

**UNIVERSITY OF HARTFORD**

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**Sexual Violence and Misconduct Policy and Procedures**

## **Title IX**

### **Sexual Violence and Misconduct Policy and Procedures**

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## I. Statement of Policy

The University of Hartford strives to provide an environment free from Sexual Violence and Other Sexual Misconduct (as defined below), including without limitation Sexual Assault, Intimate Partner Violence – including without limitation Domestic Violence and Dating Violence – and Stalking. Further, 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 (“Sexual Violence Policy”), which prohibits Sexual Violence and Other Sexual Misconduct, whether gender-based or non-gender-based.

When an allegation of Sexual Violence or Other Sexual Misconduct is reported and investigated, and a responding community member is found to have violated this Sexual Violence Policy, serious sanctions will be used in an effort to ensure that such actions are not repeated. This Sexual Violence Policy is intended to define community standards and to outline the investigation and complaint process when those standards are violated.

Any attempts to violate this Sexual Violence Policy are considered sufficient for having committed the violation itself. The use of alcohol or other drugs will not be accepted as a defense or mitigating factor to a violation of this Sexual Violence Policy. This Sexual Violence Policy applies regardless of the complainant’s or respondent’s sexual orientation, sex, gender identity or expression, age, race, national origin, religion or ability or any other protected class status.

**THIS SEXUAL VIOLENCE POLICY IS SUPPORTIVE OF AND DOES NOT REPLACE UNIVERSITY POLICIES ON SEXUAL HARASSMENT AND TITLE IX COMPLIANCE.** This Sexual Violence Policy applies only to Sexual Violence or Other Sexual Misconduct as defined in this Sexual Violence Policy: all other forms of sexual harassment and gender discrimination are covered under the University policies on sexual harassment and Title IX. The University’s sexual harassment and Title IX policies for students can be found at [www.hartford.edu/student\\_affairs/source/default.aspx](http://www.hartford.edu/student_affairs/source/default.aspx), and its sexual harassment and Title IX policies for faculty and staff can be found at [www.hartford.edu/hrd/staff\\_employment\\_manual.aspx](http://www.hartford.edu/hrd/staff_employment_manual.aspx).

## II. Scope

This Sexual Violence Policy applies to all University of Hartford students, faculty and staff. This Sexual Violence Policy applies regardless of the sexual orientation or gender identity or expression of the persons involved. This Sexual Violence Policy applies to “Prohibited Behavior” (defined below) directed to any students, faculty or staff, or visitors, which occurs on any University of Hartford campus or controlled event. This Sexual Violence Policy also covers Prohibited Behavior off campus directed by a University student, faculty or staff toward another University student, faculty or staff.

The University will protect the privacy of victims of Sexual Violence and Other Sexual Misconduct, as well as of persons accused of violations of this Sexual Violence Policy, 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 victims of Sexual Violence and Other Sexual

Misconduct 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.

## A. Prohibited Behavior

The University prohibits Sexual Violence and Other Sexual Misconduct, as defined under this Sexual Violence Policy.

**(a) Sexual Violence** includes the threat of, attempted or actual Sexual Assault, including unwelcome sexual contact, and Intimate Partner Violence, including Domestic Violence and Dating Violence.

**(1) Sexual Assault** can include forcible and non-forcible but otherwise unlawful sexual offenses. As defined for purposes of the Federal Bureau of Investigation Uniform Crime Reports (UCR),

- Non-forcible but unlawful sexual offenses include incest and statutory rape; and
- Forcible sexual offenses include rape, acquaintance rape, forcible sodomy and sexual assault with an object.

