



FOR CONN. GEN. STAT. § 10a-55M (f)
HOUSATONIC COMMUNITY COLLEGE
SEXUAL VIOLENCE REPORT
REPORTING YEAR 2021



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NARRATIVE

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NARRATIVE DESCRIPTION OF STATISTICS AND PROGRAMMING

Introduction to Housatonic Community College

Housatonic Community College is located in Bridgeport, Connecticut's largest city, and serves an eleven-town area in Southwestern Connecticut. A member of the Connecticut State College and University System, the college opened its doors in 1966 as a branch of the Norwalk Community College and became independent in 1967 as Housatonic Community College. Housatonic Museum of Art and Sculpture Garden are a part of the teaching mission of the college. With nearly 4,000 works in the collection and over 1,700 displayed throughout the campus.

In 2018, Lafayette Hall expansion was fully operational. The expansion provided our students and community members with a Welcome Center, a one-stop Student Services Center, and centralized student service division offices which allows the students improved access to the services required and allows for efficient completion in the registration and enrollment process. Other improvements include expansion to the library, renovations to the science labs, art studios and computer/Mac labs. Since its opening, the campus was able to embrace these new spaces for enhanced, high-quality programming and community engagement.

Housatonic Community College offers over 70 associate degree and certificate programs with preparation for transfer to a four-year institution or job placement in the workforce. The campus curriculum includes an array of teaching and learning modalities including online, on-ground and hybrid course offerings. The campus programs prepare students for advancement and employability skills in business, manufacturing, healthcare, fine arts, theater, digital media, early childhood education, natural sciences, computer information systems, human services and more. The college partners with local businesses and institutions to provide skills training to incumbent workers and those seeking advancement, and licensure through the campus Continuing and Professional Education department.

Housatonic is a student-centered institution and who was the first community college in the state to be designated as an Achieving the Dream Leader Institution by the Lumina Foundation, and to be distinguished as one of the Aspen Institute's Top 150 Community Colleges in the nation. Housatonic Community College has been at the forefront as a community college of distinction. It was the first community college in the nation to

become a certified Carnegie STEM Excellence Pathway Provider through the Carnegie Science Center in Pittsburgh, PA. HCC is recognized as a JED campus who focuses on mental health and wellness. The college strives to provide high-quality, accessible instructional and student services within an environment of mutual respect among faculty, staff, and students.

The colleges exceptional student support and services include Accessibilities Services, Career and Internships, Counseling and Wellness, Academic Support and Tutoring, Library, Educational Technologies, English as a Second Language, Women's and Men's Center, the Equity Project and a host of over 30 student clubs and activities through our Student Life Office. The college continues to engage with local community partners to strengthen opportunities and leverage resources that are supportive to the student body.

The Covid-19 Pandemic continued to impact the 2021 academic year. As a result, most services and course offerings continued to be delivered through the online modality. Most campus engagement and events were postponed or shifted to Teams and WebEx.

In Spring 2021, HCC offered 488 course sections. Of the 488 sections, 9% were offered in the traditional/on-ground format, 60% online, 5% OLCR, 13% LRON, and 9% hybrid.

Fall 2021 reopening included an increase in on-ground presence, courses, and event programming as the pandemic was better managed. The campus provided vaccine protocols and vaccination clinics both on campus and in the community. In Fall 2021, HCC offered 534 course sections. Of the 534 sections, 31% were offered in the traditional/on-ground format, 46% online, 2% OLCR, 11% LRON, 2% independent studies, and 8% hybrid.

Housatonic's Mission

Housatonic Community College, through a collaborative, learner-centered, technology-rich and stimulating education environment, empowers all individuals to develop to their full potential as lifelong learners. As knowledgeable and dedicated staff and faculty, we inspire students to contribute responsibly to our dynamic regional and global society.

Housatonic's Vision

By 2021, Housatonic Community College, empowered by resources in public support, will be a regional leader in higher education, workforce development, and community engagement with cutting-edge programs in science, technology, engineering, arts,

mathematics and other disciplines that address the ever-changing needs of students, employers and society.

Based on the requirements of the Public Act 14-11, HCC has gathered and categorized information about the sexual assault, stalking and intimate partner violence incidence on campus as well as the trainings held to educate our students, faculty, staff and campus community.

Trainings for Faculty, Staff and Students

Housatonic Community College continues to prioritize the importance of sexual violence and other forms of interpersonal violence on its campus, by providing programming, training and awareness by building programs in collaboration with community and campus service providers.

In 2021, under the leadership of the previous Title IX Deputy, Dr. Kim McGinnis, and in collaboration with Counseling & Wellness and Academic Affairs, the following were offered.

- Bringing in the Bystander, 8/4/2021 - 8/5/2021
- Not Anymore, on-going during 2021
- Wear Purple Day, 10/21/2021
- Red Flag Campaign, 10/27/2021 (offered for 4-weeks)
- Women's Center Health Fair - Crisis Awareness, 11/15/2021
- Virtual seminars, workshops, conference and trainings through the NASPA partnership were conducted on 1/12 – 1/15/21, 3/10/21, 4/13/21, 4/19/21, 5/21/21, 6/21/21, 8/17/21, 9/20/21 and 10/21/21.

Housatonic Community College continues to update the school's website, Title IX page, student and faculty manuals, FAQs, and college catalog to improve and assist students, staff and faculty in locating accurate information and helpful resources. The HCC community continues to take advantage of the HC-titleIX@hcc.commnet.edu email link in addition to the Advocate Simplicity - case management reporting system <https://housatonic.edu/about-us/safety-security/care-reports> to streamline the reporting process for student misconduct, Title IX and mental health and wellness concerns (care reports).

Housatonic Community College continues its membership with the National Association of Student Personnel Administrators (NASPA) which allows for the examination and discussion of current policies, practices and procedures in Student Affairs including

health, safety and well-being. During 2021, the Dean of Student Services participated in a series of virtual trainings and videos related to sexual violence and prevention in the virtual space. As a NASPA member, HCC works to continuously improve on addressing interpersonal violence on campus and in our community by creating a culture of respect.

When examining our programming efforts, HCC has identified areas for improvement including addressing prevention and risk reduction through passive programming and ongoing campaigns. HCC has utilized the social media platform to support ongoing campaigns. We had success in posting signs throughout the bathrooms to generate Title IX awareness.

Despite significant shifts in staffing and leadership, HCC will continue to evolve its programming on campus, and will aim to increase and create programs throughout the campus in collaboration with the community and campus departments.

Statistics, Data & Context

Despite the continued challenges of the Covid-19 Pandemic, five campus programs and a series of virtual seminars related to domestic violence, sexual violence, stalking and intimate partner violence were delivered over the 2021 academic year at HCC. Roughly, over 10,000 students, faculty, staff and community members were serviced throughout these occurrences.

Reported incidents of SA, ST, IPV to CSCU in 2021 for Housatonic Community College was zero (0).



FOR CONN. GEN. STAT. § 10a-55M (f)
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CSCU/BOARD OF REGENTS POLICIES

BOR/CSCU Sexual Misconduct Reporting, Support Services and Process Policy (6/16/2016)

BOR/CSCU Policy on Consensual Relationships (10/20/2016)

BOR/CSCU Policy Regarding Reporting Suspected Abuse or Neglect of a Child (1/10/2015)

BOR/CSCU Student Code of Conduct (7/29/2020)

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

**Policy Regarding
Sexual Misconduct Reporting, Supportive Measures and Processes Policy**

STATEMENT OF POLICY

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

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

All CSCU employees and support persons will make any limits of confidentiality clear before any disclosure of facts takes place. Other than confidential resources as defined below and employees who qualify as Campus Security Authorities under the Jeanne Clery Act, all CSCU employees are required to immediately communicate to the institution's Title IX Coordinator any disclosure or report of sexual misconduct received from a student as well as communicate any disclosure or report of sexual misconduct the employee received from another employee when misconduct is related to the business of the institution.

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

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

TERMS, USAGE AND STANDARDS

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

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

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

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

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

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

Sexual misconduct includes engaging in any of the following behaviors:

- (a) **Sexual harassment**, which can include any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment; submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive educational or employment environment. Examples of conduct which may constitute sexual harassment include but are not limited to:

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- sexual flirtation, touching, advances or propositions
- verbal abuse of a sexual nature
- pressure to engage in sexual activity
- graphic or suggestive comments about an individual's dress or appearance
- use of sexually degrading words to describe an individual
- display of sexually suggestive objects, pictures or photographs
- sexual jokes
- stereotypic comments based upon gender
- threats, demands or suggestions that retention of one's educational status is contingent upon toleration of or acquiescence in sexual advances.

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

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

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

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

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

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

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general statutes, or domestic or family violence as designated under section 46b-38h of the general statutes. This includes any physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1) sexual assault (2) sexual assault in a spousal or cohabiting relationship; (3) domestic violence; (4) sexual harassment (5) sexual exploitation, as such terms are defined in this policy.

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

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

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

Retaliation is prohibited and occurs when a person is subjected to an adverse employment or educational action because he or she made a complaint under this policy or assisted or participated in any manner in an investigation. No institution or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report of complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing related to a report or complaint related to sex discrimination.

CONFIDENTIALITY

When a BOR governed college or university receives a report of sexual misconduct all reasonable steps will be taken by the appropriate CSCU officials to preserve the privacy of the complainant and

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respondent while promptly investigating and responding to the report. While the institution will strive to maintain the confidentiality of personally identifiable student information reported, which information is subject to privacy requirements of the Family Education Rights Privacy Act (FERPA), the institution also must fulfill its duty to protect the campus community.

Confidential resources are defined as follows: For the Universities, entities with statutory privilege, which include campus based counseling center, health center and pastoral counseling staff members whose official responsibilities include providing mental health counseling to members of the University community as well as off campus counseling and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center and Domestic Violence Center. For the Colleges, confidential resources are limited to entities with statutory privilege, such as off campus counseling, on campus counseling where available, and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center and Domestic Violence Center. The personnel of these centers and agencies are bound by state statutes and professional ethics from disclosing information about reports without written releases.

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

Where it is deemed necessary for the institution to take steps to protect the safety of members of the campus community, the institution will seek to act in a manner so as not to compromise the privacy or confidentiality of the either the complainant or respondent to the extent reasonably possible.

MANDATED REPORTING BY COLLEGE AND UNIVERSITY EMPLOYEES

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

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

Further, in accordance with Connecticut State law, with the exception of student employees, any paid administrator, faculty, staff, athletic director, athletic coach or athletic trainer who, in the ordinary course of their employment, has a reasonable cause to suspect or believe that a person under the age

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of 18 years has been abused or neglected, has been placed in imminent harm or has had a non-accidental injury is required by law and Board policy to report the incident within twelve hours to their immediate supervisor and to the Department of Children and Families.

RIGHTS OF PARTIES

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

When choosing a reporting resource the following information should be considered:

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

RIGHT TO NOTIFY LAW ENFORCEMENT & SEEK PROTECTIVE AND OTHER ORDERS

Complainants and respondents shall be provided written information about her/his right to:

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

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

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Each and every BOR governed college and university shall create and provide information specific to its campus detailing the procedures to follow after the commission of such violence, including people or agencies to contact for reporting purposes or to request assistance, and information on the importance of preserving physical evidence.

OPTIONS FOR CHANGING ACADEMIC, HOUSING, TRANSPORTATION AND WORKING ARRANGEMENTS

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

SUPPORT SERVICES CONTACT INFORMATION

It is BOR policy that whenever a college or university Title IX Coordinator or other employee receives a report of sexual misconduct, the Title IX Coordinator shall immediately provide all parties with contact information for and, if requested, professional assistance in accessing and using any appropriate campus resources, or local advocacy, counseling, health, and mental health services, without fee. All CSUC campuses shall develop and distribute contact information for this purpose as well as provide such information on-line.

SEXUAL MISCONDUCT INVESTIGATION AND PROCEDURES

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

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

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

and

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

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

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

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

- Each party shall have the opportunity to request that an investigation or disciplinary proceedings begin promptly; that such disciplinary proceedings shall be conducted by an official trained annually in issues relating to sexual assault, stalking and dating, domestic or intimate partner violence and shall use the preponderance of the evidence (more likely than

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

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

³ 34 U.S.C. 12291(a)(8) The term “[domestic violence](#)” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or [youth](#) victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

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

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

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

- Both the complainant and respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual misconduct by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled and provided such an advisor or support person may not directly address the Hearing Body, question witnesses or otherwise actively participate in the hearing process or other meeting pertaining to a report of sexual misconduct and each party shall have the opportunity to present evidence and witnesses on her/his behalf during any disciplinary proceeding.
- Both parties are entitled to be provided at the same time written notice of the results of any disciplinary proceeding, normally within one (1) business day after the conclusion of such proceeding, which notice shall include the following: the name of the respondent the violation committed, if any, and any sanction imposed upon the respondent. Sanctions may range from a warning to expulsion, depending upon the behavior and its severity of the violation(s). The complainant shall have the same right to request a review of the decision of any disciplinary proceeding in the same manner and on the same basis as shall the respondent; however, in such cases, if a review by any complainant is granted, among the other actions that may be taken, the sanction of the disciplinary proceeding may also be increased. Both the complainant and respondent are entitled to be simultaneously provided written notice of any change in the results of any disciplinary proceeding prior to the time when the results become final as well as to be notified when such results become final.

