hostile Environment Sexual Harassment

Hostile environment sexual harassment involves unwelcome conduct of a sexual nature or based on a person’s sex that is objectively offensive, pervasive, and severe. 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 e-mails, 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. Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances.
6. 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.
7. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

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.

Sexual Assault

Sexual assault is any intentional sexual contact without consent, whether such contact directly touches skin or is through clothing. It includes any intentional sexual contact with the breasts, buttocks, groin, genitals, mouth, or other bodily orifice of another; or touching another with any of these body parts; or making someone touch someone else's or that person's own body parts; or any intentional bodily contact of a sexual nature, whether or not it involves the previously mentioned body parts; or disrobing or exposure of another without that person's consent. Sexual assault also includes attempted nonconsensual sexual intercourse.

Rape

Rape is a form of sexual assault involving sexual penetration without consent. Rape is defined as: (a) any sexual penetration of the vagina or anus, however slight, with any object or body part without consent; or (b) any penetration of the mouth, however slight, by any sex organ or any object used in a sexual manner without consent.

Domestic Violence

Domestic violence is abusive behavior in any relationship that is used by one person to gain or maintain power and control over another person. It includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant (e.g., roommate), or person similarly situated under domestic or family violence law. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.

Dating Violence

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such a relationship will be determined by the length, type, and frequency of the interaction.

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 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.

Retaliation

Consistent with state and federal laws, this policy prohibits retaliation against a person for: reporting discrimination and harassment; filing a complaint of discrimination or harassment; or participating in the investigation or adjudication of such a complaint. Retaliation is also prohibited against persons who assist others in bringing a complaint of discrimination or harassment by offering advice and moral support or by giving testimony or documentary evidence in response to a complaint.

Retaliation is defined as conduct that may reasonably be perceived to:

- adversely affect a person’s educational, living, or work environment because of his or her good-faith participation in the reporting, investigation, and/or resolution of a report of a violation of this policy; or
- discourage a reasonable person from making a report or participating in an investigation under this policy, any other College policy, or any other local, state, or federal complaint process, e.g., filing a complaint with an entity such as the U.S. Department of Education.

Retaliation includes, but is not limited to, acts or words that constitute intimidation, threats, or coercion intended to pressure any individual to participate, not participate, or provide false or misleading information during any proceeding under this policy. Retaliation may include abuse or violence, other forms of harassment, and/or making false statements about another person in print or verbally with intent to harm their reputation.

Retaliation can be committed by any individual or group of individuals, not just a Responding Party or a Complaining Party. Retaliation constitutes 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.

False Accusations

Intentionally false accusations will not be tolerated. Any person who brings an intentionally false claim of discrimination or harassment is subject to disciplinary action up to and including expulsion or termination; other available sanctions are outlined below. 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.

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.

Forms of Sexual Misconduct Prohibited under Other Policies

Trinity College prohibits the following specific forms of sexual misconduct that although they do not qualify as “sexual harassment” under this policy, 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.

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 taking advantage of that individual’s impairment or intoxication.

Coercion

Coercion is defined for purposes of this section as 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 he or she does not want to engage in sexual activity or does not want to go beyond a certain point of sexual interaction, continued pressure beyond that point may be considered coercive. Ignoring or dismissing the objections of another person may also be a form of coercion.

Sexual Exploitation

Sexual exploitation occurs when a person takes 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:

1. Prostituting another person;
2. Recording images (e.g., video, photograph), audio, or otherwise of another person’s sexual activity, intimate body parts, or the person in a state of undress;
3. Distributing images (e.g., video, photograph), or audio of another person’s sexual activity, intimate body parts, or the person in a state of undress; and
4. Viewing another person’s sexual activity, intimate body parts, or the person in a state of undress in a place where that person would have a reasonable expectation of privacy.

Even if a person consented to sexual activity, consent must also be given to any photographing or recording of sexual activity. In addition, even if a person consented to

photographing or recording of sexual activity, consent must also be given for any distribution of that material.

Intimate Partner Violence

Intimate partner violence means any physical or sexual harm against an individual by a current or former spouse of, or person in a dating relationship with, such individual that results from any action by such spouse or such person that may be classified as a sexual assault, stalking, or family violence.

Improper Romantic Relationships

All relationships that occur in a hierarchical relationship present an imbalance of power. By virtue of his or her position of authority, a supervisor or faculty member is able 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. 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.

Other Definitions

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 he or she has 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, and those who are by law unable to give consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard or being asleep or unconscious.

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. Past 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.

