Policy on Sexual and Gender-Based Interpersonal Violence and Harassment

May 2020
Title IX
Policy on Sexual and Gender-Based Interpersonal Violence and Harassment

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I. Statement of Non-Discrimination

The University of Hartford prohibits discrimination in admissions, educational programs and services, and employment on the basis of race, color, religious creed, age, marital status, national origin, ancestry, sex, gender, sexual orientation, gender identity or expression, disability, genetic information, veteran status and any other basis protected by law. The University is committed to preventing or eliminating all forms of gender-based discrimination in its education programs or activities in accordance with its commitment to Title IX of the Education Amendments of 1972.

II. Statement of Policy

The University of Hartford (the “University” or “UHart”) is committed to providing an environment free from gender-based discrimination and harassment. Consistent with the University’s commitment to equal opportunity and non-discrimination, the University strictly prohibits Sexual Assault, Sexual Exploitation, Dating, Relationship or Domestic Partner Violence, Stalking, Sexual or Gender-Based Harassment, or Retaliation against a person for the good faith reporting of these forms of conduct or participation in an investigation or proceeding under this Policy (collectively, “Prohibited Conduct”).

The University adopts this Policy in furtherance of 1) preventing, eliminating or addressing the effects of Prohibited Conduct; 2) fostering a climate where all individuals are well-informed and supported in preventing or reporting Prohibited Conduct; and 3) providing clear standards and a fair and impartial process for all parties by which violations of this Policy will be addressed and disciplinary action imposed. The University will take prompt and effective action to eliminate Prohibited Conduct, prevent its reoccurrence, and remedy its effects.

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination based on gender, including sexual violence and misconduct, in educational programs and activities that receive federal financial assistance; Title VII of the Civil Rights Act of 1964 ("Title VII") prohibits discrimination in employment based on sex, among other protected classifications; Section 304 of the Violence Against Women Reauthorization Act of 2013, codified at 20 U.S.C. Section 1092(f), requires institutions of higher education to develop policies regarding the prevention of sexual assault, domestic violence, dating violence and stalking; and Section 10a-55m of the Connecticut General Statutes ("CGS") requires institutions of higher education to develop a policy applicable to all students and employees addressing sexual assault, stalking and intimate partner violence and Title VII of the Civil Rights Act of 1964 ("Title VII") prohibits discrimination in employment based on sex, among other protected classifications. To ensure compliance with Title IX, Title VII, 20 U.S.C. Section 1092(f), CGS Section 10a-55m and other applicable federal and state laws, the University of Hartford has developed this statement of policy and procedures (“the Policy”), which prohibits Sexual and Gender-Based Interpersonal Violence and Harassment.

III. Scope

Every member of the University community plays a role in fostering an environment free of the unlawful discrimination and is encouraged to take reasonable and prudent actions to prevent or respond to Prohibited Conduct. Any member of the campus community who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community, guest or visitor on the basis of their gender or other protected class characteristic is subject to sanctions under this Policy. When brought to the attention of the University of Hartford, any such discrimination will be appropriately addressed in accordance with the resolution procedures described herein. Non-members of the campus community, including vendors, guests or visitors, who engage in discriminatory actions within University of Hartford programs or on University of Hartford property are not subject to the resolution procedures under this Policy, but can be subject to actions that limit their access and/or involvement with University of Hartford programs as the result of engaging in Prohibited Conduct that affects the University.

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As further discussed in this Policy, faculty and administrators are required to report violations of this Policy which they observe or receive information about involving students. Supervisory employees are also required to report violations of this Policy involving employees. Upon receiving any report of Prohibited Conduct, the University will respond promptly, equitably and thoroughly, as further set forth herein. When a Respondent is found to have violated this Policy, appropriate sanctions will be used to ensure that such actions will not be repeated and to remedy any effects to the extent possible.

This Policy applies to Prohibited Conduct that takes place on the campus, at University-sponsored events and may also apply to off-campus and/or to electronic or telephonic communications regardless of location when the Title IX Coordinator determines that the off-campus conduct affects a substantial University of Hartford interest, including: i) any action that constitutes a criminal offense under federal or state law; ii) any action which presents a danger or threat to the health or safety of self or others; and iii) any situation that is detrimental to the educational interests of the University of Hartford or to the wellbeing of the campus community.

Any University of Hartford community member who has questions about this Policy should contact the University’s Title IX Coordinator.

The University will protect the privacy of Complainants and Respondents, to the extent possible consistent with legal requirements and the University’s obligations to protect the health and safety of the University community.

Similarly, the University will respect requests for confidentiality from Complainants to the extent possible consistent with legal requirements and the University’s obligations to protect the health and safety of the University community.

Confidentiality and privacy issues are discussed more fully below. In addition, fully confidential resources, both on-campus and off-campus, are identified below.

IV. Title IX Coordinator

DaQuana Carter, Interim Title IX Coordinator, serves as the University’s Interim Title IX Coordinator and is responsible for monitoring the University’s compliance with Title IX and implementation of the University’s policies on equal opportunity and nondiscrimination, Acts of Violence, Bias or Hate, and Sexual and Gender-based Interpersonal Violence and Harassment. Ms. Carter ensures appropriate education and training is provided to the community, and that prompt and effective action is taken to address and eliminate Prohibited Conduct. Among other responsibilities, the University Title IX Coordinator has the authority to appoint investigators and determine the complaint process for the reported incident (student, faculty or non-faculty employee). The Title IX Coordinator is available to meet with any member of the University of Hartford community to discuss any complaint or concerns arising under these policies.

The Title IX Coordinator’s contact information is as follows:

DaQuana Carter, JD, MS.Ed
Interim Title IX Coordinator
Computer and Administration Bldg; Room 321
(860) 768-4509
Email: title9@hartford.edu or dcarter@hartford.edu
Concerns about the University’s application of Title IX, Title VII, VAWA or other non-discrimination statutes may also be addressed to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
8th Floor, Five Post Office Square  
Boston, MA 02109-3921  
Customer Service Hotline #: (617) 289-0111  
Fax: (617) 289-0150  
TDD: (800) 877-8339  
Email: ocr.boston@ed.gov  
Web: http://www.ed.gov/ocr

Equal Employment Opportunity Commission (EEOC)  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: (800) 669-4000  
Fax: (617) 565-3196  
TTY: (800) 669-6820  
Web: https://www.eeoc.gov/

A. Prohibited Conduct
Prohibited Conduct, includes the following Prohibited Conduct as specifically identified below:

i. Non-Consensual Sexual Intercourse
Defined as:
- any sexual intercourse
- however slight
- with any part of the body or object
- by a person upon another person
- that is without consent

Sexual intercourse includes:
- Vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

ii. Non-Consensual Sexual Contact
Defined as:
- any intentional sexual touching
- however slight
- with any body part or object
- by a person upon another person
- that is without consent

Sexual touching includes:
- Intentional contact with the breasts, groin, or genitals, mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts.

iii. Sexual Exploitation
Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of Sexual Exploitation include, but are not limited to:
- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaging in sexual acts without the consent of the person observed).
- Invasion of sexual privacy.
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent).
iv. **Retaliation**
Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing an allegation or for assisting in providing information relevant to a claim of harassment is a serious violation of the University of Hartford’s policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University of Hartford will take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

v. **Sexual or Gender-Based Harassment**
The University of Hartford strictly prohibits sexual or gender-based harassment or other unlawful behavior which targets an individual because of characteristics such as gender, sexual orientation, sexual identity, etc.

**Sexual Harassment** means any unwelcome sexual advances or requests 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, academic grade, salary, benefit or service; (2) submission to or rejection of such conduct by an individual is used as the basis for employment, academic grading or other decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual’s work or academic performance or creating an intimidating, hostile or offensive working or learning environment.

**Gender-Based Harassment** includes harassment based on sex or gender, sexual orientation, gender identity, or gender expression, which may include acts of intimidation or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.