The terms used to describe the various forms of sexual assault under the UCR under Connecticut law are "Sexual Intercourse" and "Sexual Contact," where the intercourse or contact is unlawful because it involves one or more of the following:

- Lack of consent from the victim;
- Force or threat of use of force, whether against the victim of Sexual Assault or a third person, where the victim has a reasonable cause for fear of physical injury. Force can but does not necessarily include use or threatened use of deadly weapons;
- Sexual intercourse or contact with a person who has a temporary or permanent mental incapacity ("mental incapacitation" and "mental defect", under the Connecticut statute's terminology);
- Statutory rape, as defined under Connecticut law;
- Incest; or
- Conduct where the perpetrator has a fiduciary relationship with the victim, such as psychoanalyst or other medical professional, school teacher or legal guardian.

Under Connecticut law, "Sexual Intercourse" is defined as:

[V]aginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex.... Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.

Connecticut law defines "Sexual Contact" as:

[A]ny contact with the intimate parts of a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person not married to the actor for

the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person.

**(2) Intimate Partner Violence** means any physical or sexual harm, or threats of physical or sexual harm against an individual by the actions of a current or former spouse of or person in a dating relationship with that individual, where the action constitutes Sexual Assault or Stalking as defined in this Section II (A), or Family Violence as defined under applicable state law, which includes assault or threat of assault, reckless endangerment, sexual assault, stalking, disorderly conduct, criminal harassment, criminal violation of protective or restraining order, when directed against a family or household member.

Intimate Partner Violence includes Domestic Violence and Dating Violence.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

**(b) Other Sexual Misconduct** constituting a violation of this Sexual Violence Policy includes, but is not limited to:

- (1) Stalking** means engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress. Under Connecticut law, Stalking is willfully and repeatedly following or lying in wait for another person and causes, whether willfully or recklessly, that person to reasonably fear for her or his safety. Behavior constituting stalking may include, but is not limited to, communications (i.e., face to-face, telephone, email, and social media), threatening or obscene gestures, surveillance, or showing up outside the targeted individual's classroom, residence or workplace, where that behavior is nonconsensual.
- (2) Sexual Exploitation** occurs when a person takes advantage of another without that individual's consent for the initiator's own advantage or benefit or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute Sexual Violence or Other Sexual Misconduct, including but not limited to:
  - Sexual exhibitionism
  - Non-consensual video, photographing, or audio recording of a sexual nature and/or distribution of these materials via mediums such as the Internet

- Exceeding the boundaries of consent (e.g., allowing people to watch consensual sex without the knowledge of the participants)
  - Peeping or other voyeurism
- (2) Other forms of inappropriate conduct which, while not directly Sexual Violence, Stalking or Sexual Exploitation, nonetheless constitute a violation of this Sexual Violence Policy include:
- Assisting another person in committing a violation of this Sexual Violence Policy;
  - Interfering with any person’s effort to exercise or seek to exercise their rights under this Sexual Violence Policy, including but not limited to coercion, threats or harassment;
  - Failing to cooperate in an investigation or proceeding conducted under or in connection with this Sexual Violence Policy;
  - Retaliation against any person for exercising or seeking to exercise their rights under this Sexual Violence Policy;
  - Retaliating against any person for cooperating with an investigation or proceeding conducted under or in connection with this Sexual Violence Policy.

## B. Consent

For purposes of determining whether or not Prohibited Behavior 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.

- In order to give consent, a person must be of the legal age of consent. Under most circumstances, the age of consent in the state of Connecticut is sixteen.
- Consent must be freely and actively given.
- Silence, the lack of resistance or the lack of a negative response is not 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 Sexual Violence 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, or based on circumstances should reasonably have known to be, mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this Sexual Violence 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.

**Force** is the use of physical violence and/or imposing on someone physically to gain sexual access.

**Coercion** is unreasonable pressure for sexual activity, including without limitation the use of threats, intimidation or emotional manipulation to persuade someone to do something they may not want to do, such as being sexual or performing certain sexual acts. Being coerced into having sex or performing sexual acts is not consenting sex and is considered sexual misconduct.

### **III. Educational, Awareness and Prevention**

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, Haven, prior to moving into their campus residence.

Haven 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.