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

Appropriate College Official

For purposes of this policy, the term Appropriate College Official refers to the Title IX Coordinator or a Deputy Title IX Coordinator; an Associate Dean of Students, the Dean of Students, or the Vice President for Student Success and Enrollment Management; the Director of Campus Safety, a Dean of Academic Affairs or the Vice President for Academic Affairs; an Associate Director, or the Assistant Vice President of Human Resources.

Education Program or Activity

For the purposes of this policy, Trinity College’s “education program or activity” includes:

- Any on-campus premises;
- Any off-campus premises over which the College has substantial control, including buildings or property owned or controlled by a recognized student organization; and
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in or connected to the operations of the College’s programs and activities over which the College has substantial control.

Reporter

For the purposes of this policy, the term Reporter refers to anyone who reports an allegation of sexual harassment to the College. A Reporter can be the victim of alleged sexual harassment, a bystander, or any other person with reliable information about alleged sexual harassment. A Reporter need not be a Complainant, as defined below.

Complainant

A Complainant is one who initiates the College’s sexual harassment investigation and adjudication process by filing a signed written complaint of sexual harassment against a Trinity College student, employee (including staff and faculty), or contractor. A Complainant need not be a member of the College community so long as the Complainant at the time of the alleged sexual harassment was attempting to participate in the College’s education program or activity and the College has jurisdiction over the person accused of sexual harassment. In cases where the circumstances of an alleged sexual harassment suggest that the safety of the College community is at risk, the College, through its Title IX Coordinator, may choose to file a written complaint even in the absence of a complaint by the victim of the alleged sexual harassment.

Respondent

A Respondent is an individual accused of sexual harassment.

Party or Parties

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.

Supportive Measures and Accommodations

Trinity College will identify appropriate options to determine whether accommodations or supportive measures, when requested, are reasonably available in a particular case. It is not necessary for someone affected by sexual harassment to file a complaint, participate in an adjudication process, or file a criminal complaint in order to request accommodations or supportive measures from the College. The College will maintain the confidentiality of any accommodations or supportive measures provided, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the accommodations or supportive measures. All accommodations and supportive measures will be conveyed to and/or coordinated with the Title IX Coordinator. Both Complainants and Respondents in sexual harassment cases are eligible to receive supportive measures and accommodations, and the College will protect the identity of both parties, to the extent feasible under this policy.

Accommodations and/or supportive measures may include, but are not limited to, the following:

1. No-contact orders issued by the College are measures that restrict encounters and communications between the parties.
2. Academic accommodations are measures that include deadline extensions, incompletes, course changes or late drops, or other arrangements as appropriate.
3. Residential accommodations are measures that include arranging for new housing or providing temporary housing options, as appropriate.
4. Transportation or working arrangements may be changed or other employment accommodations made, as appropriate.
5. Access to support services will be provided with assistance by 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.
6. Assistance with reporting a crime to local law enforcement 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 will also 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](#).”

Reporting Protocols and Confidentiality

Trinity College strongly encourages individuals to report incidents of sexual harassment promptly so that any victim of alleged sexual harassment may gain access to available support and to allow the College to respond appropriately. The College will accept a report of sexual harassment at any time but strongly encourages prompt reporting, as resolution options narrow over time, especially if the College no longer has disciplinary jurisdiction over the person accused.

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 able to maintain a higher degree of confidentiality, but most employees are required to report all relevant details of an alleged incident to other College officials who may be responsible for initiating, investigating, and adjudicating a complaint. The distinctions between these groups are explained below so that individuals can make informed choices about how and where they seek help and guidance.

In all cases, the College will handle information related to these cases with sensitivity and discretion, and victims can request confidentiality as detailed below. The College will not disclose the identity of the victim or the person accused of sexual harassment, except as necessary to carry out the investigation and adjudication process or as required under state or federal law.

“Confidential” Reports Made to a College Employee

Prior to an investigation, the Title IX Coordinator or a Deputy Title IX Coordinator will consider the Complainant’s request for confidentiality, if any, in accordance with this section of the policy.

In most cases, a Complainant or a Reporter may seek assistance, support, and advice from certain designated employees without initiating a College investigation that could reveal the identity of a victim of alleged sexual harassment or the fact that the Reporter or the victim of alleged sexual harassment has disclosed the incident. There are two groups of employees to whom a report of sexual harassment can be made without fear that the identity of the Reporter or the victim of alleged sexual assault will be disclosed to others on campus. The members of these two groups are listed, along with their contact information, in “Appendix A.” The distinctions between the two groups are outlined below.