In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant’s mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the Complainant’s educational or work performance and/or University programs or activities; and
- Whether the conduct implicates concerns related to academic freedom or protected speech.
Examples of conduct that may constitute Sexual or Gender-Based Harassment include, but are not limited to:

- Physical assaults of a sexual nature, such as (1) rape, sexual battery, molestation or attempts to commit these assaults; or (2) intentional physical contact which is sexual in nature, such as patting, pinching, brushing against another’s body, etc.
- Unwanted sexual advances, propositions or other sexual comments and jokes, including disparaging remarks about the individual body or gender.
- Inappropriate verbal conduct, including lewd or sexually suggestive comments, jokes, or innuendoes, or unwelcome comments about an individual’s sexual orientation, gender, gender identity, or gender expression;
- Inappropriate written conduct, including letters, notes, or electronic communications, containing comments, words, jokes, or images that are lewd or sexually suggestive or relate in an unwelcome manner to an individual’s sexual orientation, gender, gender identity, or gender expression.
- Inappropriate physical conduct, including unwelcome touching or sexual advances within the working, living, or learning environment;
- Persistent and inappropriate personal attention from one colleague to another in the face of repeated rejection;
- Sexual or discriminatory displays, publications or other visual material on University of Hartford property.
- Sexual gestures through body movements or hands or other types of nonverbal sexually explicit behavior.

vi. Conflicts of Interest arising from Faculty/Staff Consensual Relationships with Students
Consistent with the University of Hartford’s Title IX obligations and commitment, teachers, administrators, coaches and other employees must avoid and refrain from romantic or sexual relationships, even if consensual, with students whom they teach, advise or supervise (or whom they may teach or supervise in the future). The relationship between teacher, advisor or mentor and student must be protected from influences or activities that can interfere with learning and personal development. In addition to creating the potential for coercion, any such relationship jeopardizes the integrity of the educational process by creating an actual or potential conflict of interest and may impair the educational environment for other students. Employees or students with questions about this policy are advised to consult with the University’s Title IX Coordinator. Violations of this policy will normally result in disciplinary action.

vii. Intimate Partner/Dating/Domestic Violence
Relationship violence is a pattern of behavior in a domestic, intimate or dating relationship that is used to establish power and control over another person through fear and intimidation. This behavior can be verbal, emotional, and/or physical. Examples include, but are not limited to: striking another person, property damage, reckless behavior, public humiliation, harassment and verbal or physical threats. It includes threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of another person. Any such conduct or any offense under the University’s Code of Community Standards will be considered Prohibited Conduct and resolved under this Policy if it arises out of an intimate partner, dating or domestic relationship (even if such relationship has ended). The University will evaluate the existence of the relationship based upon the Complainant’s statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship.

viii. Stalking
Stalking includes any conduct prohibited by Connecticut General Statutes 53a-181 or any course of conduct directed to a specific person that would cause a reasonable person to (A) fear for the person’s safety or the safety of others; or (B) suffer emotional distress, including but not limited to, two or more
acts directly or through a third party which monitors, observes, surveils, threatens, or communicates to or about a person. This misconduct can involve, but is not limited to: (i) lying in wait or knowingly repeatedly running into the victim; (ii) unwelcome excessive phone calls, text messages, notes, etc.; (iii) watching or recording the victim from a distance; (iv) threats to harm a victim or a victim’s family, friends, teachers, pets, or property whether the threats are delivered personally or through a third party; (v) vandalism of the victim’s property; (vi) sending unwanted gifts, or leaving items that hold significance within the relationship between the victim and stalker. It also includes CYBERSTALKING, which is delivered through electronic devices and includes, but is not limited to: (i) posting online, the use of websites, email, text messaging, online social media, phone calls, malicious emails and instant messaging; (ii) creating multiple online accounts to harass a victim; (iii) hacking into the victim’s personal website, email account(s), phone account(s) or social media account(s); or (iv) continuous posting of malicious and/or untrue information online to websites or social media. Gender-based stalking will also be addressed under this Policy.

ix. False Claims

Deliberately false/and or malicious reports under this Policy (as opposed to allegations found to be erroneous but made in good faith) are a serious offense subject to disciplinary action under this Policy.

x. Other Prohibited Conduct

Other forms of misconduct, when gender-based, are Prohibited Conduct under this Policy, including but not limited to:

- Sex offenses (other than listed above) under applicable federal and state law
- Hazing
- Assisting another person in committing Prohibited Conduct
- Threats or actions which inflict physical injury or emotional distress on others
- Acts injurious or creating a risk of injury to a person under the age of 18

B. Consent

Affirmative consent is the standard used to determine whether sexual activity was consensual. For purposes of determining whether or not Prohibited Conduct has occurred, Consent is defined as an active, knowing and voluntary exchange of affirmative words and/or actions, which indicate and effectively communicate a willingness to participate in a particular sexual activity. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement.

- Consent must be freely and actively given.
- Silence, the lack of resistance or the lack of a negative response is not alone consent.
- A person, who is incapacitated by alcohol and/or drugs, whether voluntarily or involuntarily consumed, cannot give consent.
- A person who is asleep cannot give consent.
- Consent to one form of sexual activity does not indicate consent to another form of sexual activity.
- Neither past consent nor a past relationship indicates current or future consent;
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- Consent can be withdrawn at any time; and
- Coercion, force, or threat of either invalidates consent.

Consent must be freely and meaningfully given. Consent cannot be freely and meaningfully given if the person whose consent is needed is incapacitated, or if the consent is obtained by means of force or coercion. For purposes of this Policy:
Incapacitation is a state where someone cannot make rational, reasonable decisions due to a lack of capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, and how” of the sexual interaction).

- Sexual activity with someone who is mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this Policy.
- A person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the consumption (voluntary or otherwise) of incapacitating drugs cannot give consent.
- Alcohol-related incapacity results from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication.
- In evaluating consent, the University will evaluate whether a reasonable sober person in the Respondent’s position knew or should have known that the person was incapacitated.

Force is the use or threat of physical violence or intimidation to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual’s will. When a person makes clear a decision not to participate in a particular form of Sexual Contact or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion existed, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Alcohol and Other Drugs

Alcohol and drugs impair a person’s ability to engage in decision-making. Engaging in sexual activity while under the influence of alcohol and drugs can result in confusion or disagreement over whether consent was freely and clearly given. Therefore, it is especially important to be cognizant regarding the other person’s level of intoxication before engaging in sexual activity and, in cases of doubt, it is prudent to refrain from such activity. A person’s intoxication is never an excuse for violent or harassing conduct or for failing to obtain consent.

V. Educational, Awareness and Prevention

The University encourages students and our entire community to endeavor to prevent occurrences of sexual assault, intimate partner violence or other misconduct based upon gender identity or expression, race, ethnicity or other discriminatory basis and to join in creating a campus environment where such misconduct is not tolerated. The following is a partial list of educational, awareness and prevention programming provided by the University to students and employees.

Mandatory Education for all First Year Residential Students:

Each year all-incoming first year students are required to take an online Violence Prevention course, Sexual Assault Prevention: Undergraduates. The course uses a population-level approach to educate all students on the issues associated with sexual assault and relationship violence, taking into account their unique perspectives and experiences, providing: Key definitions and statistics, reflective and personalized content, bystander skill and confidence-building strategies, campus-specific policies, procedures and resources, rich data summaries to inform future programming.
Domestic violence awareness month (October). Various awareness and prevention programming throughout the month, such as: workshops on healthy relationships, communication. And the Red Flag Campaign: the Red Flag Campaign is a public awareness campaign designed to address dating violence and promote the prevention of dating violence on college campuses. The campaign was created using a “bystander intervention” strategy, encouraging friends and other campus community members to “say something” when they see warning signs (“red flags”) for dating violence in a friend’s relationship. The campaign posters reflect racially and ethnically diverse models, and illustrate both heterosexual and same-sex relationships.

The Red Flag Campaign: The Red Flag Campaign is a public awareness campaign designed to address dating violence and promote the prevention of dating violence on college campuses. The campaign was created using a “bystander intervention” strategy, encouraging friends and other campus community members to “say something” when they see warning signs (“red flags”) for dating violence in a friend’s relationship. The campaign posters reflect racially and ethnically diverse models, and illustrate both heterosexual and same-sex relationships.

Sexual assault awareness month (April). Various awareness and prevention programming throughout the month, such as: Take Back the Night, workshops on consent and healthy communication and bystander intervention programs as they relate to sexual violence. All programs and workshops are available to the campus community upon request. Departmental examples for programming outreach include areas on campus such as, Greek life, Athletics, the Office of Residential Life, Campus Ministry, the Student Success Center and the Hawk Hall learning residential communities.