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

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

REVIEW AND AUDIT

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

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

DISSEMINATION OF THIS POLICY

Upon adoption by the Board all CSCU institutions shall, upon receipt, immediately post and maintain this policy at all times in an easily accessible manner on each institution's website, handbook and catalogue. This policy shall thereafter be annually provided to all Title IX Coordinators, campus law enforcement officers and security personnel, and other campus personnel. Further, this policy shall be presented at student orientation and at student awareness and prevention trainings, and made broadly available at each campus. The policy shall be expanded upon by each institution to provide resources and contact information specific to their institution and geographic area as set forth above. This includes but is not limited to the name, office address, email address and telephone number of the Title IX Coordinators.

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

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

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

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

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

Policy Prohibited Between Employee and Student

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

Strongly Discouraged Between Employee and Student

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

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

Between Employee and Employee

BOR discourages employees with supervisory or evaluative authority from engaging in romantic, dating or sexual relationships with employees who they supervise or evaluate. If such a relationship exists or develops, the supervisory employee must notify his/her manager so that arrangements can be made for the unbiased supervision and evaluation of the employee. These situations are handled on a case-by-case basis and may require transfer or reassignment of one or more employees.

In the Event of a Sexual Harassment Charge

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

Sanctions

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

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

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

Pursuant to state law, with the exception of student employees, any paid administrator, faculty, staff, athletic director, athletic coach or athletic trainer, collectively referred to as “mandatory reporters” who in the ordinary course of their employment has a reasonable cause to suspect or believe that a person under the age of 18 years has been abused or neglected, has been placed in imminent harm or has had a non-accidental injury is required to cause a report to be made to the Department of Children and Families within 12 hours of becoming aware or suspecting abuse, neglect or imminent harm to a child.

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

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

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

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

Reasonable steps will be taken to preserve privacy while promptly investigating and responding to the report. While the institution will strive to maintain the confidentiality of the information reported, which information may be subject to privacy requirements of the Family Education Rights Privacy Act (FERPA), the institution also must fulfill its duty to protect the CSCU community and to assure that the appropriate disciplinary processes are implemented.



BOR/CSCU STUDENT CODE OF CONDUCT

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I. STUDENT CODE OF CONDUCT

PREAMBLE

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

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

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

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

INTRODUCTION

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

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

PART A: DEFINITIONS

The following list of defined terms utilized throughout this Student Code is provided in an effort to facilitate a more thorough understanding of the Code. This list is not intended to be a complete list of all the terms referenced in the Student Code that might require interpretation or clarification. The Vice President for Student Affairs at a University, the Dean of Students at a Community College, the Provost at Charter Oak State College or their designee shall make the final decision of the interpretation of the definition of any term found in the Student Code. For purposes of interpretation and application of the Student Code only, the following terms shall have the following meanings:

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

8. ***“CSCU Affiliates”*** means individuals and/or entities with whom or with which the College or University has a contractual relationship.
9. ***“CSCU Official”*** means any person employed by the College or University to perform assigned administrative, instructional, or professional responsibilities.
10. ***“CSCU Premises”*** means all land, buildings, facilities, and other property in the possession of, or owned, used, and/or controlled by, the University or College, either solely or in conjunction with another entity.
11. ***“Disciplinary Officer” or “Conduct Administrator”*** means a University, College or CSCU official who is authorized to determine the appropriate resolution of an alleged violation of the Code, and/or to impose sanctions or affect other remedies as appropriate. Subject to the provisions of this Code, a disciplinary officer or conduct administrator is vested with the authority to, among other duties: investigate a complaint of an alleged violation of the Code decline to pursue a complaint, refer identified disputants to mediation or other appropriate avenues of resolution, establish charges against a student, enter into an administrative agreement developed with an Accused Student in accordance with Section II-B-3 of this Code, advise a Hearing Body, and present the case before the Hearing Body.
12. ***“Hearing Body” or “Hearing Panel”*** means any person or persons authorized by the University Vice President for Student Affairs, Community College Dean of Students or Charter Oak State College Provost to determine whether a student has violated the Code and to impose sanctions as warranted, including a hearing officer or hearing board.
13. ***“Institution”*** means the University or College within CSCU.
14. ***“Instructor”*** means any faculty member, teaching assistant or any other person authorized by the University to provide educational services, including, but not limited to, teaching, research, and academic advising.
15. ***“Member of the CSCU Community”*** means any person who is a student, an official or any other person who works for CSCU, either directly or indirectly (e.g., for a private enterprise doing business on a CSCU campus).
16. ***“Policy”*** means the written regulations, standards, and student conduct expectations adopted by the BOR and found in, but not limited to the Student Handbook, the Residence Life Handbook, the housing contract, the graduate and undergraduate catalogs, and other publicized University and College notices.
17. ***“Prohibited Conduct”*** means the conduct prohibited by this Code, as more particularly described in Part I-D of this Code.
18. ***“Reporting Party”*** means any person who alleges that a student has violated this Code.

19. ***“Student”*** means either (1) any person admitted, registered, enrolled or attending any CSCU course or CSCU conducted program, whether full-time or part-time, and whether pursuing undergraduate, graduate or professional studies, or continuing education; (2) any person who is not officially enrolled for a particular term but who has a continuing relationship with a CSCU; or (3) any person within two calendar years after the conclusion of their last registered Community College course unless the student has formally withdrawn, graduated or been expelled from the College.
20. ***“Student Code” or “Code”*** means this Student Code of Conduct.
21. ***“Student Organization”*** means an association or group of persons that have complied with the formal requirements for University or College recognition.
22. ***“Support Person”*** means a person, who accompanies an Accused Student, a Reporting Party or a victim to a hearing for the limited purpose of providing support and guidance. A support person may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process.
23. ***“University”*** means any of the following institutions: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, and Western Connecticut State University, whichever the alleged violation of the Code occurred.
24. ***“Shall” and “will”*** are used in the imperative sense.
25. ***“May”*** is used in the permissive sense.

PART B: APPLICATION, DISTRIBUTION, AND ADMINISTRATION OF THE STUDENT CODE OF CONDUCT

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

An alleged violation of the Student Code shall be addressed in accordance with the Code of Conduct, even if the accused Student has withdrawn from the Institution prior to the completion of the disciplinary procedures.

The Student Code shall apply to Students and to University Student Organizations. The term “student” shall generally apply to the student as an individual and to a Student Organization as a

single entity. The officers or leaders of a particular Student Organization usually will be expected to represent the organization during the disciplinary process. Nothing in this Student Code shall preclude holding certain members of a Student Organization accountable for their individual acts committed in the context of or in association with the organization's alleged violation of this Code.

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

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

PART C: SCOPE OF AUTHORITY

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

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

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

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

PART D: PROHIBITED CONDUCT

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

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

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

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

2. Acts of dishonesty, including but not limited to the following:
 - a. Misuse of University or College documents, including, but not limited to forging, transferring, altering or otherwise misusing a student fee card, student payroll card, identification card or other College or University identification document, course registration document, schedule card, transcript, or any other institution-issued document or record.
 - b. Knowingly furnishing false information to any CSCU Official, faculty member or office.
3. Theft of property or services, or damage to, defacement or destruction of, or tampering with, real or personal property owned by the State of Connecticut, CSCU/BOR, the institution, or any member of the CSCU Community.
4. Actual or threatened physical assault or abuse, threatening behavior, intimidation, or coercion.
5. Sexual misconduct may include engaging in one of more behaviors:

(a) **Sexual harassment**, which can include any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education; submission to or rejection of such conduct by an individual is used as a basis for academic decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile or offensive educational environment. Examples of conduct which may constitute sexual harassment include but are not limited to:

- sexual flirtation, touching, advances or propositions
- verbal abuse of a sexual nature
- pressure to engage in sexual activity
- graphic or suggestive comments about an individual's dress or appearance
- use of sexually degrading words to describe an individual
- display of sexually suggestive objects, pictures or photographs
- sexual jokes
- stereotypic comments based upon gender
- threats, demands or suggestions that retention of one's educational status is contingent upon toleration of or acquiescence in sexual advances.

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

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

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

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

- Prostituting another person;
 - Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
 - Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
 - Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex);
 - Engaging in non-consensual voyeurism;
 - Knowingly transmitting an STI, such as HIV to another without disclosing your STI status;
 - Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; or
 - Possessing, distributing, viewing or forcing others to view illegal pornography.
6. Intimate partner violence is defined as:
- Including intimate partner violence, which is any physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1) sexual assault, as defined in section 5 above; (2) sexual assault in a spousal or cohabiting relationship; (3) domestic violence; (4) sexual harassment, as defined in section 5 above or, (5) sexual exploitation, as defined in section 5 above.
 - Physical abuse, which can include but is not limited to, slapping, pulling hair or punching.
 - Threat of abuse, which can include but is not limited to, threatening to hit, harm or use a weapon on another (whether victim or acquaintance, friend or family member of the victim) or other forms of verbal threat.
 - Emotional abuse, which can include but is not limited to, damage to one's property, driving recklessly to scare someone, name calling, threatening to hurt one's family members or pets and humiliating another person.
7. Violations of privacy, including, but not limited to, voyeurism and the use of web-based, electronic or other devices to make a photographic, audio or video record of any person without his or her express consent, when such a recording is intended or likely to cause injury or distress. This includes, but is not limited to: (i) surreptitiously taking pictures or videos of another person in spaces such as sleeping areas, bathrooms, gymnasiums, locker rooms, and changing areas; and (ii) sexually exploiting another person by electronically recording or permitting others to view or electronically record, consensual sexual activity without a partner's knowledge or permitting others to view or listen to such video or audio tapes without a partner's knowledge and consent. Publicizing or threatening to publicize such records will also be considered a violation of this Code.
8. Hazing, which is defined as an act which endangers the mental or physical health or safety of a Student, or which destroys, damages, or removes public or private property for the purpose of initiation or admission into, affiliation with or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense to an allegation of hazing. Consenting to the activity by remaining silent or not objecting in the presence of hazing is not a neutral act and is also a violation of this Student Code.

9. Stalking, which is defined as repeatedly contacting another person when:
- a. The contacting person knows or should know that the contact is unwanted by the other person; and
 - b. The contact causes the other person reasonable apprehension of imminent physical harm or the contacting person knows or should know that the contact causes substantial impairment of the other person's ability to perform the activities of daily life.

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

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

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

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

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

In addition to disciplinary procedures applicable to State University students in Section II, Community College students in Section III, and Charter Oak State College Students in Section IV, for any hearing conducted involving allegations of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking and intimate partner violence the Complainant and the Respondent shall each have the following rights:

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

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

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

³ 34 U.S.C. 12291(a)(8) The term "[domestic violence](#)" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or [youth](#) victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

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

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

The Title IX coordinator will initiate the Title IX Process.

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

3. If the institution's Title IX Coordinator determines that the alleged harassment does not meet the factors in Section 2 above, but the alleged misconduct violates the Student Code of Conduct, the following procedures apply:
 - a. At any meeting or proceeding, both the Complainant and Respondent (Respondent means the person who has been reported to be the perpetrator of conduct violating the Student Code of Conduct) may be accompanied by an advisor or support person of the student's choice provided the advisor or support person does not cause a scheduled meeting or hearing to be delayed or postponed and provided an advisor or support person may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process (or other proceeding or pertaining to a report of sexual misconduct);
 - b. Both the Complainant and Respondent are entitled to request that disciplinary proceedings begin promptly;
 - c. Any hearing regarding an accusation of sexual misconduct shall (i) be fair, prompt and impartial; (ii) be conducted by a Hearing Body annually trained in issues relating to sexual misconduct (iii) use the preponderance of evidence (more likely than not) standard; (iv) shall allow both the Complainant and Respondent the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding; (v) provide both the Complainant and Respondent with equal access to any information that will be used during meetings and hearings; (vi) invoke the standard of "affirmative consent"⁶ in determining whether consent to engage in sexual activity was given by all persons who engaged in sexual activity; (vii) presume that the Respondent is not responsible until the conclusion of the process; and (viii) the hearing will be held live.
 - d. In accordance with the Family Educational Rights and Privacy Act (FERPA), Complainant and Respondent have the right to keep their identities confidential;
 - e. Complainants and Respondents shall be provided written notice of the decision of the Hearing Body simultaneously, normally within one (1) business day after the conclusion of the Hearing. In accordance with the Family Educational Rights and Privacy Act (FERPA) the notice to parties to sexual misconduct shall contain only the following: the name of the parties, the violation committed, if any, and any sanction imposed against the Respondent.
 - f. Both parties shall have the same right to request a review of the decision of the Hearing Body (appeal rights) in the same manner and on the same basis; however, if a request for review is determined to be properly made and if the review determines there is sufficient grounds for altering the decision of the Hearing Body, among the other actions that may be taken as set forth above, the sanction of the hearing may be increased or decreased.

⁶ The standard of "Affirmative Consent" is set forth in the BOR Sexual Misconduct Reporting, Support Services and Processes Policy and is incorporated herein by reference.

Notwithstanding the foregoing, in any hearing pertaining to sexual misconduct both the Complainant and Respondent are entitled to be simultaneously provided notice of any change in the results of the hearing prior to the time when the results become final, as well as to be notified when such results become final.