Professional Counselors and Designated Chaplains: Privileged Communications

Members of the Counseling Center with professional licenses, or who are supervised by such a person in a clinical capacity, and designated College chaplains are subject to recognized privileges that ethically prohibit them from disclosing information provided to them in their professional capacities. As such, clinical counselors may not disclose privileged information told to them, in confidence, to anyone unless there is an imminent threat to life or safety. In cases of sexual harassment involving adults, designated chaplains may not disclose information shared with them in confidence. These employees are identified in “Appendix A” by the initials **PE**.

Non-licensed Counselors and Advocates: Confidential Communications

The nonstudent employees of the Women & Gender Resource Action Center (WGRAC), the Health Center and, the Director of LGBTQ Life are confidential employees. They are not required to report information that identifies a victim of alleged sexual harassment but are required to report general, non-personally identifying information about an alleged incident to the Title IX Coordinator. **This means that these employees will provide to the College general details, such as the nature, date, time, and general location of the alleged incident, but they will not disclose the names of those involved or other details that may reveal the identity of such individuals.** Before reporting any information to the Title IX Coordinator, these employees will first consult with the Reporter to ensure that the general report does not contain any personally identifying details. These employees are identified in “Appendix A” by the initials CE.

Note: When required by law or by court order, or when required to avert a serious threat of danger to a person or property, any of the above employees (whether designated as privileged or confidential) may reveal otherwise confidential information, including the identities of Reporters and victims of alleged sexual harassment. An individual who speaks to any of the employees described above must understand that if a Reporter or a victim of alleged sexual harassment wants to maintain confidentiality, the College may be unable to conduct an investigation into the particular incident or pursue disciplinary action against the person accused of sexual harassment. However, privileged and confidential employees 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. A victim of alleged sexual harassment who at first requests confidentiality may later decide to file a complaint with College officials and/or with law enforcement and will be assisted by privileged and confidential employees in doing so.

Connecticut state law specifically requires individuals to report incidents to law enforcement or to the appropriate state officials when the victim of alleged sexual harassment is under the age of 18 or has an intellectual disability. The College should also be notified of any such report. If a report of sexual harassment indicates a serious or ongoing threat to the College community, the College may be required to issue a timely warning to the community. The warning would not include any information that identifies the Reporter or a victim of alleged sexual harassment.

Responsible Employees – Non-Confidential Communications

Other than those few employees who are subject to a recognized privilege or expressly designated as confidential employees, as described above, all College employees, including faculty and staff are Responsible Employees who are required to report incidents of sexual harassment to the Title IX Coordinator or Deputy Coordinator.

Responsible Employees are identified in “Appendix A” by the initials **RE**. Resident Assistants and Pride Leaders are treated as students under this policy and are exempt from the mandatory

reporting requirements of Responsible Employees.

A disclosure to a Responsible Employee constitutes a report to the College and obligates the College to take immediate and appropriate steps to assess the need for supportive measures and accommodations to both the Complainant and Respondent as appropriate, investigate the report upon the filing of a formal complaint, resolve the matter promptly and equitably through its sexual harassment investigation and adjudication process, and remedy the effects of any proven sexual harassment. As such, Responsible Employees are required to report to the Title IX Coordinator all relevant details about the incident, such as the name(s) of the victim(s) of the alleged sexual harassment and person(s) accused of sexual harassment, any witnesses, and the date, time, and specific location of the alleged incident. To the extent possible, this information will be shared only with people responsible for handling the College's response and in accordance with state and federal law.

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 Department of Campus Safety or other campus security personnel who are responsible for reporting campus crime statistics and issuing timely warnings under the Clery Act.

Absent a court order or a subpoena, a Responsible Employee should not share information with law enforcement without the consent of the victim of alleged sexual harassment or unless that person has also reported the incident to law enforcement. Before a Reporter discloses any information to a Responsible Employee, the employee should explain the reporting obligations and direct the Reporter to privileged or confidential resources should that person wish to maintain confidentiality. A Reporter can still request confidentiality when discussing an incident with a Responsible Employee, but the employee and the College may not be able to honor that request, described below.

Requests to a Responsible Employee for Confidentiality

When a Complainant and/or a Reporter discloses an incident of sexual harassment to a Responsible Employee, the Complainant and/or Reporter may request that the information be kept confidential or request that the College not take action on the report. The Responsible Employee is still required to report the same information to the Title IX Coordinator but will also 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 any victim of alleged sexual harassment. In evaluating the request for confidentiality, 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:

1. whether it is likely that the person accused of sexual harassment will 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 about the same person;
 - b. whether the person accused of sexual harassment has a history of arrests or records indicating a history of violence;
2. whether the person accused of sexual harassment threatened further sexual harassment or other violence against the victim of the alleged sexual harassment or others;
3. whether the alleged sexual harassment was committed by multiple perpetrators;
4. whether the alleged sexual harassment involved use of a weapon;
5. whether the victim of alleged sexual harassment is a minor;
6. whether the College possesses other means to obtain relevant evidence of the alleged sexual harassment (e.g., security cameras, information known to College personnel, or physical evidence); or
7. 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).