Violence Prevention Resource Team: This team is a multi-disciplinary resource team consisting of various individuals who represent different areas of campus, to include: the Office of the President, Dean of Students Office, Health Services, Residential Life, Counseling and Psychological Services, Athletics, Office of Student Conduct & Conflict Resolution, the Department of Public Safety, various faculty representation, various student representation from student groups, and Sexual Assault Survivor Advocates.

This team meets to discuss both national and state best practice standards as they relate to violence prevention. Discuss both federal and state law and how they affect our campus, as well as a primary focus on outreach and education in regard to bystander intervention and creating a healthy campus culture surrounding issues of sexual violence.

Ways to Prevent Sexual Assault

- **Know that alcohol and drugs are often related to sexual assault:** The use of alcohol and drugs compromises both your ability to make responsible decisions and to communicate effectively.
- **Ask directly and don’t assume:** Some people believe that it is a routine part of “seduction” to ignore a person’s saying “no” and to assume the party means “maybe” or even “yes”. But without clearly established consent, what is called seduction is actually sexual assault. Even after a person has given consent, he or she still has the right to change his or her mind.
- **Listen to and respect the person:** If you are getting a double message from someone, speak up and clarify the message. If someone says “no” to your advances, back off.
- **Recognize that intoxication is no excuse:** Intoxication is not a defense for sexual assault. You are responsible for your actions whether or not you are sober. If someone is intoxicated or has passed out, offer to help; don’t take advantage.

Bystander Intervention The University of Hartford encourages all community members to educate themselves about interpersonal violence and share this information with friends. Confront friends who make excuses for other people’s abusive behavior, speak up against racist, sexist, and homophobic jokes or remarks. A good bystander is someone who models pro-social behaviors and intervenes when a potentially dangerous
situation occurs. For more information on Bystander Intervention please go to: https://www.hartford.edu/publicsafety/Crime%20Prevention/bystanderintervention.aspx.

VI. RESOURCES FOR COMPLAINANTS OF SEXUAL VIOLENCE AND OTHER SEXUAL MISCONDUCT

Medical Treatment - If a student or employee has been sexually assaulted, medical attention should be sought as soon as possible after the assault. The purpose is multifold:

- To treat physical injuries.
- To ascertain the risk of sexually transmitted diseases or pregnancy and intervene accordingly.
- To gather evidence that could aid prosecution. Evidence should be collected immediately. After the first 24 hours, the quality of evidence usually decreases, but can be collected up to 72 hours after the assault. This evidence collection can be performed at any of the area hospital emergency rooms: St. Francis (860-714-4001) and Hartford Hospital (860.524.2525). A support person may be present during the exam. These time frames also impact the collection and preservation of evidence such as clothing towels and bedding at the location of the incident.
- Connecticut General Statute 19a-112a (e): No costs incurred by a health care facility shall be charged directly or indirectly to such victim for the examination of a victim of sexual assault, when such examination is performed for the purpose of gathering evidence as prescribed in the protocol, including the costs of testing for pregnancy and sexually transmitted diseases and the costs of prophylactic treatment as provided in the protocol. Any such costs shall be charged to the Office of Victim Services within the Judicial Department.

Note: If you seek treatment at a local hospital, and police are contacted, this does not mean you have to proceed with criminal charges.

Follow-up and routine gynecological services for those who have experienced sexual assault are provided at the University’s Health Services (860.768.6601). Gynecology clinics are held weekly. Questions regarding the medical aspects of the assault can be answered during regular Health Services hours: Monday through Thursday, 8 a.m. – 5:00 p.m. and Friday from 8 a.m. - 4:30 p.m.

Emotional Support and Counseling On Campus – There are a number of services offered on campus to provide emotional support and counseling to individuals who have been sexually assaulted. Sexual assault advisors are volunteer members of the University of Hartford faculty and staff. All have intensive training in serving as advocates to help individuals deal with the aftermath of an assault. They can assist in identifying existing needs, whether medical, judicial/legal, counseling, academic, or housing related. They can also inform the student regarding the most appropriate campus and/or community services to provide this needed assistance and can facilitate the setting up of appointments, as needed or requested. These advisors are on call around the clock, on a rotating schedule. To contact a sexual assault advisor, call Public Safety at 860.768.7985.

You may also reach a counselor at Counseling and Psychological Services by calling 860.768.4482 during regular office hours, Monday through Friday, 8:30 a.m. – 4:30 p.m. during the academic year. After hours, assistance is available through the University Public Safety dispatcher at 860.768.7985.

Emotional Support and Counseling Off Campus – A wide variety of off campus resources are also available to students. Confidential off-campus resources include:

Connecticut Sexual Assault Crisis Services, Inc. All services are FREE and CONFIDENTIAL. There are various centers throughout the state of Connecticut. Each center provides:

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• Hotline Services 24 hours/day 7 days/week
• 24-hour crisis counseling Information & referral
• Advocacy for children and non-abusing parent
• Short-term counseling for victims and their family and/or friends
• Support groups and more
• Community education programs dealing with sexual assault issues
• Community prevention programs dealing with safety concerns, etc.

Statewide 24-Hour Toll Free Hotline (When you dial the number below, your call is routed to the center closest to your location.)

1.888.999.5545 English 1.888.568.8332 Espanola

YWCA of New Britain Sexual Assault Crisis Services
New Britain Office: 22 Glen Street P.O. Box 2545, New Britain, CT 06051 Office: 860.225.4681
Hotline: 860.223.1787 (Local) Email: nbsacs@snet.net

Hartford Office 175 Main Street, Hartford, CT 06106 Office: 860.241.9217 Hotline: 860.547.1022

Connecticut Coalition Against Domestic Violence (CCADV)
Connecticut Coalition against Domestic Violence (CCADV) is the state’s leading voice for victims of domestic violence and those agencies that serve them. CCADV is a membership organization of Connecticut’s 18 domestic violence service agencies that provide critical support to victims including counseling, support groups, emergency shelter, court advocacy, safety planning, and lethality assessment, among other services.

24/7 hotline: English: 1.888.774.2900 or Spanish: 1.888.774.2900

Interval House:
Interval House is dedicated to providing services to prevent and break the cycle of family and intimate partner abuse, which strives to reach all persons at risk and bring about social change

24-hour domestic violence hotline: 860.527.0550 or 1.888.774.2900

Office of Victim Services
The Office of Victim Services (OVS), Connecticut Judicial Branch, is the state's lead agency established to provide services to victims of violent crime. OVS contracts with non-profit and public organizations to provide services to crime victims. These services include, but are not limited to, information and referral, criminal justice support/advocacy, legal support, therapy, safety planning, group treatment/support, personal advocacy and assistance in filing applications for victim compensation. For more information, call 711 or 1.800.833.8134; go to 225 Spring Street, Fourth Floor, Wethersfield, Connecticut; or visit http://www.jud.ct.gov/crimevictim/.
VII. REPORTING A VIOLATION AND HANDLING OF COMPLAINTS

Confidentiality and Privacy
The University is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. In any report under this policy, every effort will be made to protect the privacy interests of all individuals involved.

Privacy and confidentiality have distinct meanings under this policy.

Privacy. Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those University employees who “need to know” in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality. Confidentiality means that information shared by an individual with designated confidential campus or community professionals cannot be revealed to any other individual without express permission of the disclosing individual. Those campus and community professionals include medical providers, mental health providers, religious / pastoral counselors, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others or the disclosure is otherwise legally permitted or required. Non-identifying, aggregate data may be shared for statistical purposes consistent with the Clery Act.

Any other University employee who is not designated as a confidential resource under this policy is required to share a report of sexual misconduct with the Title IX Coordinator. The Title IX Coordinator will conduct an initial assessment of the conduct, the Complainant’s desired course of action, and the necessity for any interim measures or services to protect the safety of the Complainant or the community. The goal is to eliminate any hostile environment.

If a report of misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the Complainant. The University may also share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. At no time will the University release the name of the Complainant to the general public without the express consent of the Complainant or as otherwise permitted or required by law.

All University proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX, Violence Against Women Act (VAWA), state and local law, and University policy. No information shall be released from such proceedings except as required or permitted by law and University policy.

A Complainant has a number of rights and options in connection with reporting Prohibited Conduct. The Complainant may choose to do one or more of the following:

- Report the incident to a Confidential Resource.
- Report the incident to the University.
- File a formal complaint with the University under the procedures set forth in this Policy.
- File a complaint with the police, with or without University assistance.
- File a complaint with other governmental agencies.