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

PART F: CONDUCT AND DISCIPLINARY RECORDS

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

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

PART G: INTERPRETATION AND REVISION

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

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

II. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO STATE UNIVERSITY STUDENTS

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

PART A: DISCIPLINARY PROCEDURES - ACADEMIC MISCONDUCT

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

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

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

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

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

PART B: DISCIPLINARY PROCEDURES - NONACADEMIC MISCONDUCT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART C: INTERIM SUSPENSIONS AND RESIDENCE HALL SEPARATIONS

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

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

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

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

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

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

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

PART D: DISCIPLINARY SANCTIONS

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

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

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

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

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

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

4. Sanctions Which May Be Imposed on Student Organizations

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

III. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO COMMUNITY COLLEGE STUDENTS

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

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

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

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

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

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

commencement of the hearing, the Student who is subject to the hearing may challenge the appointment of an impartial party or panel member on the ground that the person(s) is (are) not impartial. The challenge shall be made in writing to the Dean and shall contain the reasons for the assertion that the person(s) is (are) not impartial. The decision of the Dean shall be final.

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

PART B: DISCIPLINARY SANCTIONS

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

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

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

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

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

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

PART A: RIGHTS AND RESPONSIBILITIES OF HEARING PARTICIPANTS

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

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

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

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

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

PART B: DISCIPLINARY PROCEDURES

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

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

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

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

On-site:

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

Via the Phone:

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

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

PART C: INTERIM ADMINISTRATIVE ACTION

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

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

PART D: DISCIPLINARY SANCTIONS

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

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

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

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

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



FOR CONN. GEN. STAT. § 10a-55M (f)

HOUSATONIC COMMUNITY COLLEGE

SEXUAL VIOLENCE REPORT

REPORTING YEAR 2021

WRITTEN NOTIFICATION

Interpersonal Violence Information & Resources

(womenshealth.gov)

Understanding the Issues

What is Sexual Assault?

Sexual assault is any type of sexual activity or contact that you do not consent to. Sexual assault can happen through physical force or threats of force or if the attacker gave the victim drugs or alcohol as part of the assault. Sexual assault includes rape and sexual coercion.

What does Sexual assault include?

- Any type of sexual contact with someone who **cannot** [consent](#), such as someone who is underage (as defined by state laws), has an intellectual disability, or is passed out (such as from drugs or alcohol) or unable to respond (such as from sleeping)
- Any type of sexual contact with someone who **does not** [consent](#)
- [Rape](#)
- Attempted rape
- [Sexual coercion](#)
- Sexual contact with a child
- Fondling or unwanted touching above or under clothes

What does Consent mean?

- Consent is a clear “yes” to sexual activity. Not saying “no” does not mean you have given consent. Sexual contact without consent is sexual assault or rape.
- Your consent means:
 - You know and understand what is going on (you are not unconscious, blacked out, asleep, underage, or have an intellectual disability).
 - You know what you want to do.
 - You are able to say what you want to do or don’t want to do.
 - You are aware that you are giving consent (and are not impaired by alcohol or drugs).
- Remember:
 - **Consent is an ongoing process**, not a one-time question. If you consent to sexual activity, you can change your mind and choose to stop at any time, even after sexual activity has started.
 - **Past consent does not mean future consent.** Giving consent in the *past* to sexual activity does not mean your past consent applies *now* or in the *future*.
 - **Saying “yes” to a sexual activity is not consent for all types of sexual activity.** If you consent to sexual activity, it is only for types of sexual activities that you are comfortable with at that time with that partner. For example, giving consent for kissing does not mean you are giving consent for someone to remove your clothes.

How do you know that someone has given consent? The only way to know for sure is to ask.

What is Stalking?

Stalking is any repeated and unwanted contact with you that makes you feel unsafe.³ You can be stalked by a stranger, but most stalkers are people you know — even an intimate partner. Stalking may get worse or become violent over time. Stalking may also be a sign of an abusive relationship.

Someone who is stalking you may threaten your safety by clearly saying they want to harm you. Some stalkers harass you with less threatening but still unwanted contact. The use of technology to stalk, sometimes called “cyberstalking,” involves using the Internet, email, or other electronic communications to stalk someone. Stalking is against the law.

What is Relationship Violence?

Intimate partner violence includes domestic abuse, sexual assault, verbal and emotional abuse, coercion, and stalking. Violence and abuse can cause physical and emotional problems that last long after the abuse.

What is Sexual Harassment?

Sexual harassment happens when someone in your workplace, home, or school makes unwelcome sexual advances to you or requests sexual favors. It also includes verbal or physical behaviors that may affect your job, home, or education. These acts are sexual harassment when they are without your consent, or are unwanted, and interfere with your work or school performance or create a hostile or offensive environment.

Sexual harassment violates most work, housing, or school policies and may be illegal. Sometimes sexual harassment is also sexual coercion. Coercion is when you are forced in a nonphysical way into sexual activity. Sexual harassers can be anyone — men or women — and can be managers, co-workers, landlords, teachers, or other students. Sexual harassment does not mean you are in a sexual relationship with the person doing it.

What are some ways that women can be sexually harassed?

Verbal or written sexual harassment

- Making comments about your clothing, body, behavior, or romantic relationships
- Making sexual jokes or comments
- Repeatedly asking you out on a date after you have said no
- Asking you to engage in sexual acts, such as kissing, touching, watching a sexual act, or having sex
- Requesting sexual photos or videos of you
- Threatening you for saying no to a sexual request
- Spreading rumors about your personal or sexual life
- Whistling or catcalling
- Sending online links or photos with explicit or graphic sexual content

Physical sexual harassment

- Being uncomfortably close to you
- Blocking you from moving or walking away
- Inappropriate touching
- Coercing you into sexual activity by threatening to hurt your career, grades, home, or reputation (this is a type of sexual assault) if you do not engage in sexual activity
- Physically forcing into sexual activity without your consent (rape and sexual assault)

Visual sexual harassment

- Displaying or sharing sexual pictures, texts (sexting), computer wallpaper, or emails
- Showing you his or her private body parts (called “flashing”)
- Masturbating in front of you

How Can I Help?

Bystander intervention is a great way to address interpersonal violence.

All of us can work together to address these issues on our campus. We can all intervene to prevent interpersonal violence. Always consider your safety and the safety of those around you when considering intervention.

To be a **Proactive Bystander**, you can:

- Consistently speak out against these issues to friends, family members and whenever you're comfortable.
- Educate yourself further on the issues discussed in this handout.
- Don't laugh at sexist jokes or comments.
- Empower survivors.

To be a **Reactive Bystander**, people can find ways to safely step in to prevent problematic situations from escalating.

- Assume responsibility for intervening (Don't be afraid to get involved).
- Get help from friends, campus safety or other college staff.
- Ask the person in potential danger if they want to leave.
- Call the authorities.

Resources

Resources on Campus

HCC's Department of Public Safety (203) 332-5025

HCC's Women's Center (203) 332-5268

HCC's Counseling Center (203) 332-5097

HCC's Dean of Students Office (203) 332-5184

Resources in the Community

The Center for Family Justice, Bridgeport (203) 334-6154

Women and Families Center, New Haven (203) 389-5010

Center for Sexual Assault Crisis, Stamford (203) 348-9346

CT Sexual Assault 24 hr. Hotline. 1-888-999-5545

CT Domestic Violence 24 Hr. Hotline 1-888-774-2900

Bridgeport Hospital 1-888-357-2396

St. Vincent's Medical Center (203) 576-5171 Connecticut State Police, Troop G (203) 696-2500 Bridgeport Police Department (203) 576-7671

Understanding the Issues

Sexual Assault is forcing by threat or physical force the following: penetration of the vagina or anus; oral sex; or contact with another person's genital area, groin, anus, inner thighs, buttocks or breast to exert power over the victim.

- ⇒ Anyone can be a victim or assailant regardless of sex or gender.
- ⇒ Examples include: rape, attempted rape, or intentional touching without consent.

Consent is active and must be given freely, willingly, and knowingly of each participant. Consent is indicated clearly by words or actions and can be revoked at any time by any involved person.

- ⇒ How do you know that someone has given consent?

-If you are not sure, ask!

Stalking is any pattern of behavior or action that would cause a reasonable person to fear for their safety or health. Such behaviors may include, but are not limited to:

- ⇒ Non-consensual communications face to face, telephone, email, etc.
- ⇒ Threatening or obscene gestures.
- ⇒ Surveillance or being present outside the victim's classroom or workplace.

Relationship violence is a pattern of behavior in which one partner uses fear and intimidation to establish power and control over the other.

- ⇒ This violence impacts people of all ethnicities, races, classes, abilities and nationalities.
- ⇒ Also referred to intimate partner violence or domestic/dating violence.
- ⇒ Intimate partner violence impacts people of all ethnicities, races, classes, abilities and nationalities.

An abuser may use a variety of tactics, including but not limited to: isolation, violence or threat of violence, intimidation, and financial control. These behaviors usually escalate, especially if the victim resists or leaves the relationship.

Sexual Harassment is verbal and/or physical conduct that is sufficiently severe, persistent, or pervasive that it interferes with or limits someone's ability to participate in or benefit from HCC's programs or activities.

Some behaviors that may constitute sexual harassment include but are not limited to:

- ⇒ Verbal abuse of a sexual nature
- ⇒ Pressure to engage in sexual activity
- ⇒ Sexual jokes and comments
- ⇒ Suggestion that in order to avoid problems a person must tolerate sexual advances



HOUSATONIC
COMMUNITY COLLEGE

HOW TO SUPPORT SOMEONE YOU CARE ABOUT A SURVIVOR OF SEXUAL ASSAULT

It's not always easy to know what to say when someone tells you they've been sexually assaulted, especially when that person is a family member, friend, or loved one.

Consider the following ways to show support:

- listen. Be there. Communicate without judgment.
- If the survivor seeks medical attention or plans to report, offer to be there. Your presence can offer support.
- Share resources like the National Sexual Assault Hotline and online.rainn.org, but realize that only they can make the decision to use them. .
- Be patient. Remember, there is no timetable for recovering from trauma. Avoid putting pressure on them.

Some Dos and Don'ts include:

- **DO** respect them.
- **DON'T** pity them.
- **DON'T** assume anything, allow them to make their own choices.
 - They have had their control taken away; try to avoid doing that again.
- **DO** comfort them. Bring them a blanket or cup of tea, make the environment comfortable
- **DO** offer to accompany them, if they would like support.
- **DON'T** demand to know every detail of rape or assault.
- **DO** allow them to tell you as much or as little as they need to.
- **DO** remind them that what happened was not their fault.
- **DO** understand that healing takes time and is a difficult process.
- **DON'T** expect their fear to instantly disappear because they are safe when talking to you.
- **DON'T** make excuses for the perpetrator.
- **DO** recognize that every trauma is different and so is a person's reaction to it.

National Sexual Assault Hotline: 1-800-656-4673

local resources: <https://centers.rainn.org/>

HOW TO SUPPORT SOMEONE YOU CARE ABOUT

A SURVIVOR OF DOMESTIC/DATING VIOLENCE

Some DOs and DON'Ts:

- **DON'T** judge.
- **DON'T** tell them that they need to leave the relationship. Only they know when it is safest to leave, and that may not be now. Instead try to discuss a way to be as safe as possible in the situation.
- **DON'T** put them in a position where they need to defend the abuser.
- **DO** listen to them. They are risking a lot to tell someone, show them you can be trusted.
- **DON'T** assume that you know what abuse looks and feels like. Abuse can take many forms.
- **DO** reassure them that this is not their fault, no one deserves abuse.
- **DO** tell your loved one they are not alone; you are there to help, or to help find others who can.
- **DO** use a code word with your loved one as a signal to call the police or any pre-determined need.
- **DO** tell your loved one that you are there for them no matter what.
- **DO** offer them a safe place, if this is realistic, or help them find one.
- It is OKAY for you to let your loved one know your feelings/concerns.

There are some trends relevant to abusive relationships that it may be helpful for you to know:

- Even if the abuser apologizes, it does not mean they will stop abusing.
- Alcohol or drug use does not cause abuse.
- Abuse is cyclical and tends to escalate.
- If it is safe for you and nobody in your household will tell the abuser, offer to let them store some emergency items in your home in case they need to leave quickly.
 - Emergency items can include:
 - Documentation of the abuse (medical treatment records, the dates of the abuse, documentary destroyed property with pictures w/ date and description).
 - Information about the abuser's car and workplace (for a restraining order).
 - Proof of finances (personal & joint bank accounts, credit card statements, insurance).
 - Emergency contacts and important numbers.
 - An emergency supply of prescriptions/medications and health records (for children).
 - Any information about firearms the abuser has access to.
- If children are involved:
 - They should consider working with domestic violence advocate/lawyer if they plan to leave with the children.
 - Someone should tell the children that abuse is wrong and that they should never get in the middle when abuse is taking place-they should go somewhere safe, and call the police if they can and tell the police: their name, address, and what is happening.

National Domestic Violence Hotline (1-800-799-7233)
local program: [Domesticshelters.org]

Community Resources

The Center for Family Justice

753 Fairfield Ave., Bridgeport, CT, 06604

Phone: 203-334-6154

SA Hotline: 203-333-2233

DV Hotline: 203-384-9559

Satellite Locations:

- Fairfield
- Monroe
- Trumbull
- Stratford

Rape Crisis Center of Milford, inc.