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action, even in the absence of a complaint by a victim of the alleged sexual harassment. If none of these factors is present, the College may respect a request for confidentiality; however, because it may limit the College's ability to commence disciplinary proceedings, the College will weigh this question carefully.

Regardless of whether the College can honor the request for confidentiality, the College will act as necessary to assist and support any victim of alleged sexual harassment to the extent possible, including the measures listed in "Available Assistance," when such measures are requested and reasonably available.

If the College determines that it cannot honor a request for confidentiality, the College will inform a victim of alleged sexual harassment prior to starting an investigation and will, to the extent reasonably possible, only share information with College officials with a need to know. The College will not compel a victim of alleged sexual harassment to participate in a sexual harassment investigation or disciplinary proceeding. In a case where the victim of alleged sexual harassment does not wish to file a complaint and the College has sufficient information to indicate a potential threat to the safety of the community, the College will initiate the investigation and adjudication process.

Because the College is under a continuing obligation to address sexual harassment campus wide, reports of sexual harassment (including anonymous and third-party reports in which names are not mentioned) will also 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.

Anonymous Reporting

Although the College encourages victims of alleged sexual harassment or persons with information regarding sexual harassment to talk to someone, the College provides an online form, accessible from the Campus Safety and SART websites (<http://www.trincoll.edu/cs> and click on “Anonymous Reporting”), for anonymous reporting to the Title IX Coordinator and Campus Safety officials. If the report includes personally identifying information, it may serve as notice to the College for the purpose of initiating an investigation and/or timely warning notice to the College community in order to alert the community to a perceived serious or ongoing threat to public safety.

Exception for Disclosures During Certain Public Awareness Events

Public awareness events, such as “Take Back the Night,” vigils, protests, or other forums in which disclosures of incidents of sexual harassment occur, are not considered notice to the College of sexual harassment for purposes of its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about Title IX resources at these events.

Complaint Investigation and Adjudication Process

Overview

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 in order to initiate the College’s sexual harassment investigation and adjudication process.

All Trinity students, faculty members, staff members, and covered third parties have the right to pursue complaints of sexual harassment 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 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 wait for the conclusion of a criminal investigation or proceeding to begin 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 may need to delay temporarily an investigation under this policy while law enforcement investigates. Once law enforcement has completed gathering evidence, the College will promptly resume and complete its investigation. The College may also take supportive measures to promote the safety and well-being of the victim of alleged sexual harassment and the school community while law enforcement is gathering evidence.

The College's procedures for handling complaints of sexual harassment will be prompt, fair, and impartial from the initial investigation to the final result in that they will be:

1. Completed within reasonably prompt time frames as designated in this policy, which time frames may be extended for good cause and/or due to extenuating circumstances, with written notice to the Complainant and the Respondent of the delay and the reason for the delay;
2. Conducted in a manner that is consistent with the College's policies and transparent to the Complainant and the Respondent, including timely notice of meetings at which the Complainant or Respondent may be present, and providing the Complainant, the Respondent, and Appropriate College Officials with any information that will be used during the process; and
3. Conducted by officials who are trained annually in issues relating to sexual harassment and related retaliation and who do not have a conflict of interest or bias for or against the Complainant or the Respondent.

Filing a Formal Complaint

A report of sexual harassment may be made verbally or in writing but only a formal complaint signed by the victim of alleged sexual harassment or the Title IX Coordinator will initiate the College's investigation and adjudication grievance process. A formal complaint is defined as 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 filed with any Appropriate College Official. See "Appendix A" for contact information. Upon receiving a formal complaint, an Appropriate College Official will promptly notify the Title IX Coordinator or a Deputy Title IX Coordinator, who will determine the appropriate course of action.

Determining Jurisdiction

The Title IX Coordinator or a Deputy Title IX Coordinator will determine if this policy should apply to a formal complaint. The sexual harassment investigation and adjudication process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator or a Deputy Title IX Coordinator:

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

If all of the elements are met, the College will investigate the allegations according to the investigation and adjudication process set forth below.

Procedures for Dismissal of a Formal Complaint

Mandatory Dismissal

If any one of these elements are not met, the Title IX Coordinator or a Deputy Title IX Coordinator will notify the parties that the formal complaint is being dismissed for the purposes of the this policy by their institutional email accounts or other reasonable means. Each party may appeal this dismissal using the procedure outlined in “Appeals” below.