Mostly all of the programs and/or workshops are operated through the Connections Health Education and Wellness Center and the Women and Gender Resource Center. All programs and workshops are available to the campus community upon request. Departmental examples for programming outreach include areas on campus such as, Greek like, 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; Connections Health Education and Wellness, Women and Gender Resource Center, the Office of the President, Dean of Students Office, Health Services, Residential Life, Counseling and Psychological Services, Athletics, Office of Student Conduct Administration, 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.

The Director for Connections Health Education and Wellness/Women and Gender Resource Center oversees this team.

### **CONNECTIVITY: Peer Education/Peer Theatre:**

Connectivity Peer Education Theatre Ensemble are trained Peer Health Educators through the Connections Health Education and Wellness center. Connectivity members provide outreach and programming to the campus community on a variety of topics pertaining to health and wellness. Specifically, Connectivity members perform an interactive play that takes place at a campus party and addresses such topics as: bystander intervention, substance use and abuse and sexual violence prevention. The play is performed every year to all incoming first year students and throughout the year on request to various student groups such as Greek Life, Residential Life, etc.

### **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 info with friends. Confront friends who make excuses for other peoples 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>.

## **IV. RESOURCES FOR VICTIMS 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:**

- 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  
(Local)

### **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/>.

## **V. Title IX COORDINATOR**

The University has appointed a Title IX Coordinator to oversee all aspects of the University's compliance with laws and policies protecting against gender discrimination and sexual harassment, including but not limited to Sexual Violence and Other Sexual Misconduct as defined in this Sexual Violence Policy.

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 **University Title IX Coordinator** is:  
**Rayna Dyton-White**, Office of the President  
[dytonwhit@hartford.edu](mailto:dytonwhit@hartford.edu) 860.768.4281

The **Deputy Title IX Coordinator** is:  
**Lisa Belanger-Buoniconti**, Human Resource Director  
[belanger@hartford.edu](mailto:belanger@hartford.edu) 860.768.4156

## **VI. REPORTING A VIOLATION AND HANDLING OF COMPLAINTS**

A victim of Sexual Violence or and Other Sexual Misconduct in violation of this Sexual Violence Policy has a number of rights and options in connection with reporting the incident. The victim 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 Sexual Violence Policy.

- File a complaint with the police, with or without University assistance.
- File a complaint with other governmental agencies.

While victims are encouraged to pursue these options, with support available from various University and community resources listed in this Sexual Violence Policy, a victim of Sexual Violence or Other Sexual Misconduct 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 or a deputy Title IX coordinator (other than those listed below as confidential resources). Any person who is not sure whether they have an obligation to report an incident should contact the Title IX coordinator.

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

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

**Incidents involving students, visitors and third parties: University Title IX coordinator for Students, Visitors, and Third parties: Rayna White, Office of the President,**  
[dytonwhit@hartford.edu](mailto:dytonwhit@hartford.edu) 860.768.4281

**Incidents involving Faculty and Staff: the Deputy Title IX coordinator for Faculty and Staff: Lisa Belanger-Buoniconti, Human Resource Development, belanger@hartford.edu**  
 860.768.4156

**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 x911 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 Sexual Violence and Other Sexual Misconduct, including without limitation Sexual Assault, Intimate Partner Violence including Domestic Violence and Dating Violence, Stalking and Sexual Exploitation, are encouraged to speak to the University's Title IX Coordinator, a Deputy 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 victims or third party reporters who reveal information about a violation of University policies while reporting an incident of Sexual Violence or Other Sexual Misconduct. 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**

Victims of Sexual Violence or and Other Sexual Misconduct in violation of this Sexual Violence Policy have available to them a number of Confidential Resources, both on-campus and off-campus, who are available to provide them assistance and advice on an entirely confidential basis. These Confidential Resources will not inform other University personnel or law enforcement agencies without the victim's permission. At the same time, Confidential Resources can be very helpful in advising victims on whether or not to make a formal report, and in assisting with that reporting process.

