Sexual Misconduct, Sexual Assault and Intimate Partner Violence Policy

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Statement of Policy

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

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

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

Mandated Reporting

The BOR requires that a report be made to the Connecticut Department of Children and Families whenever a person under eighteen (18) years of age may have been sexually assaulted. Further, pursuant to BOR Policy on Suspected Abuse or Neglect of a Child, any BOR or CSCU employee who has a reasonable cause to suspect or believe that a person under the age of 18 years has been abused or neglected, has been placed in imminent harm or has had a non-accidental injury is required by Board policy to report the incident as soon as practicable to their immediate supervisor as well. Employees are required to report possible sexual assault of persons 18 years old or older and those CSCU employees who qualify as Campus Security Authorities under the Jeanne Clery Act have a duty to report possible sexual assault regardless of the age of the reported victim.

Confidentiality

When a BOR governed college or university receives a report of sexual assault all reasonable steps will be taken by the appropriate CSCU officials to preserve the privacy of the reported victim while promptly investigating and responding to the report. While the institution will strive to maintain the confidentiality of the information reported, which information is subject to privacy requirements of the Family
Education Rights Privacy Act (FERPA), the institution also must fulfill its duty to protect the campus community. Confidential resources, such as off campus counseling and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center are bound by state statutes and professional ethics from disclosing information about reports without written releases. Information provided to a confidential resource by a victim of a sexual assault or the person reported to have been assaulted cannot be disclosed legally to any other person without consent, except under very limited circumstances, such as an imminent threat of danger to self or others or if the reported victim is a minor. Therefore, for those who wish to obtain the fullest legal protections and disclose in full confidentiality, she/he must speak with a confidential resource. Each BOR governed college or university will provide a list of such confidential resources in the College or University’s geographic region to victims of assault as well as publish these resources on-line and in various publications.

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

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

- All reports of sexual misconduct, including sexual harassment, sexual assault and intimate partner violence, will be treated seriously and with dignity by the institution.
- Referrals to off-campus counseling and medical services that are available immediately and confidential, whether or not those who report an assault feel ready to make any decisions about reporting the assault to police, the Dean of Students or the Campus’s Title IX Coordinator.
- Those who have been assaulted have the right to take both legal action (criminal/civil action) and action against the individual allegedly responsible.
- Those who seek confidentiality may contact a clergy member(s) and/or the Sexual Assault Crisis Center of Connecticut – all of whom are bound by state statutes and professional ethics to maintain confidentiality without written releases.

Options for Changing Academic, Transportation and Working Arrangements
The colleges or universities will provide assistance to those involved in a report of sexual harassment, sexual assault or intimate partner violence, including but not limited to, reasonably available options for changing academic, campus transportation, housing or working situations as well as honoring lawful protective or temporary restraining orders. Each and every BOR governed college or university shall create and provide information specific to its campus detailing the procedures to follow after the commission of such violence, including people or agencies to contact for reporting purposes or to request assistance, and information on the importance of preserving physical evidence.
Support Services Contact Information

It is BOR policy that whenever a college or university Title IX Coordinator or other employee receives a report that a student, faculty or staff member has been subjected to sexual misconduct, including sexual harassment, sexual assault or intimate partner violence, the Title IX Coordinator or other employee shall immediately provide the student, faculty or staff member with contact information for and, if requested, professional assistance in accessing and using campus, local advocacy, counseling, health, and mental health services. All CSCU campuses shall develop and distribute contact information for this purpose as well as provide such information on-line.

Right to Notify Law Enforcement & Seek Protective and Other Orders

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

(1) notify law enforcement and receive assistance from campus authorities in making the notification; and,

(2) obtain a protective order, apply for a temporary restraining order or seek enforcement of an existing order. Such orders include:

- standing criminal protective orders;
- protective orders issued in cases of stalking, harassment, sexual assault, or risk of injury to or impairing the morals of a child;
- temporary restraining orders or protective orders prohibiting the harassment of a witness;
- relief from physical abuse by a family or household member or person in a dating relationship; and
- family violence protective orders.

Student Conduct Procedures

The Student Code of Conduct provides the procedures for the investigation, definitions of terms, and resolution of complaints regarding student conduct, including those involving sexual harassment, sexual assault and intimate partner violence.

The Title IX Coordinator can assist in explaining the student conduct process. The Student Code of Conduct provides an equal, fair, and timely process (informal administrative resolution or a formal adjudication) for complainants and accused students.