Discretionary Dismissal

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:

1. 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;
2. The Respondent is no longer enrolled or employed by the College; or,
3. If specific circumstances prevent the College from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations within the formal complaint.

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

Notice of Dismissal

Upon reaching a decision that the formal complaint will be dismissed, the College 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.

Even if the Title IX Coordinator or a Deputy Title IX Coordinator determines that a formal investigation is not warranted, the College will take prompt, responsive action to support a Complainant and will take steps to eliminate, prevent, or address a hostile environment if it determines that one exists.

Resolution Options

Upon completion of an initial investigation, the Title IX Coordinator or a Deputy Title IX Coordinator will determine the course of action under the policy, which may include:

Formal resolution

This is the default resolution process, which involves an investigation of the allegations of the complaint, a live hearing with examination of witnesses, and a determination by an administrative hearing panel as to whether there has been a policy violation, as described in more detail below.

Informal resolution

Except in cases of alleged sexual harassment of a student by a College employee, the parties may voluntarily waive their right to a formal investigation and adjudication in favor of an informal mediation or similar process pursuant to which the parties will choose a mutually-agreeable and reasonable remedy such as education and training. *The College does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, the waiver of the right to an investigation and adjudication of formal complaints of sexual harassment under the College's grievance process. Similarly, the College will never require the parties in a sexual harassment case to participate in an informal resolution process, as described below.*

Administrative remedies

Even in cases where there is no resolution process, the Title IX Coordinator or a Deputy Title IX Coordinator may respond to a report or complaint of sexual harassment by requiring training and other educational programming to members of the College community.

Allegations Potentially Falling Under Two Policies

If the alleged conduct, if true, includes conduct that would constitute sexual harassment and sex-based conduct that would not constitute sexual harassment, the sexual assault investigation and adjudication process will be applied in the resolution of all of the allegations.

Informal Resolution Process

After the initiation of a formal complaint of sexual harassment, if all parties voluntarily consent in writing, the College will assist the parties in an informal resolution process. An informal resolution process is available at any time prior to reaching a determination regarding responsibility in the investigation and adjudication process, except in a cases involving allegations of sexual harassment of a student by a College employee.

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, the requirements of the informal resolution process (described below), and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. The notice will also inform the parties of their right to withdraw from the informal resolution process and resume the investigation and adjudication process with respect to the formal complaint, at any time prior to agreeing to a resolution.

Upon initiation of the informal 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 College may determine that confidentiality restrictions promote mutually beneficial resolutions between parties and encourage complainants to report, or may determine that the benefits of keeping informal resolution outcomes confidential are outweighed by the need for the educational community to have information about the number or type of sexual harassment incidents being resolved.

Multi-Party Situations

The institution may consolidate formal complaints alleging sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Notice of Allegations

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

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither. The College will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator or a Deputy Title IX Coordinator may determine that the formal complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the formal complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

Notice Contents

The Notice of Allegations will include the following:

1. Notice of the institution's investigation and adjudication process and a hyperlink to a copy of the process.
2. 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.
3. 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.
4. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.

5. 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.
6. A statement that the Student Handbook prohibits knowingly making false statements or knowingly submitting false information during a College authorized investigation.

Ongoing Notice

If, in the course of an investigation, the College decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Sexual Harassment Policy, the College will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

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

Investigation and Adjudication Process Rules

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 is afforded all parties.

1. Upon receipt of a formal complaint, the Title IX Coordinator or a Deputy Title IX Coordinator will promptly provide a copy of the written complaint and a copy of this policy to the Complainant and Respondent. The formal complaint must be signed by the Complainant or the Title IX Coordinator, identify the Complainant, the Respondent, and contain sufficient detail to allow the Respondent to comprehend the nature of the charges. The notice shall also state that the Respondent is not presumed to be responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the investigation and adjudication process. The Title IX Coordinator or a Deputy Title IX Coordinator will inform both parties, in writing, that the College is conducting a formal investigation of the allegations of the complaint. This notice will include details of any additional possible policy violations being investigated in relation to the incident.
2. In the event a Respondent who has been notified of an investigation or adjudication fails to cooperate with the investigator, the investigation or adjudication may proceed, a finding reached, and a sanction imposed based solely on the other information available.
3. Although the College does not condone any other violations of College policy, a report of sexual harassment and related retaliation is taken very seriously. Accordingly, where appropriate, 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 report of sexual

harassment. The nature and scope of the leniency will depend on the particular circumstances involved. The Appropriate College Official and/or other supervisory authority, as appropriate, will have sole discretion in determining the appropriate course of action. (See [Trinity College Medical Amnesty and Good Samaritan Policy](#).)