70 West River Street, Milford, CT 06460

Phone: 203-874-8712.

24/7 crisis hotline: 203-878-1212

Women's Center of Greater Danbury

2 West Street, Danbury, CT, 06810

Phone: 203-731-5200

SA Hotline: 203-731-5204

DV Hotline: 203-731-5206

Safe Haven of Greater Waterbury

29 Central Ave., Waterbury, CT, 06702

Phone: 203-575-0388

SA Hotline: 203-753-3613

DV Hotline: 203-575-0036

Women and Families Center Meriden

Office: 169 Colony Street
Phone: 203-235-9297

Middletown Office: 100 Riverview Center,
Suite 150

Phone: 860-344-1474

New Haven Office: 1440 Whalley Ave.
Phone: 203-389-5010

YWCA New Britain

19 Franklin Square, New Britain, CT, 06051
Phone: 860-225-4681

The Center for Sexual Assault Crisis Counseling and Education

733 Summer St., Suite 503
Stamford, CT, 06901

Phone: 203-348-9346

Hotline: 203-329-2929

Susan B. Anthony Project

179 Water Street

Torrington, CT, 06790

Phone: 860-489-3798

Hotline: 860-482-7133

Statewide 24/7 Toll-Free Hotlines:

Sexual Assault: 1-888-999-5545 (English); 1-888-568-8332 (Spanish)

Domestic Violence: 1-888-774-2900 (English); 1-844-831-9200 (Spanish)



FOR CONN. GEN. STAT. § 10a-55M (f)
HOUSATONIC COMMUNITY COLLEGE
SEXUAL VIOLENCE REPORT
REPORTING YEAR 2021

SEXUAL VIOLENCE STATISTICS & DATA



Connecticut State
Colleges & Universities

SEXUAL VIOLENCE REPORTABLE STATISTICS AND DATA

CSCU INSTITUTION: Housatonic Community College
REPORTING OFFICE/DEPARTMENT: Interim Dean of Students
INSTITUTION CONTACT: Robin L. Avant
YEAR: 2021

Incidents of Sexual Assault, Stalking and IPV Reported to CSCU in 2020					
Type of Incident					
	<i>Number of Incidents Reported</i>	<i>Incident Reported to Have Occurred in 2020</i>	<i>Respondent Identified as Connected to the Reporting Institution</i>	<i>Respondent Identified as Connected to CSCU Institution</i>	<i>Confidential or Anonymous Reports</i>
<i>Sexual Assault</i>	0	0	0	0	0
<i>Stalking</i>	0	0	0	0	0
<i>Intimate Partner Violence (IPV)</i>	0	0	0	0	0

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

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



STATUTORY REFERENCES AND DEFINITIONS

SEXUAL ASSAULT

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

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

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

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

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

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

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

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

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

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

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

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

SEXUAL ASSAULT/INTIMATE PARTNER VIOLENCE

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

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

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

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

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

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

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

STALKING

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

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

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

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

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

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

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

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

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

PROGRAMMING:

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

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

"Risk Reduction"

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

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

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



FOR CONN. GEN. STAT. § 10a-55M (f)
HOUSATONIC COMMUNITY COLLEGE
SEXUAL VIOLENCE REPORT
REPORTING YEAR 2021

PUBLIC AWARENESS, PREVENTION AND RISK REDUCTION
INFORMATION

Connecticut State Colleges and Universities (CSCU)												
Title IX Related Training Provided by Housatonic Community College/ Student Services/Dean of Students, Robin L. Avant												
January 1, 2021 - December 31, 2021												
*Domestic Violence (DoV), Dating Violence (DaV), Sexual Assault (SA), Stalking (S) ** Primary= new employees/students ***Ongoing= throughout the year												
DEPARTMENT	DATE	NAME OF PROGRAM	LOCATION	PRESENTER	AUDIENCE	NUMBER IN AUDIENCE	TITLE IX RELATED	WHICH PROHIBITED BEHAVIOR WAS COVERED?*	PRIMARY** OR ONGOING?***	STUDENTS OR EMPLOYEES	LEARNING OBJECTIVES	DOCUMENTS
Student Services	ongoing	Not Anymore	online	Vector Solutions	students	3604	yes	SA,DoV,DaV,S	Primary and ongoing	STUDENTS	Not Anymore is an interactive online program designed for community college students to prevent sexual assault, dating and domestic violence and stalking while helping your campus meet Campus SaVE Act (VAWA) and Title IX mandates (from NotAnymore website).	The Data is available upon request for the purpose of this report we used the not anymore portal for the campus
Student Services	October 21, 2021	Wear Purple Day	HCC Cmapus	Kim McGinnis	Campus wide	4300	yes	DoV	Primary and ongoing	STUDENTS & EMPLOYEES	Fight against Domestic Violence, DV Awareness Month, Support by wearing Purple, Hastag DVAM, email distribution and poster, 1-800-799-SAFE	Campus Planning Guide + Supplementary Materials: https://www.dropbox.com/sh/oqnix0zsb4yfqpr/AADOP25RWdEcs3XlMWu3eaOla?dl=0
Student Services	10/27/2021 (4 week campaign)	Red Flag Campaign	HCC Campus	Kim McGinnis	Campus wide	4300	yes	SA,DoV,DaV,S	Primary and ongoing	STUDENTS & EMPLOYEES	Technical package and tools to prevent sexual violence, distribution of hand outs, red flags to generate awareness, emergency contacts and resources. Important to note: The folder "Sample Red Flag Materials" holds the PDFs of each poster that could be used for virtual bulletin boards. Ending Rape Culture online zoom discussion	The Data is available upon request for the purpose of this report we used the not anymore portal for the campus. Flyer email distribution
Counseling & Wellnss	November 15, 2021	Women's Center Health Fair	HCC Campus		campus wide	3604	yes	DoV, SA	Primary	STUDENTS AND EMPLOYEES	Discussion focused on women crisis	Flyer email distribution
Student Services	August 4th and 5th, 2021	Bringing in the Bystander - Virtual College Training	virtual		Staff & Faculty	4	yes		PRIMARY	EMPLOYEES	Attendees learned learn how to facilitate BITB virtually (as well as in-person) and be able to troubleshoot issues related to online/livestreaming delivery of BITB	Flyer email distribution
Student Services	1/12 – 1/15/21, 3/10/21, 4/13/21, 4/19/21, 5/21/21, 6/21/21, 8/17/21, 9/20/21 and 10/21/21	National Associaton fo Student Personnel Administrators (NASPA) - Sexual Violence and Prevention	Virtual series	NASPA	Dean of Students	1	yes		Ongoing	EMPLOYEES	Student Health, Safety and Wellness, Sexual Violence and Prevention in the Virtual Space	NASPA membership



HOUSATONIC
COMMUNITY COLLEGE

Stay Close. Go Far.

Student Code of Conduct & Title IX

Robin Avant
Interim Dean of Students
Title IX Deputy

Introduction

- Angelo Simoni Jr.
CSCU Title IX Coordinator
ASimoni@commnet.edu
(860) 723-0165
- Robin L. Avant
Deputy Title IX Coordinator
RAvant@housatonic.edu
Beacon Hall 278
(203) 332-5061



HC-TitleIX@hcc.commnet.edu
HC-Studentconduct@hcc.commnet.edu

Title IX Information

Title IX of the Education Amendments of 1972 is a federal law that protects all students attending or accessing services at an educational institution that receives federal funding. It allows all students to attend school in an environment free of harassment, gender based violence and discrimination. Violations of your rights under Title IX would be sexual assault, sexual harassment, sex discrimination or gender discrimination. Here at Housatonic Community College we take our responsibility to address and protect these rights very seriously. If you would like to report a Title IX violation or if you would like more information please do not hesitate to contact our Title IX Coordinator(s).

<https://www.housatonic.edu/campus-resources/title-ix-information>

Session Agenda

- Policy & Title IX Overview
- How does HCC handle Title IX?
- Consent
- Bystander Intervention Overview
- Community and Campus Resources
- Your Questions

Student Conduct Overview

This Student code of Conduct is intended to present a clear statement of student rights and responsibilities established by the Board of Regents for Higher Education.

The Student Code describes the types of acts that are not acceptable in an academic community.

Appendix I: Section I. Student of Conducts
Part D: Prohibited Conduct

HCC's policies

- Housatonic is a community that takes many forms.
- It is the policy of HCC to foster a campus environment that is free from intimidation and one where student can reach their fullest potential.
- HCC is committed to providing an environment free of personal offenses.

What is Title IX?

- “No person in the United States shall, on the basis of sex, be excluded from participation in , be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”
- It allows all students to attend school in an environment free of harassment and gender based violence.

Consent

- Consent [is]:
 - Active and cannot be coerced.
 - It must be freely given.
 - Necessary at every stage of sexual contact
 - Cannot be assumed when moving to another level of intimacy.

****** If you want it you have to ask for it and respect the answer

*** Consent is NOT if someone is incapacitated by substances has only agreed to an earlier act, say nothing is never asked for consent, or has been made to feel that they must say yes.**

How does Title IX apply at HCC?

Here at HCC we take the responsibility of Title IX very seriously

- Students have many options for handling incidents of sexual misconduct.
 - They can inform any faculty or staff members
- If they are seeking help based on an incident in the past or that happened off campus we will provide services and support based on their individual needs.
- If the conduct is related to a person affiliated with HCC will still provide those resources and investigate the conduct as a violation of our code of conduct.
- We use policies and procedures directed by C SCU and that provides a consistent and fair process for all of our students, faculty and staff.

Bystander intervention

Bystander intervention is a great way to address interpersonal violence.

HCC's approach to prevention and awareness programming.

- Proactive Bystander intervention
- Reactive Bystander intervention

Campus Resources

There are non-confidential resources on campus that can support and assist students and employees going through the process of reporting an incident of sexual misconduct.

- Housatonic's Counseling Center:
 - (203) 332-5097
 - HC-Counseling@Housatonic.edu
 - <https://www.housatonic.edu/counseling-wellness-center>
- Housatonic Public Safety:
 - (203) 332-5025
 - <https://housatonic.edu/about-us/safety-security>
- Title IX Coordinators: Dean of Students and the Director of Human Resources
 - Housatonic's Dean of Students Office (203) 332-5184
 - Housatonic's Title IX Investigator Office (203) 332-5061

Community Resources

- The Center For Family Justice, Inc.
 - Main number: 203-334-6154
 - Domestic Abuse Hotline 203-384-9559
 - Sexual Assault Hotline 203-333-2233
 - Sexual Assault Hotline 888-568-8332 (Spanish)
- Rape Crisis Center of Milford, Inc
 - 24/7 Crisis Hotline (203) 878-1212
 - CT Toll-Free 1-888-999-5545
 - En Español 1-888-568-8332
 - National (RAINN) (800) 656-4673
- Women's Center of Greater Danbury
 - Main number (203) 731-5200
 - Sexual Assault Hotline (203) 731-5204
 - Domestic Violence Hotline (203) 731-5206
- Safe Haven of Greater Waterbury
 - 24 Hour Hotlines:
 - Domestic Violence: 888-774-2900
 - Sexual Assault: 203-753-3613
- Women and Families Center
 - Meriden Office (203) 235-9297
 - Middletown Office (860) 344-1474
 - New Haven Office (203) 389-5010
- YWCA New Britain Sexual Assault Crisis Services
 - Statewide in English: 1-888-999-5545
 - New Britain Office (860) 505-0469
 - Hartford Office (860) 547-1022
 - Español para todo el estado: 1-888-568-8332
- The Center for Sexual Assault Crisis Counseling and Education
 - Office (203) 348-9346
 - Domestic Violence Hotline 203-731-5206
 - Sexual Assault Hotline 203-731-5204
- Susan B. Anthony Project
 - Office Phone: (860) 489-3798
 - Hotline: (860) 482-7133

Thank You!



HOUSATONIC
COMMUNITY COLLEGE

Stay Close. Go Far.

HOUSATONIC COMMUNITY COLLEGE

JOIN US IN OUR FIGHT AGAINST
DOMESTIC VIOLENCE

WEAR PURPLE DAY

THURSDAY, OCTOBER 21, 2021

**SHOW YOUR SUPPORT BY WEARING PURPLE, TAKE A
PICTURE, POST IT ON SOCIAL MEDIA AND HASHTAG
#PURPLE THURSDAY, #DVAM #HCCSTRONG**

DOMESTIC VIOLENCE AWARENESS MONTH
HELP IS AVAILABLE AT [PCADV.ORG/FIND-HELP](https://pcadv.org/find-help)
800-799-SAFE

RED TALK

**HAVE YOU
SEEN THE
RED FLAGS?**

LETS TALK ABOUT THEM

WEDNESDAY
OCT 27.

1 pm
Events Center

FOR MORE INFORMATION PLEASE CONTACT
MEDGINE BRIGHT 203-332-5058 OR MARILYN ALBRECHT 203-332-8521



Have you seen
the RED flags?

Let's talk about them.

Wednesday, October 27

1PM

EVENTS CENTER

What is Title IX?

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

-20 U.S.C. § 1681(a)

What and who does it protect?

Title IX protects all students from sex-based discrimination. The law also protects parenting students and women in STEM programs. Title IX addresses sexual harassment, sex-based discrimination and sexual violence.