While Complainants are encouraged to pursue these options, with support available from various University and community resources listed in this Policy, a Complainant is under no obligation to file a complaint with local law enforcement or to file a formal complaint with the University. Each of these options is discussed below.

Any University employee who is told or otherwise learns about an incident of Sexual Violence or Sexual
Misconduct against a student, employee, visitor or other third party must report that incident to the University’s Title IX Coordinator. Any person who is not sure whether they have an obligation to report an incident should contact the Title IX Coordinator.

While prompt reporting is encouraged, there is no prescribed time limitation for reporting Prohibited Conduct. However, the University’s ability to investigate or to take corrective or remedial actions may be limited by delay in reporting.

To report a violation or potential violation of this Policy, any person may contact any of the following:

Any incident, 24 hours a day, 7 days a week: Public Safety, 860.768.7985

DaQuana Carter, Interim Title IX Coordinator, dcarter@hartford.edu 860.768.4509

Any incident which is not ongoing or require immediate reaction to avoid the risk of harm to one or more persons: A person may report a potential violation of Title IX by calling the Whistleblower Hotline/Confidential Telephone Reporting Line - 860.242.0138. Issues raised to the Whistleblower Hotline are taken seriously and will be researched and evaluated for appropriate follow up. However, because the Whistleblower Hotline is NOT monitored continuously, and calls to the Whistleblower Hotline will not be forwarded to Public Safety or law enforcement personnel, incidents that are ongoing or require immediate reaction to prevent harm to one or more persons should not be reported on the Hotline: instead, Public Safety, local law enforcement or 911 should be called immediately.

Further information on the Whistleblower Hotline can be found at http://hartford.edu/HRD/files/pdf-new/2014%20Website/Whistle%20Blower%20Hotline%202013.pdf.

Finally, all community members that are aware of an incident involving violation of the University’s Policy on Sexual and Gender-Based Interpersonal Violence and Harassment are encouraged to speak to the University’s Title IX Coordinator, Residence Hall Director, Resident Assistant, Public Safety, Faculty, or other University staff member to make a formal report. Students and others may be reluctant to report incidents because of concerns that their own behavior may be a violation of University policies. Except to the extent necessary to avoid a likelihood of risk to self or others, the University normally will not pursue disciplinary actions against Complainants or third-party reporters who reveal information about a violation of University policies while reporting an incident of Sexual and Gender-Based Interpersonal Violence and Harassment. In such cases, any possible negative consequences for the reporter of the problem should be evaluated against the possible negative consequences of not reporting the incident.

A. Reporting to Confidential Resources

A number of Confidential Resources, both on-campus and off-campus, are available to provide Complainants assistance and advice on an entirely confidential basis. These Confidential Resources will not inform other University personnel or law enforcement agencies without the Complainant’s permission. At the same time, Confidential Resources can be very helpful in advising Complainants on whether or not to make a formal report, and in assisting with that reporting process.

The following Confidential Resources are available to Complainants:

On-Campus Resources

- Counseling Services – 860.768.4482
- Student Health Services – 860.768.6601

Off-Campus Resources

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The University offers a number of other resources to Complainants for receiving support, advice, counseling and assistance, and for reporting incidents of Sexual and Gender-Based Interpersonal Violence and Harassment, but while every effort will be made to preserve privacy to the greatest extent possible, those other resources may be obligated to take action when they learn about an incident. Only Confidential Resources can assure complete confidentiality under normal circumstances. Faculty members are not Confidential Resources and must contact the University Title IX Coordinator if they are alerted of an alleged violation of this Policy.

The following On-Campus Resources are available to Respondents:

- Counseling Services – 860.768.4482
- Student Health Services – 860.768.6601

B. Reporting to the University

(1) Designated University contacts

Any person who believes he or she has been subject to Sexual or Gender-Based Interpersonal Violence and Harassment in violation of this Policy is encouraged to contact any of the following designated University officials:

Any incident, 24 hours a day, 7 days a week: Public Safety, 860.768.7985

DaQuana Carter, Interim Title IX Coordinator, dccarter@hartford.edu 860.768.4509

While these offices and individuals are specifically trained to respond to reports of Sexual and Gender-Based Interpersonal Violence and Harassment in violation of this Policy and to assist Complainant’s of these incidents, if a Complainant chooses to inform other University staff and administration (such as supervisors, advisers, Human Resources, Residential Life and Student Affairs staff, academic administration, faculty, etc.), the University employee will make sure that a designated University official is informed. Notice to any University employee, other than Confidential Resources, triggers an obligation for that employee to report to a designated University official.
(2) Where the Complainant Requests Anonymity, that an Investigation Not Be Pursued, that a Complaint Be Withdrawn and/or that No Disciplinary Action Be Taken

When the University receives notice of an incident, whether from the Complainant, a third party or anonymously, the University has an obligation to take action in order to protect the health and safety of the University community. Any time a report of Sexual Violence or and Other Sexual Misconduct is investigated, only people with a need to know about the incident will be informed, and information will be shared only as necessary with investigators, witnesses and the accused person. However, investigations by their nature cannot be entirely confidential: in order to properly investigate a report of a possible violation of this Policy, the identity of the victim, when known, may be revealed. The investigative process is explained further below.

If a Complainant of Sexual Violence or and Other Sexual Misconduct reports an incident, or is contacted by a University official investigating an allegation of Prohibited Behavior, and the Complainant specifically asks that the matter remain confidential and not be investigated, the University will consider this request. When weighing a Complainant’s request for confidentiality or that no investigation be pursued, the Title IX Coordinator will consider a range of factors, including, but not limited to, the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
- Whether there have been other Sexual Violence complaints about the same alleged perpetrator;
- Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- Whether the alleged perpetrator threatened further Sexual Violence or other violence against the victim or others;
- Whether the Sexual Violence was committed by multiple perpetrators;
- Whether the Sexual Violence was perpetrated with a weapon;
- Whether the victim is a minor;
- Whether the University possesses other means to obtain relevant evidence of the Sexual Violence (e.g., security cameras or personnel, physical evidence);
- Whether the victim’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

While the University will seek to honor a Complainant’s wishes, the presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action, even though the Complainant requests confidentiality and no action. If none of these factors is present; the University will normally respect the victim’s request for confidentiality.

If the University determines that it must investigate in spite of a Complainant’s request for confidentiality, the University will inform the Complainant prior to starting an investigation and will, to the extent possible, maintain as much privacy as possible and only share information with people as necessary to meet the University’s obligations.

The University may not require a Complainant to participate in any investigation or disciplinary proceeding. The University also will not require a Complainant to notify law enforcement authorities or to cooperate in any criminal investigation, although the University may determine that it has its own obligation to notify law enforcement, based on the same considerations described above. Under all circumstances, the University will take all reasonable steps to be protective of the Complainants’ wellbeing, and will work with the Complainant to create a safety plan as well as take ongoing steps to protect the Complainant from retaliation or harm. Retaliation against the Complainant, whether by students or University employees, will not be tolerated. The University will also:

- assist the Complainant in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see discussion
of these resources, above);

- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the Respondent pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the Complainant of the right to report a crime to campus or local law enforcement – and provide the Complainant with assistance if the Complainant wishes to do so.

If the Complainant wishes to keep a matter confidential and the University determines that it can honor that request, the University will still assess what actions the University can take in response to the reported incident without identifying the Complainant. Such actions may include, for example: targeted awareness and prevention programming for the community; assistance with transportation for victims; University housing reassignments, and academic accommodations and assistance for student victims, and workplace accommodations for employee victims.

Because the University is under a continuing obligation to address the issue of Sexual Violence and other Sexual Misconduct campus-wide, reports of Sexual Violence (including non-identifying reports) will also prompt us to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported Sexual Violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

C. Filing a Formal University Complaint

Students, faculty, and staff who are victims of Sexual Violence or Other Sexual Misconduct are encouraged to file a complaint under the University Complaint Process set out in Section IX of this Policy, below. The University Complaint Process is available to all University students, faculty and staff for accusations made against any individual who is a University student, faculty or staff.