4. The Complainant's or Respondent's character or reputation with respect to other sexual activity is never relevant and will not be considered as evidence. However, prior sexual history may be considered under the following limited circumstances:
 - a. Where there was a prior or ongoing relationship between the Complainant and Respondent, and the Respondent asserts that consent was sought and given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.
 - b. To analyze allegations of a pattern or practice of past conduct which is similar in nature by the respondent.
5. The Complainant and Respondent will be afforded the same rights and opportunities throughout the investigation and adjudication process, including the opportunity to present evidence and witnesses on their behalf. The Respondent is presumed not responsible for the charges unless found responsible following completion of the investigation and adjudication process. The College will not impose disciplinary sanctions on a Respondent before completion of the investigation and adjudication process.
6. Complainants and Respondents are entitled to the same opportunities to have an adviser or support person of their choice (who may be an attorney or someone with legal training) present at any meetings or proceedings related to the investigation and adjudication process under this policy, provided the adviser's involvement does not result in the undue disruption, postponement, or delay of such meetings or proceedings. Advisers may provide guidance, support, or advice to the Complainant or Respondent privately but, with the exception of the examination of witnesses during a live hearing, may not act as speaking advocates at a meeting or proceeding. An investigator or other College representative may bar an adviser from further participation if the adviser becomes disruptive or does not comply with these requirements and may thereafter proceed to complete an investigation or adjudication without the adviser. The College will support and help parties secure advisers, when needed.
7. If a Complainant or Respondent is concerned that any College official involved in the investigation or adjudication may be biased or have a conflict of interest, including the assigned investigator, the concerned party should inform the Title IX Coordinator, a Deputy Title IX Coordinator, or an Appropriate College Official immediately. If this concern involves the Appropriate College Official, the Title IX Coordinator, or a Deputy Title IX Coordinator, the Complainant or Respondent may report the conflict to any individual who occupies one of these positions who is not implicated in the conflict. The Appropriate College Official or Title IX Coordinator, as applicable, will

consider the reported conflict and inform the parties of whether and how a conflict may be resolved.

- a. Conflict of Interest: 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 Parties should inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected 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.
8. Students will play no role as investigators or panelists in the investigation and adjudication process.
9. Duties of Participants:
 - a. Duty of Honesty - All Parties and witnesses are obligated to be completely honest during the course of the entire process set forth in this policy. Any person who knowingly makes a false statement — either explicitly or by omission — in connection with any part of the process may be subject to separate College disciplinary action.
 - b. Duty of Cooperation - All Parties and witnesses are obligated to cooperate with the Title IX Coordinator and any persons charged with implementing this policy. All participants in the investigation are expected to provide complete, accurate, and truthful information. They may also be expected to sign statements or other documents memorializing the information they provide in the course of an investigation. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under this policy may be subject to separate College disciplinary action.
 - c. Duty of Confidentiality – All witnesses are obligated to maintain the confidentiality of all information and materials they become aware of or possess as a result of their participation in the investigation or adjudication procedures set forth in this policy. Parties are expected to maintain the confidentiality of all information and materials, to the fullest extent possible. However, parties may share confidential information as necessary to gather and present relevant evidence during the investigation and adjudication process. The Duty of Confidentiality continues beyond the conclusion of the case.

Special Situations in the Investigation 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.

Emergency Removal

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

If the College determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. 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.

Administrative Leave

The College retains the authority to place a non-student employee Respondent on administrative leave during the sexual harassment investigation and adjudication process, consistent with the Employee Handbook and the Faculty Manual.

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 the case. 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 someone 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. In either case, the investigator will have appropriate training in investigating cases of alleged sexual harassment, consistent with federal and state regulation.

The investigation will proceed subject to the following rules:

1. The investigator 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.
2. The Title IX Coordinator or a Deputy Title IX Coordinator may also at any time take appropriate steps, including by way of example only, issuance of no-contact orders and/or no-trespass notices, temporary changes in assignment of duties or housing, changes in class schedules or class requirements, transportation accommodations, or other accommodations, if requested and reasonably available, to protect and support participants in the process on an interim basis. These measures can be taken, regardless