What should I do if I need to report something?

You can report a violation of Title IX to any faculty or staff member.

AND

The Title IX Coordinator will meet with you, give you on and off campus resources and explain your options through the HCC grievance procedure.

THEN

The Title IX Coordinator will do an investigation into the violation of policy and if someone is found responsible, they will be subject to sanctions.

Title IX Coordinator:

Robin L. Avant, ravant@housatonic.edu

Beacon Hall 278 | 203.332.5061



About

Office of the Chief Executive Officer

Mission, Vision and Values

HCC Role & Scope

Strategic Plan

License and Accreditation (NECHE)



Communications and Marketing



Consumer Information

Directions to HCC

Work Order

Facilities & Events Management



Directory

HCC History



HR Shared Services

Institutional Advancement

The Department of Public Safety welcomes you to Housatonic Community College.

We are a law enforcement/public safety agency responsible for the enforcement of campus rules and regulations and local, state and federal Laws.

All HCC Police Officers are trained at the Connecticut Police Academy and derive their powers of arrest from the Commissioner of Public Safety. The department also consists of state Building and Grounds Patrol Officers and well trained contract security associates.

Members of the Department of Public Safety participate in the college's Behavior Intervention Team / Risk Assessment Team. We are also members of the college's Critical Incident Response Team. These teams provide policies, procedures and training to ensure the college is working to prevent critical incidents and to remediate any incidents that might arise.

The mission of the Department of Public Safety at HCC is to provide the campus community with proactive, professional security services. As an integral link in the learning environment, the Department of Public Safety responds to the changing needs of the college by creating a safe learning and working environment for students and staff.



HOW YOU CAN HELP SOMEONE IN NEED?

- Ask if something is wrong & don't wait for them to come to you.
- Express concern without judging or blaming.
- Listen & validate without pressuring them.
- Offer help & not advice.
- Help them understand that abuse is not their fault.
- Help them protect themselves.
- Support their decision without placing conditions on your support.
- Offer a place to stay, or offer to keep an eye on their children.
- Maintain regular contact with them.
- Find out about services & legal options available to help them.



**ARE YOU OR SOMEONE
YOU KNOW IN AN
ABUSIVE SITUATION?
DON'T FEEL ALONE.**

- **HOUSATONIC COMMUNITY COLLEGE OFFERS FREE, SAFE /CONFIDENTIAL SUPPORT, RESOURCES, & EDUCATIONAL INFORMATION.**
- **YOU WILL BE CONNECTED TO PEOPLE & SERVICES THAT HELP YOU THROUGH THIS DIFFICULT TIME.**
- **SERVICES ARE AVAILABLE REGARDLESS OF IMMIGRATION STATUS, GENDER, OR SEXUAL ORIENTATION.**

TITLE IX

IS A FEDERAL LAW THAT PROTECTS ALL STUDENTS ATTENDING OR ACCESSING SERVICES AT AN EDUCATIONAL INSTITUTION THAT RECEIVES FEDERAL FUNDING. IT ALLOWS ALL STUDENTS TO ATTEND SCHOOL IN AN ENVIRONMENT FREE OF HARASSMENT, GENDER BASED VIOLENCE AND DISCRIMINATION.

HCC CAMPUS RESOURCES

Title IX Coordinator

Dr. Kim McGinnis
Dean of Student Services
KMcGinnis@housatonic.edu
203-332-5183

Counseling & Wellness Center

Lafayette Hall - A 242
Submit an online confidential CARE Report
(<https://housatonic.edu/current-student/care-reports>) 203-332-5285

Title IX Investigator

Marilyn Albrecht
MAlbrecht@housatonic.edu
203-332-8521

Women's Center

Beacon Hall - 371
203-332-5268

Public Safety Office

Lafayette Hall/Beacon Hall
203-332-5025

Men's Center

Beacon Hall - 325
203-332-8561

The Center for Family Justice

Campus & Community based Advocacy, Education Outreach & Services
753 Fairfield Ave, Bridgeport, CT 06604
(CenterforFamilyJustice.org) ***Services are provided in all languages*

24/7 Crisis Hotlines

Sexual Violence: 203-333-2233
Dating/Domestic Violence: 203-384-9559
Vedas (Spanish): 888-568-8332

If you are not safe & need immediate help, call or text 911.

National Sexual Assault Hotline

1-800-656-4673
Need to Chat online? Go to: www.online.rainn.org

National Sexual Assault, Domestic & Family Violence Counseling Services

1-800-737-7328

IF YOU NEED TEMPORARY SHELTER

Visit: **Vehicle for Change, the Wellness Van**

Tues: 6-9pm Downtown BPT bus terminal

Wed: 1-3pm BPT Public Library

Thu: 7-9pm on HCC State St. entrance, BPT

Fri: 9:30-11am BPT East side Library, East Main St

OR contact 211 or 1-800-203-1234, press option 3 & option1
for housing specialist **OR** contact BPT Rescue Mission 203-540-5449;
(Women) 203-908-3955 • **(Men)** 203-333-4087

SIGNS SOMEONE IS BEING ABUSED

Signs include, but are not limited to, a combination of the following:

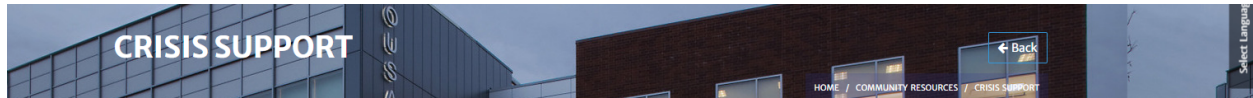
- Excuses for injuries.
- Personality changes, like low self-esteem in someone who was always confident.
- Constantly checking in with their partner.
- Never having money on hand.
- Overly worried about pleasing their partner.
- Skipping out on work, school, or social outings for no clear reason.
- Wearing clothes that don't fit the season, like long sleeves in summer to cover bruises.
- Talk about their partner's temper, jealousy, or possessiveness.
- Being restricted from seeing family & friends.
- Being depressed, anxious, or suicidal.



WE CAN HELP.

(Info on Back Page)





Community Resources

- Food Pantries (PDF)
- Homeless Shelters (PDF)
- College Counseling and Community Mental Health Referrals (PDF)
- Opioid Crisis
- Suicide Prevention
- Suicide Prevention
- 5 Steps To Help Others
- Crisis Support**
- Coping With Anxiety
- Signs of Depression in College
- Navigating Stress And Anxiety

HCC – CRISIS SUPPORT

If you or someone you know might be at risk of substance abuse or suicide, immediately call or inform:

Safety and Medical Emergency - 9-1-1

Counseling & Wellness Center - L A- 241 - 203-332-5285, M- F 8:30 am - 6:00pm

Campus Public Safety - 203-332- 5025, 7:00am- 9:30pm

Fairfield Mobile Crisis Clinic - 1-800-586-9903 - 24/7

Mental Health & National Suicide Prevention Lifeline - 1-800-273- 8255 for free & confidential support. Counselors are available 24/7

OR

Crisis Text Line: Text to CT at 74174 to have confidential text conversation. Counselors are available 24/7

State of Connecticut Suicide Prevention website: - www.preventsuicidect.org

SAMHSA – National Substance Abuse Helpline - 1-800 -662- 4357 24/7 - 365 days a year.

Trevor Project - 1-866-488-7386 (A crisis intervention & suicide prevention for LGBTQI young people ages 13-24)

#CHATSAFE: A YOUNG PERSON'S GUIDE FOR COMMUNICATING SAFELY ONLINE

ABOUT SUICIDE - <https://www.orygen.org.au>



Women's Center
Women's Center Home

HCC Women's Center



HCC Women's Center Open House

September 15 12:30-3:00

This event is drop in -- come for a few minutes or stay for a great time! Snacks, free giveaways, and community partners will be there to meet you and welcome you to the Women's Center.

Vision Statement

Housatonic Community College Women's Center is committed to creating an inclusive environment by working towards a climate of gender equity and social justice that will enrich the lives of all members of our campus and community. Our Center serves as a space for support, education through programming, discussion, advocacy, and affirmation for women and other marginalized groups in society.

Mission Statement

The Housatonic Community College Women's Center is committed to meeting the needs of women in both the college and surrounding community. The Center provides a safe environment to receive support, assistance and information. It also encourages the creation and implementation of educational programming to help women and men explore the position of women in our society. We are committed to helping individuals overcome obstacles in their lives in order to achieve their personal and academic goals.

Staff Information

Women's Center Coordinator, Katrina Camerato, 203-332-5268, kcamerato@hcc.commnet.edu

<https://housatonic.edu/womens-center>



*Connecticut State
Colleges & Universities*

FOR CONN. GEN. STAT. § 10a-55m(f)
HOUSATONIC COMMUNITY COLLEGE
SEXUAL VIOLENCE REPORT
REPORTING YEAR 2021

SUPPLEMENTAL INFORMATION

Statement Regarding Sexual Violence

In General

The College is committed to creating a community that is safe and supportive of people of all gender and sexual identities; this statement pertains to the entire campus community, whether on ground or virtual, students, faculty, and staff. Two of the College's primary concerns are the health and well-being of each individual and fostering healthy interpersonal relationships. The principles of the Board of Regents ***Policy on Student Conduct*** (integrity, equity, respect and responsibility) address elements necessary for healthy interpersonal relationships and these principles are especially important when relationships become intimate. Sexual intimacy is permissible only if it is agreed to by all participants and all activity is affirmatively consensual at all times. Sexual misconduct, including sexual harassment, sexual assault and intimate partner violence, against anyone is unacceptable and is both a crime under State law and a violation of College policies, including but not limited to: ***Policy on Student Conduct, Violence Prevention and Response Statement, Statement Against Harassment***. The College is committed to providing an environment free of personal offenses.

Reporting Encouraged

The College strongly encourages the reporting of sexual misconduct, including sexual harassment, sexual assault and intimate partner violence, as an effective means of taking action by reporting such acts to the appropriate officials and pursuing criminal or disciplinary remedy, or both. The only way that action can be taken against anyone who violates another in such a manner is through reporting. The College can provide those who report sexual misconduct with many supportive options, including referral to agencies that provide medical attention, counseling, legal services, advocacy, referrals and general information regarding sexual assault. The College will preserve the confidentiality of those who report sexual misconduct to the fullest extent possible and allowed by law. College employees, victim advocates or community victim advocates being consulted will make any limits of confidentiality clear before any disclosure of facts takes place.

Mandated Reporting

Mandated reporting requirements of the Child Protection Law may require that a report be made to the Connecticut Department of Social Services whenever the College receives a report that a person under eighteen (18) years of age may have been sexually assaulted. In addition, those College employees who qualify as Campus Security Authorities under the Jeanne Clery Act have a duty to report information that comes to their attention of a possible sexual assault regardless of the age of the reported victim. The College also employs individuals who are members of professions that are mandated reporters under Connecticut law, such as early childhood professionals, nurses and others. In order to comply with the ethical requirements of their profession and the law, any such professional who receives a report of sexual violence may not be able to maintain the confidentiality of the reported violence.

Privacy of Information Reported

When the College receives a report of sexual assault and/or sexual misconduct, reasonable steps will be taken to preserve the privacy of the person reported to have been the victim while promptly investigating and responding to the report. While the College will strive to maintain the confidentiality of the information reported, which information is subject to privacy requirements of the Family Education Rights Privacy Act (FERPA), the College also must fulfill its duty to protect the College community and to assure that the appropriate disciplinary processes are implemented. As such, complete confidentiality cannot always be guaranteed.

Confidential resources, such as off campus counseling and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center are bound by state statutes and professional ethics from disclosing information about reports without written releases. Information that such persons receive from the reporter of a sexual assault or the person reported to have been assaulted cannot be disclosed legally to any other person without consent, except under very limited circumstances, such as an imminent threat of danger to self or others or if the reported victim is a minor. Therefore, for those who wish to obtain the fullest legal protections and disclose in full confidentiality, s/he must speak with a full confidential resource. The following is a partial list of such confidential resources in the College's service region:

The Center for Women and Families, Bridgeport (203) 384-9559
Women's Center of Greater Danbury (203) 731-5204
Women and Families Center, New haven (203) 235-4444
Center for Sexual Assault Crisis, Stamford (203) 348-9346
Adult Survivors of Child Abuse, Norwalk (203) 348-9346

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

Rights and Options of Those Who Report

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

- All reports of sexual misconduct, including sexual harassment, sexual assault and intimate partner violence, will be treated seriously and with dignity by the College.
- Referrals to off-campus counseling and medical services that are available immediately and confidentially, whether or not those who report an assault feel ready to make any decisions about reporting the assault to police, the Dean of Students or the College's Title IX Coordinator.
- Those who have been assaulted have the right to take both legal action (criminal/civil action) and action in accordance with the ***Policy on Student Conduct*** and ***Policy Against Harassment*** against the individual allegedly responsible.
- Those who may wish that her/his report of an assault to be handled in a confidential manner may contact the **Center for Sexual Assault Crisis, Stamford (203) 348-9346** – bound by state statutes and professional ethics to maintain confidentiality without written releases.

Options for Changing Academic, Transportation and Working Arrangements

Housatonic Community College will provide assistance to those involved in a report of sexual harassment, sexual assault or intimate partner violence, including but not limited to, reasonably available options for changing academic, campus transportation or working situations as well as honoring lawful protective or temporary restraining orders.