D. Reporting to Law Enforcement

Community members who are victims of Sexual Violence or Other Sexual Misconduct have the option to notify or not notify law enforcement. University of Hartford community members are encouraged to report Sexual Violence and Other Sexual Misconduct, whether the incident occurred on or off campus, to local law enforcement. Any of the following resources can assist community members who wish to make a report of Sexual Violence or Sexual Misconduct, whether the incident occurred on or off campus, to police:

- University of Hartford Department of Public Safety - 860.768.7985
- YWCA of New Britain Sexual Assault Crisis Services - Hotline: 860.223.1787 Email: nbsacs@snet.net
- Interval House - 24-hour domestic violence hotline: 860-527-0550, or 1-888-774-2900

**ELECTING NOT TO REPORT AN INCIDENT TO THE POLICE WILL NOT IMPACT THE UNIVERSITY’S INVESTIGATION OR TITLE IX COMPLAINT PROCESS, NOR WILL IT AFFECT THE VICTIM’S OTHER RIGHTS AND OPTIONS UNDER THIS POLICY AND THE LAW.**

If a victim is a minor, according to Connecticut state law, the University will make a report to the appropriate law enforcement agency.

To contact a local police department, contact Public Safety for assistance, or call:

- Hartford Police Department – 860.757.4000
- West Hartford Police Department – 860.523.5203
- Bloomfield Police Department – 860.242.5501

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IF YOU NEED IMMEDIATE ASSISTANCE IN CASE OF AN EMERGENCY PLEASE DIAL 860.768.7777 (or x7777 FROM ANY UNIVERSITY PHONE) OR 911. Please be advised that dialing 7777 directly to the Department of Public Safety may speed up emergency response as Public Safety can guide emergency services to the proper location on campus.

Victims of Sexual Violence and Other Sexual Misconduct which constitutes a violation of criminal statutes – including, without limitation, Sexual Assault, Domestic Partner Violence, Dating Violence and Stalking – may be able to seek a protective order or temporary restraining order through the criminal or civil court system.

Any person who obtains a court-ordered protective order or temporary restraining order, whether or not related to a violation of this Policy, may inform Public Safety of the existence of the protective or temporary restraining order. Information on the criminal justice system, including information on how to obtain and enforce a protective or restraining order, is contained in appendices at the back of this Policy:

- Criminal Complaint Process – See APPENDIX A
- How Does a Restraining Order Work? – See APPENDIX B
- Reporting Options for Victims of Relationship Violence – See APPENDIX C

E. Filing an External Complaint

In addition to the University offices, employees, students, and visitors to the campus can also direct their concerns about sex discrimination to federal and state offices. The United States Department of Education’s Office for Civil Rights (OCR) enforces Title IX. Generally, this covers students, employees, and visitors to the campus involved in the University-sponsored educational programs or activities.

Office of Civil Rights
U.S. Department of Education
5 Post Office Square, 8th floor
Boston, MA 02109-3921
Telephone: 617.289.0111
Fax: 617.289.0150
Email: OCR_Boston@ed.gov

Information concerning OCR’s procedures and coverage is contained online: https://www2.ed.gov/about/offices/list/ocr/complaints-how.html

The United States Equal Employment Opportunity Commission (EEOC) enforces the federal laws that prohibit sex discrimination in employment and educational activities and programs.

U.S. Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Telephone: 1.800.669.4000
Fax: 617.565.3196
Information concerning EEOC’s procedures and coverage is contained online: http://www.eeoc.gov/field/newyork/charge.cfm

Note: Federal law requires that a formal written complaint be filed with the EEOC within 300 days of the date when alleged discriminatory act occurred.
The Connecticut Commission on Human Rights and Opportunities (CHRO) enforces laws that prohibit sex discrimination in employment within the State of Connecticut.

**Connecticut Commission on Human Rights and Opportunities**

25 Sigourney Street  
Hartford, CT 06106  
Telephone 860.541.3400 or 1.800.477.5737  
Fax 860.246.5068  
Information concerning CHRO’s procedures and coverage can be found at:  
http://www.ct.gov/chro/cwp/view.asp?a=2524&Q=315884&chroPNavCtr=1#45571

### F. Deciding Not to Report

If a community member decides not to file a complaint with the University, the University encourages the community member to seek out the available medical, mental health, counseling and advocacy resources listed in Section IV, above. Community members who wish to make a complaint at a later date may contact any of the staff mentioned in Section VI D through E, above. Please note that a delay in reporting could weaken the available evidence, or the University’s ability to gather information, used to determine whether a person is responsible for Sexual Violence or Other Sexual Misconduct. The University therefore encourages all persons, even if they do not wish to report an incident of Sexual Violence or Other Sexual Misconduct to law enforcement or the University, to arrange for the preservation of any physical evidence, including if relevant preservation of medical evidence at a hospital. Assistance in the preservation of evidence may be provided by Public Safety a local law enforcement agency or a hospital.

### VIII. Non-Retaliation Policy

The University encourages individuals to bring forward information and/or complaints about violations of state or federal law, University policy, rules or regulations. Retaliation against any individual who, in good faith, reports or who participates in the investigation of alleged violations is strictly forbidden. The University will take appropriate action, up to and including dismissal or expulsion, as applicable, against any employee or student who violates this non-retaliation policy.

This Policy does not protect an individual who files a report or provides information as part of an investigation that he or she knows is false, files a bad faith retaliation claim or participates in any illegal conduct.

Such actions adversely affect or threaten to affect the employment rights or other interests of an individual and can take either work or social form.

Examples of work-related retaliation include, but are not limited to:
- Unsubstantiated adverse performance evaluations or disciplinary action;
- Unfounded negative job references;
- Arbitrary denial of salary increases, promotions or other job benefits; and
- Hostile work environment, described as conduct that is so objectively offensive as to alter the conditions of employment;
- Intimidation; and
- Unfounded reduced or limited work assignments.

Examples of social retaliation include, but are not limited to:
- bullying, such as repeated intimidation or humiliation, derogatory or insulting remarks, or social isolation and which occurs indirectly (e.g., via e-mail) or directly;
- physical threats and/or destruction of personal or state property.
Actions also considered retaliatory include any action taken or threatened to be taken by an employee that would dissuade a reasonable employee from engaging in activities protected by this Policy.

If an individual believes that he or she has been subjected to retaliation as a result of filing a Title IX complaint, s/he should either contact the office to which the initial complaint was filed or any of the following University offices:

Title IX Coordinator: 860.768.4281
Public Safety 860.768.7985

IX. University Complaint Process

The University of Hartford has adopted an equitable process for investigating and resolving Prohibited Conduct. “Complainant” means the Student or Employee who presents as the victim of any Prohibited Conduct, regardless of whether that person makes a report or seeks action under this Policy. “Respondent” means the Student or Employee who has been accused of violating this Policy. Each set of procedures referenced below is guided by the same principles of fairness and respect for Complainants and Respondents. A Student or Employee determined by the University to have engaged in Prohibited Conduct is subject to disciplinary action, up to and including separation from the University. Third parties who commit Prohibited Conduct may have their relationship with the University terminated or their privileges of being on University premises withdrawn. The University’s jurisdiction over employees extends to any acts committed within the workplace or which negatively impact students, other employees or the working or educational environment. The University seeks to resolve Complaints of Prohibited Conduct within 60 days of receipt; however, there may be many reasons why an investigation takes longer than 60 days, including, but not limited to, the complexity of the case, the availability of witnesses, the University’s resources, breaks and periods where the University is closed. The Title IX Coordinator will keep the parties reasonably updated as to the timing of the process.

A. Process

For the most up to date information on the Process, please see the University’s website at https://www.hartford.edu/about/policies/title-ix/

B. Filing a University Complaint

All individuals are encouraged to promptly report conduct to the University that may violate this policy. Also, all individuals are encouraged to report conduct that may violate criminal law to both the University and law enforcement. Complainants may also file a complaint with the Title IX Coordinator, or Public Safety. The University Title IX Coordinator, or designee, reserves the right to investigate any incident that comes to the attention of the University that may relate to this Policy, and, if necessary, refer that incident to this Process.

C. Interim Remedial Action

Upon receipt of a report of prohibited conduct, the Title IX Coordinator, or designee, may enact interim remedial actions in order to stop the alleged harassment or discrimination, and/or to protect the safety and well-being of the Complainant, the Respondent and the University community while an investigation, assessment and appeal is continuing under this Process. Interim remedial actions may be instituted at any point during the investigation, assessment and appeal process and can include, but are not limited to;
• For all Complainants or Respondents:
  • No Contact Orders;
  • Assistance with transportation;
• For students:
  • University housing reassignments and / or suspensions;
  • Academic assistance, course schedule adjustments and other academic accommodations;
  • University campus restrictions and/or bans;
  • Limitations on extracurricular and/or athletic activities;
• For employees:
  • Temporary work assignments, or temporary relocation of workplace; and
  • Temporary assignment of alternative supervision (when the supervisor has been named a Respondent in violation of this Policy).