The following Confidential Resources are available to victims of Sexual Violence or and Other Sexual Misconduct:

### **On-Campus Resources**

- Counseling Services – 860.768.4482
- Student Health Services – 860.768.6601

### **Off-Campus Resources**

- YWCA of New Britain Sexual Assault Crisis Service
- Hotline: 860.223.1787 Email: [nbsacs@snet.net](mailto:nbsacs@snet.net)
- Interval House
- 24-hour domestic violence hotline: 860.527.0550 or 1.888.774.2900
- Connecticut Sexual Assault Crisis Services (CONNSACS)
- 24-hour confidential hotline – 1.888.999.5545
- Connecticut Coalition Against Domestic Violence (CCADV)  
24-hour hotline:  
English: 1.888.774.2900 Spanish: 1.888.774.2900
- Rape, Abuse, and Incest National Network (RAINN) crisis hotline –1.800.656.HOPE
- Rape, Abuse, and Incest National Network (RAINN) online hotline  
<https://ohl.rainn.org/online/>

The University offers a number of other resources to victims for receiving support, advice, counseling and assistance, and for reporting incidents of Sexual Violence or and Other Sexual Misconduct, but while every effort will be made to preserve confidentiality 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 or a deputy coordinator if they are alerted of an alleged violation of this Sexual Violence Policy.

## **B. Reporting to the University**

### **(1) Designated University contacts**

Any person who believes he or she has been subject to Sexual Violence or and Other Sexual Misconduct in violation of this Sexual Violence 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**

**Incidents involving students, visitors and third parties:**

**University Title IX coordinator for Students, Visitors, and Third parties:**

**Rayna Dyton-White, Office of the President, [dytonwhit@hartford.edu](mailto:dytonwhit@hartford.edu) 860.768.4281**

**Incidents involving Faculty and Staff: the Deputy Title IX coordinator for Faculty and Staff:**

**Lisa Belanger-Buoniconti, Human Resource Development, [belanger@hartford.edu](mailto:belanger@hartford.edu) 860.768.4156**

**Any incidents: Director, Student Health and Wellness Center Kenna Grant, [mckenna@hartford.edu](mailto:mckenna@hartford.edu), 860.768.4315**

While these offices and individuals are specifically trained to respond to reports of Sexual Violence and Other Sexual Misconduct in violation of this Sexual Violence Policy and to assist victims of these incidents, if a victim 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) Confidentiality and Privacy**

When the University receives notice of an incident, whether from the victim, 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. Normally this includes an investigation, even if the victim does not wish to file a formal complaint, although other options might be available in addition to or, where clearly appropriate, instead of investigation, such as educational programming. 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 Sexual Violence Policy, the identity of the victim, when known, may be revealed. The investigative process is explained further below.

If a victim 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 victim specifically asks that the matter remain confidential and not be investigated, the University will consider this request. When weighing a victim'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.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action, even though the victim 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 victim's request for confidentiality,** the University will inform the victim 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 victim to participate in any investigation or disciplinary proceeding. The University also will not require a victim 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 victim's well being, and will work with the victim to create a safety plan as well as take ongoing steps to protect the victim from retaliation or harm. Retaliation against the victim, whether by students or University employees, will not be tolerated. The University will also:

- assist the victim 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 alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

If the victim 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 victim. 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 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.

### **(3) Federal Reporting Obligations**

The University has a duty to report data about various forms of sexual misconduct in accordance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Act (Clery Act). No personally identifiable information is disclosed, but statistical information is disclosed as part of the University's Annual Security Report. The information to be shared includes the date, location type (residence hall, public property, off-campus, etc.), and specific crime category. The current University Annual Security Report can be found at <https://www.hartford.edu/publicsafety/clery/default.aspx>.

Under the Clery Act, the University is required to provide timely reports to the University community if there is an ongoing threat of immediate harm to students and employees. The names of victims will be withheld from these reports and the University will withhold identifying information on victims to the greatest extent possible while meeting its obligations under the Clery Act.