- of whether a victim of alleged sexual harassment pursues a complaint under this policy.
3. 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 should be excluded.
 4. Formal rules of evidence do not apply in the investigation and adjudication process. In cases where an evidentiary or procedural question arises in connection with the investigation or adjudication process, the Title IX Coordinator, designated Deputy Title IX Coordinator, or Hearing Convener will decide the question.
 5. The Respondent is presumed not responsible for the charges unless found responsible following completion of the investigation and adjudication process. The College will not impose disciplinary sanctions on a Respondent before completion of the investigation and adjudication process.
 6. Although the parties to the investigation may provide information and evidence, it is the investigator's responsibility to gather relevant evidence 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.). There is no requirement that a Complainant or Respondent share privileged or confidential medical and counseling records. However, where a party chooses to share medical or counseling records as part of the investigation, the records will be included in the investigation file and will be available to the other party.
 7. The investigator will compile the results of the fact-finding process into a preliminary investigation report and provide this report to the Title IX Coordinator or a designated Deputy Title IX Coordinator, along with 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. The preliminary investigation report will include all evidence the investigator deems relevant, and it will set forth any outstanding issues of fact the investigator considers material to the determination of whether the allegations of the formal complaint are substantiated, e.g., discrepancies in witness statements, gaps, inconsistencies, or conflicts in the evidence. However, the preliminary investigation report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence. The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant. The preliminary investigative report will not include the investigator's own conclusions regarding whether the allegations are substantiated, nor draw other conclusions that could reasonably be viewed as directing the outcome of the case.
 8. The Title IX Coordinator or a Deputy Title IX Coordinator will provide the Complainant and the Respondent an opportunity to review the preliminary investigation report, along with any 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. The Complainant and Respondent are encouraged to carefully and thoroughly review the preliminary investigation report, which they are permitted to share with their advisers only. Both parties may submit a written response to the preliminary investigation report to the Title IX Coordinator or a Deputy Title IX Coordinator within five (5) calendar days of receiving the investigator's preliminary 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.

9. Based on the written responses to the preliminary investigation report, the investigator, in coordination with the Title IX Coordinator or a Deputy Title IX Coordinator, will determine whether further investigation or amendment of the preliminary investigation report is required. In either case, the investigator will produce a final report detailing any additional information beyond what was included in the preliminary investigation report and the responses of the parties. The Title IX Coordinator or a Deputy Title IX Coordinator will share the final report with the Complainant and Respondent, simultaneously, in writing. Both parties may submit a written response to the final report to the Title IX Coordinator or a Deputy Title IX Coordinator within ten (10) calendar days of receiving the investigator's final 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.
10. Upon submission of the final 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 final report and the responses of the parties to that report, (b) convene and conduct an impartial hearing with live examination of witnesses, (c) determine, by a preponderance of the evidence, whether the allegations of the complaint are substantiated and the Respondent violated College policy, and (d) in cases where the Respondent is found responsible, impose an appropriate sanction.
 - a. 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 training regarding this policy and its investigation and adjudicate process. 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 for Finance and Operations, nor the Vice President for Student Success and Enrollment Management, who must remain available for appeals, nor will the President of the College serve on an Administrative Hearing Panel.
 - b. The third member of the panel will serve as the chair and Hearing Convener, and will have experience and training in the administration of sexual assault

hearings. The Hearing Convener need not be a member of the College community.

- c. The Title IX Coordinator or a Deputy Title IX Coordinator will notify the Complainant and the Respondent of the proposed membership of the Administrative Hearing Panel, simultaneously, in writing. 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 decide 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 timeframe set forth above in this paragraph. The Title IX Coordinator or a Deputy Title IX Coordinator will maintain a confidential written record of any request for recusal and the decision.
11. Upon expiration of the deadlines for the Complainant and Respondent to respond to the final report and to vet the members of the panel, the Title IX Coordinator or a Deputy Title IX Coordinator will share the final report and the written responses of the Complainant and Respondent to that report, and any evidence subject to the review of the parties, with the Administrative Hearing Panel, the Complainant, and the Respondent simultaneously, in writing. This record will constitute the entirety of the evidence that the Administrative Hearing Panel may consider prior to the live hearing.

Determination and Sanction: the Administrative Hearing Panel

1. As promptly as possible after receiving the record of the case, the Administrative Hearing Panel will hold a hearing for the presentation of live testimony and examination of relevant witnesses. Throughout the hearing, the Respondent will enjoy the presumption of no responsibility for the charges.
2. 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 each other. At its discretion, the College may delay or adjourn a hearing based on technological errors not within a party's control. All proceedings will be recorded through audiovisual recording or transcript. That recording or transcript will be made available to the parties for inspection and review.
3. 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 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 violate 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.