- ***The procedures to follow after the commission of such violence, including people or agencies to contact for reporting purposes or to request assistance, and information on the importance of preserving physical evidence;***

Housatonic's Office of Public Safety (203) 332-5025

Connecticut State Police (203) 696-2500

Bridgeport Police Department (203) 576-7671

Agency Contact Information

It is the Practice of the College that whenever the College's Title IX Coordinator or other employee receives a report that a student, faculty or staff member has been subjected to sexual misconduct, including sexual harassment, sexual assault or intimate partner violence, the College's Title IX Coordinator or other employee shall immediately provide student, faculty or staff member with contact information for and, if requested, professional assistance in accessing and using campus, local advocacy, counseling, health, and mental health services. The following list of services, including contact information, is provided for this purpose:

- The Center for Women and Families, Bridgeport (203) 384-9559
- Women's Center of Greater Danbury (203) 731-5204
- Women and Families Center, New haven (203) 235-4444
- Center for Sexual Assault Crisis, Stamford (203) 348-9346
- Adult Survivors of Child Abuse, Norwalk (203) 348-9346
- Housatonic Department of Public Safety (203) 332-5025
- Bridgeport Center for Women & Children (203) 333-2233
- St. Vincent's Medical Center (203) 576-5171
- Connecticut Sexual Assault Crisis Services 1-888-999-5545
- Bridgeport Hospital 1-888-357-2396
- Connecticut Office of Victim Services 1-800-822-8428

Right to Notify Law Enforcement & Seek Protective and Other Orders

Those who report being subjected to sexual misconduct, including harassment, sexual assault or intimate partner violence, shall be provided written information about her/his right to:

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

Information pertaining to how to apply for a restraining is available at:

<http://jud.ct.gov/Publications/fm142.pdf> as well as through the Office for Victim Services.

In addition, the Office of Victim Services (OVS), Connecticut Judicial Branch, is the state's lead agency established to provide services to victims of violent crime. For further information, including contact information for the OVS, see: <http://jud.ct.gov/crimevictim/index.html> or call 1-800-822-8428.

Students should be aware that under Connecticut law (Public Act 12-114, entitled An Act Concerning Domestic Violence) that became effective on October 1, 2012, among other provisions, requires clerks of court, upon request of the protected person, to send notice of a protective order to the President and the special police force, if any, at the College or University at which the victim is enrolled. The full text of the statute can be found at:

<http://www.cga.ct.gov/2012/ACT/PA/2012PA-00114-R00HB-05548-PA.htm>

Student Conduct Procedures

The ***Board of Regents Policy on Student Conduct*** provides the procedures for the investigation and resolution of complaints regarding student conduct, including those involving sexual harassment, sexual assault and intimate partner violence.

The College's Dean of Students or Title IX Coordinator can assist in explaining the student conduct process. The Dean of Students, Title IX Coordinator or designee are the designated recipients of reports of violations of the ***Expectations for Student Conduct*** set forth in the ***Policy on Student Conduct***. The Dean of Students also administers the ***Policy on Student Conduct*** process regarding any such reports. The ***Policy on Student Conduct*** provides an equal, fair, and timely process (informal administrative resolution or a formal adjudication) for complainants and accused students.

Time to Report

To summarize the procedures, normally reports must be received by the Dean of Students or other designee of the President Director of Public Safety, Master Sergeant Chris Gough (203) 332-5024 within thirty (30) days of the date of a possible violation or within thirty (30) days of the date the facts constituting a possible violation were known. However, the College recognizes that the decision to file a report of sexual misconduct or relationship violence is difficult and may take some time. Because memories may fade and witnesses may become inaccessible, the sooner information is gathered, the greater is the ability of the College to effectively investigate and resolve the matter fairly to all parties concerned.

Danger to Persons, Property or Academic Process: Interim Suspension or Restriction

Upon receipt of a report, the Dean must initially determine if, based upon the reported incident, the continued presence of the reported violator would constitute an unreasonable danger to the persons, property or academic process of the College. If the Dean so determines, the Dean is authorized to suspend or restrict the reported violator on an interim basis.

Investigation

The Dean is expected to conduct a thorough and impartial investigation into the report and, upon the conclusion of the investigation, the Dean must decide whether the information gathered leads to the conclusion that the reported student committed the reported violation.

Range of Sanctions

The ***Policy on Student Conduct*** provides sanctions for any violation of the Policy that range from a warning to separation from the College depending on the severity and the extent of the behavior,

among other factors. The purpose of sanctions includes, but is not limited to: changing student behavior, protecting the College community from further violations and fostering a campus environment that is conducive to learning, teaching and working.

Upon the conclusion of the investigation, the Dean must determine whether or not the sanction for the violation involves suspension or expulsion from the College.

- ***Violation Not Warranting Suspension or Expulsion***

If the Dean determines the violation does not warrant suspension or expulsion from the College, then the Dean is expected to conduct an Administrative Conference and decide, after informing the accused student of the results of the investigation and after providing the accused student with an opportunity to provide additional information, whether a violation has occurred and, if so, what sanction not involving suspension or expulsion is appropriate. There is no right of review from such a decision of the Dean.

- ***Violation Warranting Suspension or Expulsion: Resolution Options***

If upon the completion of the investigation the Dean determines that the reported student has violated the ***Expectations for Student Conduct*** and that suspension or expulsion is warranted, the Dean shall offer the accused student a statement of the results of the investigation, a proposed agreement in lieu of a hearing and a statement of the student's rights at a hearing should there be a hearing.

Rights of Both the Reported Victim and the Accused

Additionally, both the reported victim and the accused student are entitled to the following:

- to be accompanied to any meeting or proceeding by an advisor or support person of their choice, provided that the advisor or support person does not cause a scheduled meeting to be delayed or postponed;
- to request that student conduct proceedings begin promptly;
- to have student conduct proceedings be conducted by an official trained in issues relating to sexual assault and intimate partner violence;
- to present information, including other persons, on their behalf;
- to have the student conduct proceedings use the more likely than not standard in determining whether a violation of the *Expectations for Student Conduct* has been committed, i. e. , whether it is more likely than not that the reported act of sexual misconduct, including sexual harassment, sexual assault or intimate partner violence, was committed by the accused student.
- to be informed in writing of the results of the proceeding as soon as possible after it concludes, normally no later than the next business day after it concludes; and
- consistent with the requirements of the Family Educational Rights and Privacy Act (FERPA) and other federal and State laws, have their identities kept confidential.

Key Definitions

Sexual assault is defined to mean first, second, third and fourth degree sexual assault as well as aggravated first degree sexual assault and third degree sexual assault with a firearm as more specifically defined in Connecticut State law.

Sexual Misconduct is defined as:

- Non-consensual sexual intercourse, which includes any sexual intercourse (anal, oral, or vaginal), however slight, with any body part or object, by a man or a woman, without effective consent.
- Non-consensual sexual contact, which includes sexual touching, however slight, with any object, by a man or a woman, without effective consent.
- Sexual exploitation, which includes non-consensual, unjust or abusive sexual advantage taken by a student of another, for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute non-consensual sexual intercourse, non-consensual sexual contact or sexual harassment. Examples of sexual exploitation include, but are not limited to: prostitution, videotaping consensual sex without a partner's consent, peeping tommery and knowingly transmitting sexually transmitted infections without a partner's knowledge.

Consent is defined as informed, freely and actively given assent, involving an understandable exchange of affirmative words or actions, which indicates a willingness to participate in mutually agreed upon sexual activity. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. The lack of a negative response is not consent. Consent may not be given by a minor or by any individual who is incapacitated, whether voluntarily or involuntarily, by drugs and/or alcohol. Past consent of sexual activities does not imply ongoing future consent.

Stalking is defined as any behaviors or activities occurring on more than one (1) occasion that collectively instill fear in the victim and/or threaten her/his safety, mental health and/or physical health. Such behaviors or activities may include, but are not limited to, whether on or off campus, non-consensual communications (face to face, telephone, e-mail, etc.), threatening or obscene gestures, surveillance or being present outside the victim's classroom or workplace.

Relationship violence is defined as:

- Including intimate partner violence, which is any physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1) sexual assault; (2) sexual assault in a spousal or cohabiting relationship; and (3) domestic violence (which includes various crimes) and first, second, and third degree stalking as more specifically defined in Connecticut State law.
- Physical abuse, which can include but is not limited to, slapping, pulling hair or punching.
- Threat of abuse, which can include but is not limited to, threatening to hit, harm or use a weapon on another (whether victim or acquaintance, friend or family member of the victim) or other forms of verbal threat.
- Emotional abuse, which can include but is not limited to, damage to one's property, driving recklessly to scare someone, name calling, threatening to hurt one's family members or pets and humiliating another person.
- Sexual harassment, which can include any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when submission to such conduct is made either

explicitly or implicitly a term or condition of an individual's education; submission to or rejection of such conduct by an individual is used as a basis for academic decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile or offensive educational environment. Examples of conduct which may constitute sexual harassment include but are not limited to:

- sexual flirtation, touching, advances or propositions
- verbal abuse of a sexual nature
- pressure to engage in sexual activity
- graphic or suggestive comments about an individual's dress or appearance
- use of sexually degrading words to describe an individual
- display of sexually suggestive objects, pictures or photographs
- sexual jokes
- stereotypic comments based upon gender
- threats, demands or suggestions that retention of one's educational status is contingent upon toleration of or acquiescence in sexual advances.

RESOURCES

A variety of support resources are available on campus and in the community to assist in dealing with sexual violence. These resources are available whether or not the incident occurred on campus or off campus.

The College and community partners provide a range of services, resources, and mechanisms. In all cases, the choice may begin with an exploratory conversation. Making contact does not obligate anyone to utilize services or make any report.

For support and information on available options contacting any of the following is encouraged:

Housatonic's Office of Public Safety (203) 332-5025
Housatonic's Women's Center (203) 332-5268
Housatonic's Counseling Center (203) 332-5097
Dean of Students Office (203) 332-5184

Additional Resources (Available 24 hours a day, 7 days a week)

- The Center for Women and Families, Bridgeport (203) 384-9559
- Women's Center of Greater Danbury (203) 731-5204
- Women and Families Center, New haven (203) 235-4444
- Center for Sexual Assault Crisis, Stamford (203) 348-9346
- Adult Survivors of Child Abuse, Norwalk (203) 348-9346
- Adult Survivors of Child Abuse, Norwalk (203) 348-9346

- Housatonic Department of Public Safety (203) 332-5025
- Bridgeport Center for Women & Children (203) 333-2233
- St. Vincent's Medical Center (203) 576-5171
- Connecticut Sexual Assault Crisis Services 1-888-999-5545
- Bridgeport Hospital 1-888-357-2396
- Connecticut Office of Victim Services 1-800-822-8428

SEXUAL ASSAULT AWARENESS & EDUCATION

Training is planned for faculty, staff members, and administrators. Each entering student will be given an emergency sexual assault notification card that explains available services for victims of sexual assault, as well as the immediate response role of College personnel.

CONCLUSION

All members of the College community share a responsibility for upholding this practice as we strive to attain our goal of creating a community that is safe and free of violence.

III. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO COMMUNITY COLLEGE STUDENTS

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

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

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

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

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

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

commencement of the hearing, the Student who is subject to the hearing may challenge the appointment of an impartial party or panel member on the ground that the person(s) is (are) not impartial. The challenge shall be made in writing to the Dean and shall contain the reasons for the assertion that the person(s) is (are) not impartial. The decision of the Dean shall be final.

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

PART B: DISCIPLINARY SANCTIONS

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

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

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

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

Housatonic Community College

Sexual Misconduct Disclosure Form

Expectation of the Student:

_____ **Disclosure Only:** The student can share about their experiences without launching an investigation based on the information. The student will be provided with information about resources and assistance available to them both on campus and in the community.

_____ **Filing a Report:** The student is sharing information with the faculty/staff member in order to have the college take action to address the issue. The student will be provided with information about resources and assistance available to them both on campus and in the community.

*** This student should be brought to the Dean of Students office or the campus safety office to make a report.*

Date of Disclosure: _____ Department: _____

Faculty/Staff Member: _____

Information provided by the Student

Name of Student making the Disclosure: _____

Banner ID # _____

*** The student can choose to remain anonymous (use initials and leave the Banner ID blank). ***

The information provided will only be used for data and reporting purposes.

General category of misconduct:

Date of incident: _____

_____ Sexual Harassment

_____ Sexual Assault

_____ Stalking

_____ Intimate Partner Violence

_____ Domestic Violence

_____ Dating Violence

Synopsis of information provided by the student:

Please list the resource materials provided to the student:

Please submit this form to the Title IX investigator in BH278 within 48 hours of disclosure.

III. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO COMMUNITY COLLEGE STUDENTS

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

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

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

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

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

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

commencement of the hearing, the Student who is subject to the hearing may challenge the appointment of an impartial party or panel member on the ground that the person(s) is (are) not impartial. The challenge shall be made in writing to the Dean and shall contain the reasons for the assertion that the person(s) is (are) not impartial. The decision of the Dean shall be final.