### **(4) Options Available to Victims for Changing Certain Conditions**

The Title IX Coordinator or designee will advise a victim of Sexual Violence or Other Sexual Misconduct of options available to change academic, living, campus transportation or working conditions in response to the Prohibited Behavior. Such options may include but are not limited to alternative means of providing on-campus transportation; changes in academic or work schedules, or other academic or employment accommodations; and housing reassignments.

The Title IX Coordinator or designee will discuss options regardless of whether the victim wishes to maintain confidentiality, and regardless of whether the victim wishes to file a complaint under the University Complaint Process or with law enforcement. However, some options may not be available while maintaining confidentiality or without filing under the University Complaint Process. For example, an option which involves formal sanctioning of another University student, staff or faculty cannot occur without giving that other individual the procedural rights to accused described in this Sexual Violence Policy.

## **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 VIII of this Sexual Violence 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

- Director of Connections  
Kenna Grant, [mckenna@hartford.edu](mailto:mckenna@hartford.edu), 860.768.4156
- YWCA of New Britain Sexual Assault Crisis Services  
Hotline: 860.223.1787 Email: [nbsacs@snet.net](mailto: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 Sexual Violence 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

**IF YOU NEED IMMEDIATE ASSISTANCE IN CASE OF AN EMERGENCY PLEASE DIAL 860.768.7777 (or 7777 FROM ANY UNIVERISTY 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 Sexual Violence 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 Sexual Violence Policy:

**Criminal Complaint Process** – See APPENDIX A

**How Does a Restraining Order Works?** – 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](mailto:OCR_Boston@ed.gov)

Information concerning OCR's procedures and coverage is contained online:  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>

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.

## **VII. 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 Sexual Violence 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 Sexual Violence 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
Deputy Title IX Coordinator/Human Resources Development	860.768.4156
Public Safety	860.768.7985

## **VIII. University Complaint Process**

Any University student, faculty or staff who believes that they have been a victim of Sexual Violence, Other Sexual Misconduct or other misconduct prohibited under this Sexual Violence Policy (“Prohibited Behavior”) because of the actions of a University student, faculty or staff may file a complaint under the University complaint process (“Process”) against that student, faculty or staff, regardless of where the alleged Prohibited Behavior occurred. Both the complainant and the accused are subject to the procedures and rights set forth in this Process.

### **A. Process**

For the most up to date information on the Process, please see the University’s website at [http://www.hartford.edu/student\\_affairs/title\\_IX/](http://www.hartford.edu/student_affairs/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. A victim of Sexual Violence or Other Sexual Misconduct may also file a complaint with the Title IX Coordinator, Deputy Title IX Coordinator, Human Resource Development, or Public Safety. The University Title IX Coordinator and/or a Deputy Coordinator also reserves the right to investigate any incident that comes to the attention of the University, that may relate to this Sexual Violence Policy, and, if necessary, refer that incident to this Process.

### **C. Interim Remedial Action**

Upon receipt of a complaint, 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 accused and the University community while an investigation, assessment and appeal is continuing under this Process. Interim remedial action is preliminary, and only in effect until the process is complete and a decision is rendered. 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:
  - 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 accused violation of this Sexual Violence 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**

All investigations, assessments and appeals under this Process shall be conducted in a manner which is fair and impartial to both the complainant and the accused.

The completion of the investigation, assessment and, where applicable, determination of sanctions shall be completed in a prompt and fair manner. 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 accused 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 accused 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 accused shall be kept confidential to maximum 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 Sexual Violence Policy, the Title IX coordinator or trained designee will assess whether or not there is sufficient information on which to base a formal Title IX investigation and will also assess, pursuant to the standards on confidentiality discussed above, any request by the victim not to investigate.

The Title IX Coordinator or designee will assign one or more investigators to conduct the Title IX 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.