Reported victims of such assault or violence shall have the opportunity to request that disciplinary proceedings begin promptly and such disciplinary proceedings shall be conducted by an official trained in issues relating to sexual assault and intimate partner violence and shall use the preponderance of the evidence standard in making a determination concerning the alleged assault or violence. Both the reported victim of such assault or violence and the accused are entitled to be accompanied to any meeting or proceeding relating to the allegation of such assault or violence by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the
postponement or delay of such meeting as scheduled, and each shall have the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding. Both the reported victim and accused are entitled to be informed in writing of the results of any disciplinary proceeding not later than one business day after the conclusion of such proceeding. Sanctions may range from a warning to expulsion, depending upon the behavior and its severity. To the extent permitted under state or federal law or as necessary for the disciplinary proceeding, the college or university shall not disclose the identity of the reporter or the accused.

Dissemination of This Policy
Upon adoption by the Board all CSCU institutions shall, upon receipt, immediately post and maintain this policy at all times in an easily accessible manner on each institution’s website. This Policy shall thereafter be annually provided to all Title IX Coordinators, campus law enforcement officers and security personnel, and other campus personnel. Further, this policy shall be presented at student orientation and at student awareness and prevention trainings, and made broadly available at each campus. The Policy shall be expanded upon by each institution to provide resources and contact information specific to their institution and geographic area as set forth above.

Terms and Usage
Sexual misconduct may include engaging in one or more behaviors:

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

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

(b) **Sexual assault** may include a sexual act directed against another person when that person is not capable of giving consent, which shall mean the voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make a deliberate choice to do something proposed by
another. Sexual assault is further defined sections 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes.

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

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

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

**Intimate partner violence** any physical or sexual harm against an individual by a current or former spouse of or person in a dating relationship with such individual that results from any action by such spouse or such person that may be classified as a sexual assault under section 53a70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes, stalking under section 53a-181c, 53a-181d or 53a-181e of the general statutes, or domestic violence as designated under section 46b-38h of the general statutes.

- The offenses that are designated as **domestic violence** are against family or household members or persons in dating relationships and include assaults, sexual assaults, stalking, and violations of protective or restraining orders issued by a Court.
- **Stalking** is one person's repetitive and willful following or lying in wait behavior towards another person that causes that other person to reasonably fear for his or her physical safety.
- **Relationship** violence may also include physical abuse, threat of abuse, and emotional abuse.
Sexual Assault & Interpersonal Violence Response Team (SAIV-RT) Members

The Sexual Assault and Interpersonal Violence Response Team, or SAIV-RT, provides assistance to victims-survivors of interpersonal violence. Resources are committed to providing assistance that is culturally-sensitive and affirming to our diverse clientele, which includes students of color, students with disabilities, international students, students of all sexual orientations and gender identities, student veterans, and students from all socioeconomic backgrounds with varying religious or spiritual beliefs. A member of the SAIV-RT is available 24/7. For more information, visit www1.easternct.edu/saiv. All services are free. All members of the SAIV-RT will honor confidentiality to the best of their ability. Members with an asterisk (*) by their name are empowered by law to maintain confidentiality.

Confidential Resources (On-Campus)

Counseling and Psychological Services (CAPS) *

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

  192 High Street, Willimantic, CT 06226, Monday – Friday, 8:30 am – 5 pm
  860-465-5778, www1.easternct.edu/counseling

Father Larry LaPointe, Multifaith Campus Ministry *

- Father Larry engages in all aspects of faith life on campus and provides support to those who may have experienced interpersonal violence. He can discuss reporting options, available resources, and rights. Information is kept strictly confidential and will not be released, under any circumstances, without the written consent of the student or employee.

  Newman Hall, 290 Prospect Street, Willimantic, CT 06226, Monday – Friday, 8 am – 5 pm
  lapointel@easternct.edu, 860-423-0856, www1.easternct.edu/campusministry

Jane Neu, Associate Director of Student Health Services *

- Jane provides accessible health services and follow-up care for current students who are victims of violence. She can conduct testing for STIs and pregnancy, and can provide emergency contraception if requested. Physicians and nurses can be accessed by appointment. For urgent care and medical emergencies, call 911.

  185 Birch Street, Willimantic, CT 06226, Monday – Friday, 9 am – 5 pm
  neuj@easternct.edu, 860-465-5263, www1.easternct.edu/health

Reporting and Investigations

Stacey Close, Title IX Coordinator

- Stacey investigates complaints made by any Eastern employees or students who believe themselves to be harmed by sexual harassment and interpersonal violence. Students may initiate action against administrators, faculty, and staff through this office. In addition, he investigates Title IX complaints against the university and complaints of retaliation related to Title IX violations.