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

PART B: DISCIPLINARY SANCTIONS

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

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

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

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

Definitions from CSCU Student Code of Conduct

Sexual Misconduct may include engaging in one or more of the following behaviors:

- **Sexual harassment**, which can include any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education; (2) submission to or rejection of such conduct by an individual is used as a basis for academic decisions affecting the individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile or offensive educational environment.
- **Sexual Assault**, shall include but is not limited to a sexual act directed against another person when that person is not capable of giving consent.
- **Consent**: the voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make a deliberate choice to do something proposed by another.
 - Consent can be withdrawn at any time (that person will have not consented to any activity that took place after that point).
 - Consent cannot be assumed because there is no physical resistance or other negative response.
 - A lack of consent may result from mental incapacity (e.g., ingestion of alcohol or drugs which significantly impair awareness or judgment) or physical incapacity (e.g., the person is unconscious or otherwise unable to communicate consent).
- **Intimate partner violence** is defined as any *physical or sexual harm* against an individual by a current or former spouse or by a partner in a dating relationship that results from: sexual assault, domestic violence, or sexual harassment. The violence can include, but is not limited to: physical abuse, verbal abuse, sexual abuse, emotional abuse, financial abuse, and threats of violence.
- **Stalking**, which is defined as repeatedly contacting another person when: a. The contacting person knows or should know that the contact is unwanted by the other person; and b. The contact causes the other person reasonable apprehension of imminent physical harm or the contacting person knows or should know that the contact causes substantial impairment of the other person's ability to perform the activities of daily life.
 - As used in this definition, the term "contacting" includes, but is not limited to, communicating with (including internet communication via e-mail, instant message, social media sites or any other internet communication) or remaining in the physical presence of the other person.

Examples of behaviors which may constitute sexual misconduct are outlined on pages 129-131 of the HCC student handbook.

Investigative Report

Housatonic Community College
Office of the Title IX Coordinator
900 Lafayette Blvd.
Bridgeport, CT 06604

Investigator(s):

Date

The report is the product of an investigation into the complaint made by COMPLAINANT NAME(S) against RESPONDENT NAME(S), specifically, to determine if it is more likely than not that the respondent violated Housatonic Community College's Sexual Misconduct Policy. This investigation was conducted by the Title IX Coordinator's office. This report summarizes the investigation's findings in order to assist in the determination of any sanctions.

Reported Violation:

Specific violation, page within the policy, Student Code of Conduct, Sexual Misconduct Policy, which reads:

This accusation pertains to the student conduct policies, List part, Section, and Sub-section. The policy is on page ____ of the 2015-2016 student handbook. The policy reads:

Quote the policy from the Code of Conduct

Parties Interviewed:

COMPLAINANT

RESPONDENT

Complainant Identified Witnesses:

Respondent Identified Witnesses:

Other relevant parties

Background and Investigative Findings:

On DATE, COMPLAINANT reported a code of conduct violation by RESPONDENT on DATE OF VIOLATION in LOCATION OF VIOLATION.

Does COMPLAINANT wish to pursue law enforcement of any kind? AND the party who received the initial report forwarded the report to the Title IX Coordinator's office.

COMPLAINANT met with Title IX Coordinator's office on DATE, the first available time that COMPLAINANT could meet to discuss the complaint and subsequently placed INTERIM MEASURES of no contact between the parties.

Synopsis of event

--

List of supplemental evidence

--

Findings and Conclusion:

In the above referenced matter, the investigation did/did not show that RESPONDENT more likely than not violated our Code of Conduct. It is the recommendation of the investigator that a charge letter be drafted and RESPONDENT can choose whether or not to take responsibility and receive their sanctions.

<https://housatonic.edu/campus-resources/title-ix-information>

TITLE IX INFORMATION

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Title IX Information

Title IX of the Education Amendments of 1972 is a federal law that protects all students attending or accessing services at an educational institution that receives federal funding. It allows all students to attend school in an environment free of harassment, gender based violence and discrimination. Violations of your rights under Title IX would be sexual assault, sexual harassment, sex discrimination or gender discrimination. Here at Housatonic Community College we take our responsibility to address and protect these rights very seriously. If you would like to report a Title IX violation or if you would like more information please do not hesitate to contact our Title IX Coordinator(s).

CSCU Title IX Coordinator:
Mr. Angelo Simoni
860-723-0165
simonia@ct.edu

Deputy Title IX Coordinator:
Robin L. Avant
203-332-5184
ravant@housatonic.edu
BH 278

Statement Regarding Sexual Violence

>> CSCU Student Code of Conduct Sexual Misconduct Policies and Procedures

>> Continuing Notice of Non-Discrimination

>> Frequently Asked Questions

>> Annual Events

Sexual Misconduct Policy

The Connecticut State Colleges and Universities (CSCU) is committed to insuring that students at all of the colleges or universities have the opportunity to participate fully in the process of education and development. The CSCU strives to maintain a safe and welcoming environment free from acts of sexual misconduct and relationship violence. Each CSCU college or university strives to provide safety, privacy and support to victims of sexual misconduct and relationship violence.

The CSCU strongly encourages the reporting of sexual misconduct, including sexual harassment, sexual assault and intimate partner violence, as an effective means of taking action. By reporting these acts to the appropriate officials, the student can pursue criminal or disciplinary remedies, or both. The only way that action can be taken against anyone who violates another in such a manner is through reporting. Each and every CSCU governed college or university shall provide those who report sexual misconduct with many supportive options, including referral to agencies that provide medical attention, counseling, legal services, advocacy, referrals and general information regarding sexual assault. Each and every CSCU governed college or university will preserve the confidentiality of those who report sexual misconduct to the fullest extent possible and allowed by law. All CSCU employees, victim advocates or community victim advocates being consulted will make any limits of confidentiality clear before any disclosure of facts takes place.

Sexual intimacy is permissible only if it is agreed to by all participants and all activity is affirmatively consensual at all times. Sexual misconduct, including sexual harassment, sexual assault, sexual exploitation and intimate partner violence, against anyone is unacceptable and is both a crime under State law and a violation of our policies. Housatonic Community College is committed to providing an environment free of personal offenses. Consensual sexual relationships between staff, faculty and students are discouraged pursuant to CSCU policy.

Policy against Sexual Harassment

Sexual harassment is a form of sex discrimination and it is illegal under both state and federal law. Sexual harassment is also prohibited by the CSCU Non-Discrimination Policy. In accordance with the Board policy sexual harassment may be described as:

Any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, (2) submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting the individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive employment or educational environment.

For the complete description of conduct which may constitute sexual harassment see the CSCU Sexual Misconduct, Sexual Assault, and Intimate Partner Violence Policy and the Connecticut Board of Regents Student Code of Conduct.

If you find yourself in a situation and you suspect it may be a type of sexual harassment, you are urged to speak with the Title IX Coordinator, in the Dean of Students' office or the Director of Human Resources/Affirmative Action Office. These individuals will advise you of the options available to you and will respect your privacy.

Domestic Violence

Domestic Violence knows no gender, class, religion, education, or economic standing. Knowledge and understanding are important and effective tools that faculty, students and staff can call upon to help a victim stay safe. Resource material is available for viewing or loan in the Women's Center, room BH-371 in Beacon Hall. If you would like to report a violation of the Domestic violence policy please contact the Title IX coordinator, in the Dean of students' office or the Director of Human Resources/Affirmative Action Office.

CSCU Student Code of Conduct Sexual Misconduct Policies and Procedures

Please download the Procedures PDF [here](#).

Continuing Notice of Non-Discrimination

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

Housatonic Community College no discrimina con base en la raza, color, creencias religiosas, edad, sexo, origen nacional, estado civil, descendencia, historia de enfermedades mentales presentes o pasadas, discapacidad física o mental, orientación sexual, identidad y expresión de género o información genética en sus programas y actividades. Además, Housatonic Community College no discrimina en el empleo con base adicional en el estatus de veterano o antecedentes criminales.

All programs are open to students. These programs are described in the Degree and Certificate Programs section of the HCC College Catalog and Student Handbook. There are selective admission criteria for some programs. Refer to the course catalog for information about programs and those special admission requirements.

[Click here for the latest policies of the Connecticut Board of Regents for Higher Education governing the Connecticut State Colleges & Universities..](#)

The following person has been designated to handle inquiries regarding the non-discrimination policies: Director of Human Resources/Equal Employment Opportunity Officer/Title IX, Dean of Students Office, Room BH 278, phone (203) 332-5184; Housatonic Community College, 900 Lafayette Boulevard, Bridgeport, CT 06604.

Frequently Asked Questions

1. *What is sexual misconduct?*

Sexual misconduct includes a range of offenses, which may include engaging in one or more of these behaviors: sexual harassment, sexual assault, sexual exploitation, or other nonconsensual acts. Title IX provides protections against these offenses.

2. *How do I know if I have been sexually harassed?*

Sexual harassment can take many different forms. It can include unwelcome sexual advances or requests for sexual favors. In some cases, a person is made to feel that if they do not submit to the conduct their education or academic future would suffer. The harassment could be so severe that it interferes with the person's ability to excel academically. Some examples of conduct that may constitute sexual harassment include but are not limited to: sexual touching, advances or propositions; sexual jokes or comments; graphic or suggestive comments about a person's dress or appearance; verbal abuse of a sexual nature; or pressure to engage in sexual activity.

3. *How do I know if I have been sexually assaulted?*

Sexual assault includes but is not limited to a sexual act directed against another person when that person either cannot or does not give consent. Sexual assault is further defined in our policies and sections 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b and 53a-73a of the Connecticut General Statutes.

4. *How is consent relevant to sexual assault?*

Consent is the equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. Consent cannot be assumed because there is no physical resistance or other negative response. A lack of consent may result from mental incapacity (e.g., ingestion of alcohol or drugs which significantly impair awareness or judgment) or physical incapacity (e.g., the person is unconscious or otherwise unable to communicate consent).

5. *What should I do if I have been sexually assaulted?*

It is hard to give a uniform answer to this question because everyone responds to an assault differently. Know that you are not alone and there are resources to support you both on and off campus. Here are some options for you to consider. Your safety is important so get somewhere where you feel safe and if you are in immediate danger or seriously injured, call 911. If you are not feeling safe but don't require 911 consider reaching out to someone you trust. You do not have to go through this alone. Also remember that this is not your fault. What happened to you was not something you wanted and that is not okay. If you want to speak to someone to better understand your options consider calling the national hotline at 800.656.HOPE (4673). The person on the other end of the call will be a trained staff member from an agency in your area. They will be able to discuss options with you and be able to listen to you. They can provide you with information about receiving medical attention, reporting options, and preserving evidence.

6. *Is it possible to be sexually harassed/assaulted by someone of the same gender?*

Yes. If you have been subjected to unwanted sexual contact or sexual harassment, your gender and the gender of the alleged perpetrator are irrelevant. Title IX prohibits this type of conduct regardless of gender..

7. *If an incident of sexual violence occurs off-campus, can the College investigate?*

Yes, if the incident has sufficient ties to HCC (if it occurs at an HCC event, if it involves an HCC student, staff member, or faculty member, etc.) then the Title IX Coordinator can investigate.

8. *What do I do if I need help, but want my situation to remain confidential?*

The privacy of the parties is a priority for the Title IX office. However, limited information must be disclosed in order to fully investigate a complaint. Student complainants may make a request for confidentiality directly to the Title IX Coordinator, in accordance with the stipulations in the Student Sexual Misconduct, Relationship Violence, and Stalking Process. To access confidential services, you can reach out to local confidential service providers. Most of these agencies have websites with locations and contact information. [Download Community Resources file here.](#)

9. *What if I want to remain anonymous?*

Your privacy will be protected to the maximum extent possible, but total anonymity may hinder an investigation into your complaint. The Title IX Coordinator's office will do everything possible to protect the privacy of the parties involved throughout the investigation process.

If you are not interested in making a formal report you can still receive information about services, resources, and support from the Title IX office. You also have the option to make an anonymous disclosure by completing a disclosure form.

10. *What do I do if I want to file a report with the college, the police, or both?*

To report sexual misconduct at Housatonic Community College you can contact the title IX coordinator, the Dean of students' office, or public safety. You can then meet with the Title IX coordinator and they will do an investigation in the conduct and take steps to address the conduct and remedy future issues.

11. *How can I help a friend who has experience sexual misconduct?*

It is not easy to share or discuss an experience with sexual misconduct. Having an awareness about that difficulty can allow you to be more supportive and helpful to your friend. Consider the following ways of showing support:

Listen. Be there. Communicate without judgment.

If they need medical attention or plan to report, offer to be there. Your presence can offer the support they need.

Encourage the survivor to get support. Offer to help them find what they need, but realize that only they can make a decision about what is best for them.

Be patient. There is no timetable for recovering from trauma. Avoid putting pressure on them to engage in activities they aren't ready to do yet.

[Download Secondary Survivors PDF here.](#)

12. *I'm concerned that reporting might make matters worse. Should I still file a complaint?*

Housatonic Community College takes a strong stance against retaliation against someone who reports a Title IX violation in good faith. This policy is aggressively enforced if a complainant or a witness is retaliated against for participating in a Title IX investigation. Please inform the Title IX Coordinator if you feel threatened or feel that you are experiencing retaliation.