Information on the complainant's prior sexual conduct with anyone other than the accused, or other information that is more likely to inflame or mislead than to inform, such as the complainant's clothing, shall not be considered by the investigator(s). Evidence of prior consensual dating, sexual relationship or sexual conduct between the complainant and accused shall not be considered by itself to imply consent or to preclude a finding of a violation of this Sexual Violence Policy.

At the conclusion of the investigation, the investigator(s) will supply a thorough report of the findings to the designated Title IX Coordinator or Deputy. These findings will include recommended conclusions as to whether the accused individual(s) is responsible or not responsible (in whole or in part) for Prohibited Behavior in violation of this Sexual Violence Policy, or a recommended conclusion that there is insufficient information to reach a determination on responsibility. The investigator(s) will identify supporting information for the recommended conclusions in the report. All recommended conclusions shall be based on a "preponderance of the evidence" standard, under which a conclusion will be made only if, based on all the

evidence presented, including an assessment of the credibility of testimony, it is more likely than not that the conclusion is correct. A finding that more than 50% of the evidence supports the conclusion satisfies the preponderance of the evidence standard.

If the accused accepts responsibility for some or all of the violations alleged, the investigator(s) shall note that in the investigative report, and a conclusion of responsibility shall be recommended for all admitted violations.

## **F. Complaint Assessment Panel**

The Title IX Coordinator will appoint a Complaint Assessment Panel, which will consist of three impartial persons. The Title IX Coordinator will give the accused and complainant the opportunity to review the report, and allow both the complainant and the accused the opportunity to provide for the Complaint Assessment Panel's consideration a written response within a reasonable period of time set by the Title IX Coordinator.

If it is determined that further information is needed before the Complaint Assessment Panel can make a determination, the Title IX Coordinator will notify the investigator(s) of information or clarification that is needed and the investigator(s) will work to return that information back to the Title IX Coordinator in a formal written amendment to the investigative report. The complaint and the respondent will be given the opportunity to review any such supplemental report prepared by the investigator(s). The complainant and the accused will both have the opportunity to provide a written response to the new information within a reasonable time period set by the Title IX Coordinator.

The Complaint Assessment Panel will review the complete report supplied by the investigator(s) and any submission(s) by the complainant and accused, and will determine if they concur with the recommended conclusions, reach a different conclusion, or require further information. All determinations of the Complaint Assessment Panel will be based on a preponderance of the evidence standard.

At the point the Complaint Assessment Panel concurs with the completed investigation, the following will occur:

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

If the accused has accepted responsibility for some or all of the violations alleged, the Complaint Assessment Panel 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 accused.

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

- Students found responsible for committing Sexual Violence in violation of this Sexual Violence 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 Sexual Violence 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 Sexual Violence 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 committee will sanction students found responsible for violations of the Student Code of Conduct not related to this Sexual Violence 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 accused. 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 accused of their right to appeal the findings. The grounds for which an appeal will be granted will be based on guidelines established in this Sexual Violence Policy.

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 accused student 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 designee, or the University website [http://www.hartford.edu/student\\_affairs/title\\_IX/](http://www.hartford.edu/student_affairs/title_IX/). 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 committee 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 Sexual Violence 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 present grounds for appeal, the appeal will be denied and the matter will be closed.

The University 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. The Title IX Coordinator may convene an Appeal Panel, which will consist of three persons who have been appropriately trained. The Appeal Panel shall apply a clear error standard for appeals made on the grounds of an error or sanction issued.

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 panel, who may make a determination about whether or not the new information changes the outcome or sanctions of the original Complaint Assessment Panel.

The Appeal Panel may decide that the appeal is not valid. In this case, all sanctions remain in place. If the Appeal Panel finds that the appeal is valid, they may recommend adjustments in sanctioning to the Title IX Coordinator.

The Appeal Panel 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 accused.

## **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 Sexual Violence 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 accused, provided no right of the accused is abridged;
3. The right to be reasonably protected from the accused 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 accused 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 accused 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 accused;
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 accused.

## *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.

## ***Appendix C*** ***Continued***

### **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.

### **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.