- Gelsi and Young Administration Building, Room 255, Monday – Friday, 8 am – 5 pm
• closes@easternct.edu, 860-465-5791, www1.easternct.edu/equityanddiversity

**Angelo Simoni**, Director of Judicial Affairs
• Angelo handles reports of violations of the Student Code of Conduct and provides advisement to both parties involved. Students may initiate action, if they experience interpersonal violence, against a student or a student group through this office.

  Wood Support Services Center, Room 210, Monday – Friday, 8 am - 5 pm
  simonia@easternct.edu, 860-465-0063, www1.easternct.edu/judicialaffairs

**Lisa Hamilton**, Police Sergeant of Public Safety at Eastern Police
• Lisa is responsible for all criminal investigations and apprehensions. In cases of relationship violence, sexual assault and stalking, she will assign an officer to be the primary contact with the victim throughout the investigation.
• The Eastern Police Department is available 24 hours a day, seven days a week, and can be contacted anonymously through the confidential hotline at 860-465-0242.

  Public Safety Building, 44 Charter Oak Road, Room 205
  911 or 860-465-5310, www1.easternct.edu/police

**Non-Confidential Resources (On-Campus)**

**Starsheemar Byrum**, Director of the Women’s Center & Coordinator of the SAIV-RT
• Starsheemar provides advocacy, supportive services including accompaniment during reporting and investigations, information and referral services to survivors of past, present or attempted: intimate partner violence, sexual violence, sexual harassment, and stalking. The Women's Center provides these services to all students through special events, workshops and programs.

  Student Center, Unity Wing, Room 116, Monday – Friday, 8 am – 5 pm
  byrums@easternct.edu, 860-465-4314, www1.easternct.edu/womenscenter

**Amy Coffey**, Associate Dean of Arts and Sciences
• Amy meets the educational needs of students impacted by interpersonal violence. She serves as liaison to the School of Arts and Sciences, the School of Education and Professional Studies, and faculty in all academic departments. She addresses the unique needs of victim-survivors, such as academic support, the need for make-up exams, extensions on deadlines for class withdrawal or credit/no credit, and the coordination of withdrawal from the university.

  Webb Hall, Room 263, Monday – Friday, 8 am – 5 pm
  coffey@easternct.edu, 860-465-5383, www1.easternct.edu/artsandsciences

**LaMar Coleman**, Director of Housing and Residential Life
• LaMar provides students impacted by interpersonal violence with alternatives to on-campus residential living. Overseeing the residence halls, he works to ensure that all Hall Directors, Resident Assistants and Office Assistants receive ongoing training on the issues of interpersonal violence. Accommodations managed by him include providing relocation and on-campus temporary living arrangements.

  Wood Support Services Center, Room 245, Monday – Friday, 8 am – 5 pm
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colemanla@easternct.edu, 860-465-0072, www1.easternct.edu/housing

Walter Diaz, Dean of Students
• Walter assists victims with academic and personal concerns that arise after an incident of interpersonal violence or sexual harassment. He supervises student affairs units including the Intercultural Center and the Pride Room.
  Gelsi and Young Administration Building, Room 222, Monday - Friday, 8 am - 5 pm
diazw@easternct.edu, 860-465-5244, www1.easternct.edu/studentaffairs

Confidential Advocacy (Off-Campus)
Advocates are available 24/7. Information is kept strictly confidential. The services below are not required to report to the University.

Sexual Assault Crisis Center of Eastern Connecticut (SACCEC) *
• Sexual Assault Crisis Center of Eastern Connecticut (SACCEC) is a private, non-profit agency offering free and confidential, comprehensive services to victims of sexual assault and abuse. SACCEC is a member center of the Connecticut Sexual Assault Crisis Services (CONNSACS), the statewide coalition of sexual assault crisis agencies.
  90 South Park Street, Willimantic, CT 06226
  860-456-9476 or 888-999-5545
  www.saccec.org

United Services, Domestic Violence Program *
• United Services provides domestic violence shelters and services throughout Northeastern Connecticut. The Domestic Violence Program offers an array of services designed for families to become free of abuse.
  132 Mansfield Avenue, Willimantic, CT 06226
  860-774-8648 or 860-456-9476
  unitedservicesct.org/services/domestic-violence

Office of Victim Services (OVS) *
• The Office of Victim Services (OVS), Connecticut Judicial Branch, is the state’s leading agency established to provide services to victims of violent crimes.
  225 Spring Street, Fourth Floor, Wethersfield, Connecticut
  711 or 1-800-833-8134
  www.jud.ct.gov/crimевictim