13. *Who has the duty to report sexual misconduct?*

If you are an HCC employee, you have a duty to report violations of sexual misconduct. This includes faculty, administrators, staff, and student employees who have supervisory, evaluative, grading, or advisory responsibility over other members of the community. Any employee who receives a complaint of sexual misconduct, learns of what may be potential sexual misconduct, or observes conduct that may constitute a violation of the policy is required to report the alleged conduct immediately to the Title IX Coordinator.

14. *Someone has filed a complaint against me, what do I do?*

Do not contact the complainant through any means – in person, by phone, by mail, through social media, through a third party, etc. Familiarize yourself with the HCC's internal Title IX grievance procedure for so that you know what to expect. Expect to hear from the Title IX Coordinator's office and prepare to meet with them.

15. *What is a Title IX Coordinator?*

The Title IX Coordinator is the HCC official(s) responsible for ensuring that Housatonic Community College complies with Title IX, including responding to and investigating all complaints of gender discrimination (including sexual harassment and sexual violence) at Housatonic Community College.

16. *Who is the Title IX Coordinator?*

CSCU Title IX Coordinator:

Mr. Angelo Simoni

860-723-0165

simonia@ct.edu

Deputy Title IX Coordinator:

Robin L. Avant

203-332-5184

ravant@housatonic.edu

BH 278

**Title IX Grievance Procedures
for Addressing Formal Complaints of Sexual Harassment
August 14, 2020**

1. Introduction

What is the purpose of the Title IX Grievance Procedures?

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

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

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

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

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

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

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

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

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

Specifically, our institutions have a

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

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

<https://www.ct.edu/files/policies/5.2%20Sexual%20misconduct%20reporting%20support%20and%20processes.pdf> (need link to latest)

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

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

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

2. The Title IX Grievance Procedures

Table of Contents

General Rules of Application

Effective Date

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

Revocation by Operation of Law

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

Non-Discrimination in Application

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

Definitions

Covered Sexual Harassment

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

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

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

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

Consent

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

Education Program or Activity

For the purposes of this Title IX Grievance Procedures, a Housatonic Community College “education program or activity” includes:

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

Housatonic Community College's programs and activities over which the Housatonic Community College has substantial control.

Formal Complaint

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

Complainant

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

Relevant evidence and questions

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

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

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

Respondent

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

School Calendar Days

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

Privacy vs. Confidentiality

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

Disability Accommodations

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

Making a Report Regarding Covered Sexual Harassment to the Institution

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

Contact Information for the Title IX Coordinator:

Name: ___Robin L. Avant_____

Title: ___Dean of Academic Affairs and Interim Dean of Students_____

Office Address: ___BH 278_____

Email Address: ___ravant@housatonic.edu_____

Telephone Number: ___203-332-5184_____

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

Confidential Reporting

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

- Title IX Coordinator or designee

Non-Investigatory Measures Available Under the Title IX Grievance Procedures

Supportive Measures

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

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

- Counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations

- leaves of absence
- increased security and monitoring of certain areas of the campus

Supportive measures are non-disciplinary and non-punitive.

Emergency Removal

Housatonic Community College retains the authority to remove a respondent from Housatonic Community College's program or activity on an emergency basis, where Housatonic Community 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 Housatonic Community College determines such removal is necessary, the respondent will be provided notice and an opportunity pursuant to the Code of Conduct to challenge the decision immediately following the removal.

Administrative Leave

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

The Title IX Grievance Process

Filing a Formal Complaint

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

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Grievance Procedure if they are currently participating in, or attempting to participate in, the education programs or activities of Housatonic Community College, including as an employee. For complainants who do not meet this criteria, the College will utilize existing

policy in the Code of Conduct

<https://www.ct.edu/files/policies/5.1%20StudentCodeofConduct.pdf>

and/or Sexual Misconduct Policy

<https://www.ct.edu/files/policies/5.2%20Ssexual%20misconduct%20reporting%20support%20and%20processes.pdf>.

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

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

Informal Resolution

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the Institution's Informal Resolution Process. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent. Information about this Process is available here <https://www.housatonic.edu/student-services/title-ix-information>

Multi-Party Situations

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

Determining Jurisdiction

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

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in Housatonic Community College's education program or activity; and

4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Housatonic Community College will investigate the allegations according to the Grievance Process.

Allegations Potentially Falling Under Two Policies:

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied to investigation and adjudication of only the allegations that constitute covered sexual harassment.

Mandatory Dismissal

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

Discretionary Dismissal

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

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

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

Notice of Dismissal

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

Notice of Removal

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

Notice of Allegations

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

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

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

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

Contents of Notice

The Notice of Allegations will include the following:

- Notice of the institution's Title IX Grievance Process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- A statement that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Ongoing Notice

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

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

Advisor of Choice and Participation of Advisor of Choice

Housatonic Community College will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

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

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

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

Notice of Meetings and Interviews

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

Delays

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

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

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

Investigation

General Rules of Investigations

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

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

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

Inspection and Review of Evidence

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

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

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

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

The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review through an electronic format or a hard copy. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall

have the sole discretion in terms of determining format and any restrictions or limitations on access.

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

REQUESTS TO EXTEND INSPECTION AND REVIEW

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

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

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

Inclusion of Evidence Not Directly Related to the Allegations:

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their advisors, if any.

Investigative Report

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

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

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

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

Hearing

General Rules of Hearings

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

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

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

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

Continuances or Granting Extensions

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

Newly-discovered Evidence

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

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

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

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

Participants in the live hearing

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

Complainant and Respondent (The Parties)

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

reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.

- The hearing body cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross examination or other questions.

The Hearing Body

The hearing body will consist of a panel of 3 decision-makers

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

Advisor of choice

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party’s advisor may appear and conduct cross-examination on their behalf.
- If neither a party nor their advisor appear at the hearing, Housatonic Community College will provide an advisor to appear on behalf of the non-appearing party.

Witnesses

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

Hearing Procedures

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

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

Live Cross-Examination Procedure

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

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

Review of Transcript/Recording

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

Determination Regarding Responsibility

Standard of Proof

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

General Considerations for Evaluating Testimony and Evidence

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

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

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

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

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

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

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

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

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

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

Components of the Determination Regarding Responsibility

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

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of policy, if any, the respondent has or has not violated.

5. For each allegation:
 - a. A statement of, and rationale for, a determination regarding responsibility;
 - b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
 - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
6. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

Timeline of Determination Regarding Responsibility

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

Finality

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

Appeals

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

The limited grounds for appeal available are as follows:

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

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

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

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

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

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

Retaliation

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

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

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

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

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

**Title IX Grievance Procedures
for Addressing Formal Complaints of Sexual Harassment
August 14, 2020**

1. Introduction

What is the purpose of the Title IX Grievance Procedures?

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

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

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

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

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

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

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

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

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

Specifically, our institutions have a

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

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

<https://www.ct.edu/files/policies/5.2%20Sexual%20misconduct%20reporting%20support%20and%20processes.pdf> (need link to latest)

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

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

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

2. The Title IX Grievance Procedures

Table of Contents

General Rules of Application

Effective Date

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

Revocation by Operation of Law

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

Non-Discrimination in Application

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

Definitions

Covered Sexual Harassment

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

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

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

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

Consent

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

Education Program or Activity

For the purposes of this Title IX Grievance Procedures, a Housatonic Community College “education program or activity” includes:

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

Housatonic Community College's programs and activities over which the Housatonic Community College has substantial control.

Formal Complaint

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

Complainant

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

Relevant evidence and questions

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

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

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

Respondent

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

School Calendar Days

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

Privacy vs. Confidentiality

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

Disability Accommodations

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

Making a Report Regarding Covered Sexual Harassment to the Institution

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

Contact Information for the Title IX Coordinator:

Name: ___Dr. Kim McGinnis_____

Title: ___Dean of Student Services_____

Office Address: ___LH 118_____

Email Address: ___kmcginnis@housatonic.edu_____

Telephone Number: ___203-332-5183_____

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

Confidential Reporting

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

- Title IX Coordinator or designee

Non-Investigatory Measures Available Under the Title IX Grievance Procedures

Supportive Measures

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

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

- Counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations

- leaves of absence
- increased security and monitoring of certain areas of the campus

Supportive measures are non-disciplinary and non-punitive.

Emergency Removal

Housatonic Community College retains the authority to remove a respondent from Housatonic Community College's program or activity on an emergency basis, where Housatonic Community 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 Housatonic Community College determines such removal is necessary, the respondent will be provided notice and an opportunity pursuant to the Code of Conduct to challenge the decision immediately following the removal.

Administrative Leave

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

The Title IX Grievance Process

Filing a Formal Complaint

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

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Grievance Procedure if they are currently participating in, or attempting to participate in, the education programs or activities of Housatonic Community College, including as an employee. For complainants who do not meet this criteria, the College will utilize existing

policy in the Code of Conduct

<https://www.ct.edu/files/policies/5.1%20StudentCodeofConduct.pdf>

and/or Sexual Misconduct Policy

<https://www.ct.edu/files/policies/5.2%20Ssexual%20misconduct%20reporting%20support%20and%20processes.pdf>.

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

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

Informal Resolution

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the Institution's Informal Resolution Process. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent. Information about this Process is available here <https://www.housatonic.edu/student-services/title-ix-information>

Multi-Party Situations

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

Determining Jurisdiction

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

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in Housatonic Community College's education program or activity; and

4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Housatonic Community College will investigate the allegations according to the Grievance Process.

Allegations Potentially Falling Under Two Policies:

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied to investigation and adjudication of only the allegations that constitute covered sexual harassment.

Mandatory Dismissal

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

Discretionary Dismissal

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

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

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

Notice of Dismissal

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

Notice of Removal

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

Notice of Allegations

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

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

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

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

Contents of Notice

The Notice of Allegations will include the following:

- Notice of the institution's Title IX Grievance Process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- A statement that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Ongoing Notice

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

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

Advisor of Choice and Participation of Advisor of Choice

Housatonic Community College will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

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

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

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

Notice of Meetings and Interviews

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

Delays

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

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

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

Investigation

General Rules of Investigations

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

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

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

Inspection and Review of Evidence

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

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

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

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

The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review through an electronic format or a hard copy. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall

have the sole discretion in terms of determining format and any restrictions or limitations on access.

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

REQUESTS TO EXTEND INSPECTION AND REVIEW

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

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

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

Inclusion of Evidence Not Directly Related to the Allegations:

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their advisors, if any.

Investigative Report

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

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

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

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

Hearing

General Rules of Hearings

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

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

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

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

Continuances or Granting Extensions

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

Newly-discovered Evidence

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

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

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

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

Participants in the live hearing

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

Complainant and Respondent (The Parties)

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

reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.

- The hearing body cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross examination or other questions.

The Hearing Body

The hearing body will consist of a panel of 3 decision-makers

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

Advisor of choice

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party’s advisor may appear and conduct cross-examination on their behalf.
- If neither a party nor their advisor appear at the hearing, Housatonic Community College will provide an advisor to appear on behalf of the non-appearing party.

Witnesses

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

Hearing Procedures

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

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

Live Cross-Examination Procedure

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

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

Review of Transcript/Recording

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

Determination Regarding Responsibility

Standard of Proof

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

General Considerations for Evaluating Testimony and Evidence

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

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

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

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

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

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

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

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

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

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

Components of the Determination Regarding Responsibility

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

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of policy, if any, the respondent has or has not violated.

5. For each allegation:
 - a. A statement of, and rationale for, a determination regarding responsibility;
 - b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
 - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
6. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

Timeline of Determination Regarding Responsibility

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

Finality

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

Appeals

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

The limited grounds for appeal available are as follows:

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

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

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

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

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

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

Retaliation

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

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

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

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

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

Community Resources

The Center for Family Justice

753 Fairfield Ave., Bridgeport, CT, 06604

Phone: 203-334-6154

SA Hotline: 203-333-2233

DV Hotline: 203-384-9559

Satellite Locations:

- Fairfield
- Monroe
- Trumbull
- Stratford

Rape Crisis Center of Milford, inc.

70 West River Street, Milford, CT 06460

Phone: 203-874-8712

24/7 crisis hotline: 203-878-1212

Women's Center of Greater Danbury

2 West Street, Danbury, CT, 06810

Phone: 203-731-5200

SA Hotline: 203-731-5204

DV Hotline: 203-731-5206

Safe Haven of Greater Waterbury

29 Central Ave., Waterbury, CT, 06702

Phone: 203-575-0388

SA Hotline: 203-753-3613

DV Hotline: 203-575-0036

Women and Families Center

Meriden Office: 169 Colony Street

Phone: 203-235-9297

Middletown Office: 100 Riverview Center,
Suite 150

Phone: 860-344-1474

New Haven Office: 1440 Whalley Ave.

Phone: 203-389-5010

YWCA New Britain

19 Franklin Square, New Britain, CT, 06051

Phone: 860-225-4681

The Center for Sexual Assault Crisis Counseling and Education

733 Summer St., Suite 503

Stamford, CT, 06901

Phone: 203-348-9346

Hotline: 203-329-2929

Susan B. Anthony Project

179 Water Street

Torrington, CT, 06790

Phone: 860-489-3798

Hotline: 860-482-7133

Statewide 24/7 Toll-Free Hotlines:

Sexual Assault: 1-888-999-5545 (English); 1-888-568-8332 (Español)

Domestic Violence: 1-888-774-2900 (English); 1-844-831-9200 (Español)