These forms of remedial action, where appropriate, will be made available regardless of whether or not the individual chooses to file a complaint with law enforcement officials.

D. Procedural Standards and Rights

The University seeks to conduct all investigations, assessments and appeals under this Process in a manner which is fair and impartial to both the Complainant and the Respondent, as set out in this Policy.

The completion of the investigation, assessment and, where applicable, determination of sanctions shall be completed in a prompt and fair manner as set out in this Policy. The Title IX Coordinator will not consider parallel police investigations to be a valid reason for delaying an investigation or reaching a conclusion about any alleged violation of University policy. Any appeal shall be handled in a similarly prompt fashion.

Both the Complainant and the Respondent shall have the right to be accompanied by an advisor or support person of their choice at any meeting or in-person proceeding under the Process, so long as the participation of a support person does not cause a postponement or delay of the meeting or proceeding. The advisor shall not be permitted to speak during any meeting or proceeding, although the Complainant or Respondent can request reasonable breaks which do not unreasonably delay or extend the meeting or proceeding in order to consult with the support person.

The identities of the Complainant and the Respondent shall be kept confidential to extent possible, except as required by law or for the purposes of conducting a fair and thorough investigation, assessment and appeal under this Process.

E. Investigation

Upon notification of a possible violation that may relate to this Policy, the Title IX Coordinator or trained designee will make a preliminary assessment to determine if there is reasonable cause to believe a Respondent violated this policy and to assess whether or not there is sufficient information on which to base a formal Title IX investigation. The Title IX Coordinator or trained designee will also assess, pursuant to the standards on confidentiality discussed above, any request by the Complainant not to investigate.

In cases where the Complainant wishes to proceed or the University of Hartford determines it should proceed notwithstanding a request not to proceed, these Procedures offer two options for resolving reports of Prohibited Conduct: (1) Alternative Conflict Resolution – which includes alternative dispute mechanisms for resolving the reported Prohibited Conduct; and (2) Formal Resolution – which involves an investigation and review (and possible sanction) by a Decision Maker. This Procedure considers the preference of the parties, but is ultimately
determined at the discretion of the Title IX Coordinator. Alternative Conflict Resolution may only occur if selected by all parties and the Title IX Coordinator determines it is appropriate; it will not be utilized if the reported Prohibited Conduct poses a safety threat to others.

(1) **Alternative Conflict Resolution**

If alternative conflict resolution is elected by both Complainant and Respondent and is determined appropriate by the Title IX Coordinator given the nature of the alleged behavior, then the report does not proceed to investigation. Generally, Alternative Conflict Resolution will not be utilized to resolve reports of Sexual Assault.

Each party has the right to choose and consult with an advisor before selecting alternative conflict resolution, and advisors may offer support during the process.

The Title IX Coordinator may attempt to mediate the conflict between the parties or may request the assistance from a trained mediator. Alternative Resolution agreements may involve agreed upon restrictions upon interactions or activities, or other remedial or protective measures tailored to meet the needs of the parties. If the agreement reached is acceptable to the University, the Complainant and the Respondent, the terms will be implemented and the matter closed. If an acceptable agreement is not reached, or if one or more parties fail to comply with the agreement reached, then the matter will be referred through Formal Resolution under these Procedures.

The Title IX Coordinator will maintain records of all reports and agreements referred for alternative conflict resolution.

(2) **Formal Resolution**

Formal Resolution will be commenced by the Title IX Coordinator when a Complainant requests an investigation and disciplinary action, or alternative conflict resolution fails, or the University determines based upon preliminary inquiry and threat assessment that investigation is necessary to ensure the safety of the Complainant or other members of the University community, or to address Prohibited Conduct which adversely impacts the workplace or educational setting.

If the decision is made to commence a formal investigation, the Title IX Coordinator will conduct a full investigation, or delegate this responsibility in whole or in part to the Associate Director, Equal Opportunity Programs and Title IX Compliance who functions as the primary Title IX Investigator for the University, a trained Title IX Investigator in the Office of Public Safety, or to an experienced, external retained investigator to conduct the Title IX investigation. All investigators shall have at least annual training on issues relating to sexual assault and gender-based violence and how to conduct a full, fair and impartial investigation. The Title IX Coordinator or investigator(s) will provide written notice to the responding party of the allegations constituting a potential violation of the University’s sexual misconduct policy, including sufficient details and with sufficient time to prepare a response before any initial interview. The investigator(s) will provide sufficient time to both the Complainant and Respondent to prepare a response before any initial interview, as well as an equal opportunity for the Complainant and Respondent to provide information and evidence, and propose witnesses for interviewing. The Complainant and the Respondent will be apprised of the status of the investigation.

Generally, information on the Complainant’s prior sexual conduct with anyone other than the accused, that is more likely to inflame or mislead than to inform, shall not be considered by the investigator(s). Evidence of prior consensual dating, sexual relationship or sexual conduct between the Complainant and Respondent shall not be considered by itself to imply consent or to preclude a finding of a violation of this Policy.

At the conclusion of the investigation, the investigator(s) will supply a thorough report of the findings to the
Title IX Coordinator. The investigation report will contain the relevant information and facts learned during the investigation, and may include direct observations and reasonable inferences drawn from the facts and any consistencies or inconsistencies between various sources of information.

The Title IX Coordinator will give the Respondent and Complainant the opportunity to review the report, and allow both the Complainant and the Respondent the opportunity to provide a written response within a reasonable period of time set by the Title IX Coordinator.

The Title IX Coordinator will review the complete report supplied by the investigator(s) and any submission(s) by the Complainant and Respondent, and will then make a determination as to whether there is enough evidence for a hearing. If so, then a hearing will be held before a trained internal or external adjudicator, chosen by the Title IX Coordinator, who will hear from both of the parties, any relevant witnesses (as determined by the adjudicator), and render a decision based on a preponderance of evidence standard. The parties will be given at least 5 business days’ notice of the hearing, and will be informed of the person selected as an adjudicator before the hearing. The Title IX Coordinator shall serves as a process advisor to the adjudicator during the hearing. During the hearing, the parties will be entitled to be accompanied by an advisor of their choice, who is not permitted to speak during the hearing. Either party may participate in the hearing by alternative means, such as Skype. The parties will not be permitted to directly question each other; however, they may submit questions to the adjudicator to be asked to the other parties, which the adjudicator will have the discretion to ask or not ask as he or she deems appropriate.

- If the Respondent has been found not responsible, the adjudicator will prepare a final outcome letter with a statement of the information in support of its finding.
- If the Respondent has been found responsible, the adjudicator will decide on necessary and appropriate sanctions per university policy and/or code of conduct. The adjudicator will prepare a final outcome letter with a statement of the information in support of its finding.

If the Respondent has accepted responsibility for some or all of the violations alleged, the adjudicator will include in its final outcome appropriate sanctions for any admitted violation, taking into account the contents of the investigative report and any material submitted by the Complainant and Respondent.

The following are possible sanctions for incidents reviewed under this Policy:

- Students found responsible for committing Sexual Violence in violation of this Policy will likely receive a sanction ranging from probation to expulsion, depending upon the severity of the incident and any previous violations of the Student Code of Conduct. Faculty or staff found responsible for violating the prohibition against Sexual Violence will likely receive a sanction ranging from suspension to termination.
- Students found responsible for committing Other Sexual Misconduct or other misconduct prohibited under this Policy will likely receive a sanction ranging from an official reprimand to expulsion, depending upon the severity of the incident and any previous violations of the Student Code of Conduct. Faculty or staff found responsible for violating the prohibition against Other Sexual Misconduct will likely receive a sanction ranging from a written warning to termination.
- Faculty who are terminated under this Policy and who are tenured or in the middle of a contract term are entitled to additional procedural rights under Section 10, Dismissal, of the Faculty Policy Manual.
- The adjudicator will sanction students found responsible for violations of the Student Code of Conduct not related to this Policy in accordance with sanctions used in the general Student Conduct Process.