4. 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, simultaneously, in writing, no later than one (1) business day following the decision. Both parties may submit Impact Statements to the Title IX Coordinator or a Deputy Title IX Coordinator within five (5) business days. Impact Statements will present the parties with the opportunity to share any information they would like the Administrative Hearing Panel to consider when assigning a sanction.
5. If the Administrative Hearing Panel finds that College policy has been violated, that same panel will reconvene to assign a sanction. The Title IX Coordinator or a Deputy Title IX Coordinator will provide the Complainant and the Respondent (5) business days to prepare and Impact Statement, which will be shared with the Administrative Hearing Panel prior to the panel imposing a sanction. The Title IX Coordinator or a Deputy Title IX Coordinator will also 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.
6. To the extent permitted by law, the Complainant and Respondent will be informed simultaneously, in writing, no later than one (1) business day following the conclusion of the disciplinary proceeding, of (a) the determination and the outcome of any disciplinary or other action arising out of an allegation of sexual harassment and/or related retaliation; (b) the rationale for the result and any sanction(s); and (c) the College's procedures for appealing the outcome.
7. 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*. Both parties to the case will be notified in writing of the decision simultaneously.

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 notice of the outcome decision. The purpose of an appeal is to allow the College to review and correct material errors in the adjudication process.

Grounds for Appeal

Appeals must satisfy one or more of the following bases for appeal:

1. Discovery of new factual information that was not known or available at the time of the adjudication and the presentation of which would have affected the original outcome. Omission of factual information that was known and available to the

appealing party is not a valid ground for an appeal;

2. Material procedural error that rendered the process fundamentally unfair;
3. Abuse of discretion in the issuance of a sanction, meaning that the Administrative Panel imposed a sanction that was significantly disproportionate to the offense; or
4. Evidence of bias in the process.
5. The right of appeal is only available to a Respondent or Complainant.

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 Management; and an appeal in which the Respondent is a staff employee must be directed to the Vice President for 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.

Appeals must be made within five (5) business days of receipt of the determination or within five (5) business days of receipt of the decision regarding sanctions and/or other actions and must include the grounds for appeal and an outline of any supporting evidence. Appeals transmitted via e-mail will considered to be “in writing” for the purposes of this section.

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:

1. 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 Panel; the decision about the composition of the panel, which shall be at the sole discretion of the appellate official; or
2. Return the case to the Title IX Coordinator or a Deputy Title IX Coordinator with instructions to appoint a different Administrative 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 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 following a second review of the case are final. Absent extenuating circumstances, both parties will be notified of the final decision concurrently in writing within fifteen (15) business days of the deadline for the Complainant's or Respondent's response to the appeal but no later than one (1) business day following the decision, to the extent permitted by law.

Sanctions

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); residential reassignment; 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 may also include other action as deemed appropriate under the circumstances (e.g., remedies applied to the Respondent to address the needs of the Complainant, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of no-contact orders to favor the Complainant, and other actions 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 will most likely receive a sanction of suspension or expulsion.

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.

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: This sanction is a letter of admonition that 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: This sanction is a letter of admonition that 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.

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 Dean of Student's office. 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, 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;
- 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 4 months with each party. The purpose of the review is to assess compliance, effectiveness, and to determine if any changes need to be made.

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. 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.

Training

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

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 an understanding of trauma-informed investigation models.

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

Non-emergency, call (860) 757-4000

A victim of an alleged incident of sexual harassment may also 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 per 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 may also 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 should also 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:

Trinity College's Sexual Assault Response 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.

Title IX Coordinator

Rita Kelley

(860) 297-2688

titleixcoordinator@trincoll.edu

The Sexual Assault Response Team (SART)

Trinity College maintains a Sexual Assault Response Team (SART). SART members offer support, guidance, referrals, and information. SART members are trained to provide a prompt and thorough response to victims of all forms of alleged sexual harassment.

www.trincoll.edu/cs/SART.

Appropriate College Officials

Rita Kelley, 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 Management

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 of Students

Sonia Cardenas, Interim Dean of the Faculty and Vice President for Academic Affairs

Dan Hitchell, Vice President of Finance and Chief Financial Officer

Anita Davis, Vice President for Diversity, Equity and Inclusion

Michelle Cabral, Assistant Vice President for Human Resources

Donna Ciarfella, Associate Director of Human Resources

Privileged Employees (PE)

Spiritual and Religious Life: Chapel

The Reverend Trevor Beauford: (860) 297-2013

Counseling Center, 135 Allen Street, (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).

Confidential Employees (CE)

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

Martha Burke O'Brien, Director

Health Center Staff, with the exception of front desk staff

Women & Gender Resource Action Center (WGRAC), 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 enforcing Title IX, as well as other federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial aid. Inquiries and complaints may also be directed to OCR at (800) 421-3481 or ocr@ed.gov.