The final outcome letter will be sent simultaneously to the Complainant and the Respondent. The final outcome letter will include restatement of the original allegations and violations alleged to have occurred, explanation of the findings of the investigators for each separate charge to include Responsible, Not-Responsible and Unable
to Determine. The final outcome letter will also include detail of all sanctions imposed. The final outcome letter will also advise the Complainant and Respondent of their right to appeal the findings. The grounds for which an appeal will be granted will be based on guidelines established in this Policy. Absent an appeal, the decision is final.

The Title IX Coordinator reserves the right to increase or decrease the recommended sanction guidelines listed above in the case of significant mitigating or aggravating factors. The Title IX Coordinator also reserves the rights to include additional sanctions, educational or otherwise, in accordance with the general student conduct process.

G. Appeals

After receiving notification of the findings of the investigation and sanctions, when imposed, both the Complainant and the Respondent have five business days to notify the Title IX Coordinator or designee of their intent to appeal the finding. An appeal form may be obtained from the Title IX Office. A formal letter of appeal specifying the grounds upon which the appeal is based and supporting information must be submitted within three business days of the receipt of the appeal form. The Title IX Coordinator or designee has the discretion to extend the deadline for submission of a letter of appeal.

Sanction(s) imposed by the decision maker will remain in effect while the appeal is pending. The Title IX Coordinator or designee may put in place additional temporary remedial action, as described in Section VIII (B), above. The letter of appeal specifies the grounds upon which the appeal is based, and how those grounds materially affected the outcome (responsibility or sanctions) of the original meeting.

Appellant’s written materials will be provided to the other party and the investigator(s), each of whom may submit materials in response to the appeal. Title IX Investigations/Findings may be appealed to the University Title IX Coordinator. The accepted grounds for an appeal are:

- Additional and/or new relevant information that was not available at the time of the initial investigation.
- An error in process or an abridgement of rights, as outlined by this Policy, which materially impacted the outcome of the hearing.
- The sanction(s) assigned by the committee did not adhere to the sanction guidelines stated in this Process.

The Title IX Coordinator will determine whether or not the appellant has presented one of these three grounds for appeal. If the appeal letter(s) does not present grounds for appeal, the appeal will be denied and the matter will be closed and this decision is final.

The Title IX Coordinator has the discretion to determine whether an appeal should be considered because it presents a claim of an error in process or sanctions.

If an appeal is made on the sole basis that new material information was not available at the time of the initial investigation, the Title IX Coordinator has the discretion to review the new information to make a preliminary determination as to the likelihood of it having a material effect on the outcome and either grant or deny a review process. The Title IX Coordinator has the discretion to assign an investigator to amend the report with the new information and present it to an appeal officer, who may make a determination about whether or not the new information changes the outcome or sanctions of the Title IX Coordinator.

The Appeal Officer may decide that the appeal is not valid. In this case, all sanctions remain in place. If the Appeal Officer finds that the appeal is valid, they may recommend adjustments in sanctioning to the Title IX Coordinator.
The Appeal Officer will prepare an appeal outcome letter with its conclusions, including an explanation of the basis for those conclusions and forward this letter to the Title IX Coordinator. The appeal outcome letter will be sent simultaneously to the Complainant and the Respondent. Decisions after appeal are final.

**H. Compliance with Sanctions and Accommodations**

At the conclusion of the complaint process, including any appeals, the Title IX Coordinator will be responsible for ensuring compliance with all assigned sanctions, and to take any other measures, such as additional awareness and prevention programming, which the Title IX Coordinator determines to be appropriate to further the purpose of this Policy.

**I. Confidentiality of Process**

The University will limit the sharing of information and documents gathered and created during this Process, including any appeals, only to those persons who have a need to know in order to conduct the complaint process, implement interim measures, and enforce sanctions, if any, to comply with this Sexual Assault Procedure and other applicable University policy, and to comply with applicable law.
Appendix A

Criminal Complaint Process

It may seem intimidating or even frightening to consider filing a criminal complaint. If this is the case, there are people such as victim advocates who can support you through the process of a police interview, the subsequent investigation, and possible prosecution. Reporting to the police begins this legal process.

First Response by Police

Generally, there are two circumstances under which a police officer would come to speak with you about an assault:

1. The officer arrives at your residence or wherever you are, in response to an emergency call. In this case, the officer's first responsibility is to provide aid to you as a crime victim. This may mean arranging to have you transported to the emergency room for medical treatment, or simply interviewing you there.

2. A second scenario is when an officer is called to the emergency room in response to a call from the medical staff. In this case, the initial interview will occur in a private room at the hospital with your consent.

The responding officer will sit with you and ask you detailed questions about what occurred, where, when, and how. Many of the questions may feel difficult to answer. Well-trained officers understand how difficult it is to answer these questions, but if they are to aid in an investigation, they need as much detail as possible. It might be helpful to have a knowledgeable advocate sit with you to provide support throughout this process.

Investigation

If an officer is called to the scene of the incident, that person must protect the crime scene, determine the type and circumstances of the crime committed, as well as identify potential suspects and witnesses. An officer may need to interview other witnesses, asking very specific questions about the crime. The officer will then collect evidence, and may document the crime scene.

After the police conduct interviews and gather evidence, they will prepare a report summarizing their investigation. If probable cause exists, the police will also prepare an application for an arrest warrant. (“Probable cause” exists when the facts and circumstances within the knowledge of the officer, and of which s/he has reasonably trustworthy information, are sufficient in themselves to warrant a person of reasonable caution to believe that a crime has been committed.) Both the report and application are then given to the State’s Attorney's office. Physical evidence, including the sexual assault evidence collection kit (if you choose to have it completed), is sent to the Connecticut Forensic Science Laboratory for analysis. Your case will be assigned a case number, which you may want to note. You may request a copy of the police report for your own files. If you see any errors, or you remember any further information that will aid the police or the State’s Attorney inform the police. It is not unusual for victims to remember more detail as time passes.

Criminal Prosecution and Protective Orders

The process of prosecuting someone in the U.S. criminal justice system can seem onerous to victims of sexual assault, and yet research shows that the experience can be cathartic. Much depends on one's expectations and preparation. Below is an abbreviated description of how the system works, under ideal circumstances.
If the State’s Attorney decides that there is enough evidence, criminal charges are brought against the assailant and an arrest warrant is issued. If the location of the assailant is known, an arrest takes place, and a bond hearing is held the next business day. While the criminal case is pending, you can also request that the court issue a protective order prohibiting the assailant from being within a certain distance of you and contacting you and/or family members. Although the protective order will not prevent the assailant from contacting you or approaching you, if s/he does so, the police can arrest him/her for violating the protective order.

It may seem very impersonal, but from this point forward your role becomes solely that of "witness." It is the State of Connecticut, as represented by the State’s Attorney that brings charges against the assailant with your testimony serving as evidence. Your testimony is essential to successful prosecution, but you are only required to be in the courtroom during the time you testify. That is because while you are the victim, the crime is considered to be against the State.

After criminal charges are filed, a series of hearings and courtroom proceedings take place. While both the prosecuting and defense attorneys may request "continuances," the number of continuances granted to the prosecution is limited by the assailant’s constitutional right to a fair and speedy trial. This constitutional limitation does not limit the amount of continuances granted to the defense because the defendant can waive his/her speedy trial right. This is why many trials stretch out to as long as one year or more. Trials will take place in the Superior Court of Connecticut and you will be questioned on the witness stand about the assault.

**Sentencing**

If the assailant is found guilty, you may file a Victim Impact Statement with the judge prior to sentencing. This allows you to tell the judge how the assault has affected you and your family, emotionally and economically. The sentencing portion of the trial is separate from the proceeding to determine guilt or innocence. In Connecticut, the judge (rather than a jury) determines the appropriate sentence for the assailant (with the exception of death penalty cases).

**Victim’s Rights**

In all criminal prosecutions, a victim, as the State Legislature has defined by law, shall have the following rights:

1. The right to be treated with fairness and respect throughout the criminal justice process;
2. The right to timely disposition of the case following arrest of the Respondent, provided no right of the Respondent is abridged;
3. The right to be reasonably protected from the Respondent throughout the criminal justice process;
4. The right to notification of court proceedings;
5. The right to attend the trial and all other court proceedings the Respondent has the right to attend, unless such person is to testify and the court determines that such person’s testimony would be materially affected if such person hears other testimony;
6. The right to communicate with the prosecution;
7. The right to object to or support any plea agreement entered into by the Respondent and the prosecution and to make a statement to the court prior to the acceptance by the court of the plea of guilty or nolo contendere by the Respondent;
8. The right to make a statement to the court at sentencing;
9. The right to restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law; and,
10. The right to information about the arrest, conviction, sentence, imprisonment and release of the Respondent.
Appendix B

How Does a Restraining Order Work?

A restraining order is available to victims of domestic/family violence (including those that have experienced sexual assault) regardless of whether the abuser has been charged with a crime. This may be issued by a judge in the civil court (Family Division of the Superior Court) after the victim files an "Application for Relief from Abuse" form with the court. After completing the form, the clerk of the court will take the application to a judge who will read it over carefully and decide either to: (1) issue the order immediately and set a date for a hearing to occur within two weeks at which the judge will hear from both parties and decide whether the order should be continued and extended for 6 months ("temporary restraining order"); or (2) not issue the order immediately but, instead, set a date for a hearing to occur within two weeks at which the judge will hear from both parties and decide whether a restraining order should be issued for a 6-month period ("restraining order after a hearing"). There is no cost for filing the application for the restraining order and the State of Connecticut pays the marshal's fees to have the papers served on the Respondent.

The judge may issue a temporary restraining order if the applicant alleges an immediate and present danger from the Respondent. A restraining order (both a temporary restraining order and a restraining order after a hearing) can be issued to protect not only the applicant/victim, but also others, such as dependent children, as the court sees fit. The order may include temporary child custody or visitation rights and may include orders prohibiting the Respondent from:

- Imposing any restraint upon the person or liberty of the applicant;
- Threatening, harassing, assaulting, molesting or sexually assaulting, or attacking the applicant; or
- Entering the family dwelling or the dwelling of the applicant.

Obtaining protection for dependent children and child custody and/or visitation orders is one of the main differences between a restraining order (issued by a family court) and a protective order (issued by a criminal court). If the person who is the subject of the restraining order violates the order, s/he will be arrested and charged with the crime of Criminal Violation of a Restraining Order which is a Class D Felony. The person may also be charged with other crimes committed at the same time (e.g., assault, criminal trespass, risk of injury to a child, threatening, etc.).

Procedure for Applying for a Restraining Order

The person who applies for a restraining order is called the “applicant” in the process. The person against whom the order is sought is called the “Respondent.”

STEP ONE: The applicant must complete the following forms: Application for Relief From Abuse; and Affidavit. Follow the instructions on these forms carefully. If you are seeking temporary custody of children, you must also complete an "Affidavit Concerning Children" form. If more than two children are involved, you should use the form “Addendum to Affidavit Concerning Children” to supply the required information regarding these additional children.

There are no court fees for the filing of the initial Application or for any motion to modify or extend the order. In addition, the Judicial Branch will pay the fee to have the order served on the Respondent. Also, to protect a victim’s actual location, participants in the Address Confidentiality Program are assigned a post office box at the Secretary of State’s Office and receive forwarded mail from the agency. In filling out any court document, you may use the address supplied by this program to protect your location from the Respondent. For more information on the Secretary of the State’s Address Confidentiality Program call the Connecticut Coalition Against Domestic Violence at 888.774.2900, or Connecticut Sexual Assault Crisis Services at (888) 999-5545.
For information in Spanish call 888.568.8332.

**STEP TWO:** The applicant must then submit the completed forms to the court clerk. Both the Application and the Affidavit must be signed in the presence of a clerk, notary public or an attorney. The Application and Affidavit will be carefully reviewed by a judge and the applicant may be required to testify in court when the judge reviews the Application.

If upon review of the information supplied by the applicant the court grants the Application for Relief from Abuse, the clerk’s office will process the papers and return to the applicant two certified copies of the Order along with the original Application, Affidavit(s) and Order. If a temporary restraining order has been issued, the clerk will send a copy of the Order or information contained in the Order to law enforcement within 48 hours. The applicant should keep one of the certified copies of the Order with him/her at all times and the other certified copy should be kept in a safe place.

**STEP THREE:** The applicant should immediately bring the original Application, Affidavit(s) and Restraining Order or Order and Notice of Court Hearing to a State Marshal or any proper officer for service. (At certain court locations, a State Marshal will be at the courthouse at established times during the day to help facilitate service; check with the court clerk about this). The State Marshal or other proper officer must serve a copy of these papers on the Respondent at least five days before the hearing date to notify the Respondent of the temporary restraining order, if any, and the hearing date.

**STEP FOUR:** The applicant must be present in court at the time and date scheduled for the hearing if s/he wants the court to issue a restraining order (if no temporary restraining order had been issued) or continue the restraining order (if a temporary restraining order was issued). If the Respondent wishes to be heard concerning the Application, that person must also appear at the time and date scheduled. At the hearing, the applicant will have an opportunity to present to the judge the reasons for seeking or continuing a restraining order. The Respondent will also have an opportunity to be heard. Witnesses or evidence that will support the applicant’s claims or the Respondent’s defense should be brought to court.

**STEP FIVE:** After the hearing, if the judge grants a restraining order, the applicant will receive two (2) certified copies of a new Restraining Order Relief From Abuse form. If the Respondent was present at the hearing, a copy will be given to him/her. If the Respondent did not attend the hearing, a copy will be mailed to him/her. The court clerk will send a copy of the Order or information contained on the Order to law enforcement within 48 hours.

The applicant should keep one of the certified copies of the Order with him/her at all times and the other certified copy should be kept in a safe place. The orders after a hearing are effective for six months unless a different period is ordered by the court. The applicant should contact the police department immediately and file a complaint if the Respondent violates any order issued.

If the applicant wants the Restraining Order to extend beyond the period ordered by the court, that person must submit a Motion to Extend to the court clerk’s office. To help prevent the Order from lapsing, the Motion to Extend should be submitted at least two to three weeks before the Restraining Order expires. After the motion is submitted, the court clerk will schedule a hearing and return the motion to the applicant for service on the Respondent. On the hearing date, the same court procedures described above will apply. There are no court fees for the filing any motion to modify or extend the order. In addition, the Judicial Branch will pay the fee to have the order served on the Respondent.
Appendix C

Reporting Options for Victims of Relationship Violence

Victims of intimate partner violence have several avenues for redress, if they choose. The following provides a brief explanation of these options.

Criminal Prosecution

Victims have the option to report the abuse to the police, who will investigate what is reported, and possibly bring criminal charges against the abuser. Criminal prosecution might result in imprisonment of the abuser, or perhaps mandatory attendance in a batterers’ intervention program. It could also result in probation, depending on the circumstances and the judge who hears the case. If the abuser is arrested, the victim may seek a protective order.

A protective order is a legal document issued by a state court that orders one person to stop harming another person, and can forbid an abuser from contacting the victim via phone and email, from being within a specified distance of the victim, from contacting the victim's family or friends, and more. If an abuser violates a protective order, the police are required by law to make an arrest.

The process for making a criminal complaint or obtaining a protective order can be quite complicated and difficult. The Department of Public Safety, local Law Enforcement and/or The Office of Victim’s Advocate can assist students, faculty and staff with information about these processes. The advocate can also accompany victims to court.

If you choose not to file criminal charges, you may still be able to obtain a restraining order against your abuser. A restraining order is also a legal document issued by a state court that can prohibit an abuser from being within a specified distance of the victim, from contacting the victim, and more. Some of the differences between a protective order and a restraining order are outlined on the next page.
### Civil Suit

In addition to criminal charges, victims can sometimes sue abusers for damages caused by the abuser. Civil suits offer the abused the opportunity to redress the injury and hold abusers accountable by seeking compensation and punitive damages. It is recommended that a person wishing to bring a case to court seek the assistance of an attorney.

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**Restraining Order**

Processed through civil court after an application is filed by a victim.

Abuser must be a current or former family member, household member, dating partner, or spouse.

A judge may extend the restraining order to other family members including children and/or animals owned or kept by the victim.

A judge may grant the victim temporary custody of children.

**Protective Order**

Processed through criminal court after an arrest.

May be put in place by a judge if the abuser is arrested for activities such as assault, stalking, threatening, or harassment.

Orders may be put in place for a current or former family member, household member, dating partner or spouse and may protect animals owned or kept by the victim. Orders may protect minor children if they are identified as victims of the crime for which the abuser was arrested.

An advocate from the local domestic violence program may be available at criminal court to assist with orders and safety planning.