

UNIVERSITY OF HARTFORD

UNIVERSITY POLICY ON PREVENTION OF SEXUAL VIOLENCE AND OTHER SEXUAL MISCONDUCT

I. Purpose

This University Policy on Sexual Violence and Other Sexual Misconduct (“Policy”) affirms the University commitment to compliance with all applicable federal and state laws relating to Sexual Violence and Other Sexual Misconduct (as defined below); identifies persons responsible for ensuring University compliance and establishing appropriate operational policies and procedures; establishes minimum standards for certain key procedures; and generally sets forth University policy for preventing Sexual Violence, including sexual assault and intimate partner violence, and Other Sexual Misconduct, including stalking and sexual exploitation, on University property, at University events, and between members of the University community regardless of location.

II. Statement of Policy

The University of Hartford strives to provide an environment free from Sexual Violence and Other Sexual Misconduct, 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 gender-based 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.

It is the policy of the University to prohibit Sexual Violence – including sexual assault and intimate partner violence – stalking, sexual exploitation and all other forms of misconduct, whether gender-based or non-gender-based, which violate this Policy and applicable federal and state law. Towards that end, the University shall establish and implement policies, procedures and practices which ensure compliance with Title IX, Title VII, 20 U.S.C. Section 1092(f), CGS Section 10a-55m, and all other applicable laws.

THIS SEXUAL VIOLENCE POLICY IS SUPPORTIVE OF AND DOES NOT REPLACE UNIVERSITY POLICIES ON SEXUAL HARASSMENT AND TITLE IX COMPLIANCE. This Policy applies only to Sexual Violence or Other Sexual Misconduct as defined in this 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/title_IX/default.aspx, and its sexual harassment and Title IX policies for faculty and staff can be found at www.hartford.edu/student_affairs/title_IX/default.aspx.

III. Responsible Persons

The Title IX Coordinator, who reports to the President of the University, is responsible for establishing, reviewing, updating and overseeing all operational policies, procedures and practices related to this

Policy, except as otherwise specified in this Policy. The Title IX Coordinator, who oversees all aspects of the University's compliance with laws and policies protecting against gender discrimination and sexual harassment, has the authority to appoint deputy or assistant Title IX coordinators, and to appoint investigators, complaint assessment panelists and appeals panelists in connection with the University's complaint process for Sexual Violence and Other Sexual Misconduct. The Title IX Coordinator will [provide oversight of/review] educational, awareness and prevention programming and of the communication of operational policies and procedures and related information to the University community, and will perform such other functions as are set forth in this Policy.

The President is responsible for overall leadership to the campus community in the establishment of a culture of compliance with this Policy, prevention of Sexual Violence and Other Sexual Misconduct, and support for victims of Sexual Violence and Other Sexual Misconduct; overseeing the Title IX Coordinator and ensuring that the Title IX Coordinator has the support needed to meet the responsibilities of that role; and establishing a campus resource team as described below.

The Director of Public Safety is responsible for ensuring compliance with all campus crime reporting requirements under applicable federal and state law.

All University officers and supervisors are responsible for assisting the Title IX Coordinator in implementation of this Policy; and establishing within their areas of operational responsibility and throughout the University a culture of compliance with this Policy, prevention of Sexual Violence and Other Sexual Misconduct, and support for victims of Sexual Violence and Other Sexual Misconduct.

All University faculty, staff and students are responsible for compliance with this Policy and all related University policies, procedures and practices and applicable laws. All University faculty, staff and students are also responsible for sharing with and embracing a culture of compliance with this Policy, prevention of Sexual Violence and Other Sexual Misconduct, and support for victims of Sexual Violence and Other Sexual Misconduct. All faculty and staff, other than health care professionals or clergy receiving information under their respective professional privileges, are required to inform the Title IX Coordinator, a deputy Title IX coordinator, or Public Safety if they have been told or otherwise learn about an incident of Prohibited Behavior under this Policy.

IV. Scope of Applicable University Policies and Procedures

Policies, procedures and practices promulgated under this Policy shall apply to all University of Hartford students, faculty and staff; and to behavior prohibited under this Policy ("Prohibited Behavior") occurring on any University of Hartford campuses, satellite campuses, university leased properties, and all university sponsored or controlled events, and trips, including trips abroad. All such policies, procedures and practices shall also apply to Prohibited Behavior off campus directed by a University student, faculty or staff towards another University student, faculty or staff.

A. Prohibited Behavior

Under this Policy and as applied to all policies, procedures and practices promulgated under this Policy, the University prohibits the following Prohibited Behavior:

(a) Sexual Violence, including the threat of, attempted or actual sexual assault, including but not limited to rape, acquaintance rape and unwelcome sexual contact, and intimate partner violence, including domestic violence and dating violence.

(b) Other Sexual Misconduct, including stalking, sexual exploitation, and other forms of inappropriate conduct which, while not directly Sexual Violence, stalking or sexual exploitation, involves such actions as:

- Assisting another person in committing a violation of this Policy;
- Interfering with any person's effort to exercise or seek to exercise their rights under this 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 Policy;
- Retaliation against any person for exercising or seeking to exercise their rights under this Policy; and
- Retaliating against any person for cooperating with an investigation or proceeding conducted under or in connection with this Policy.

The Title IX Coordinator shall ensure that appropriate definitions of each of these Prohibited Behaviors are included in the operational policies and procedures promulgated under this Policy, and that the definitions are consistent with applicable state and/or federal law, including without limitation 20 U.S.C. Section 1092(f) and CGS Sections 10a-55a and 10a-55m.

B. Consent

The University's operational policies and procedures shall include a definition of "consent," for purposes of determining whether or not Prohibited Behavior has occurred, which requires 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; and which establishes that the initiator of sexual activity is responsible for obtaining clear and affirmative responses indicating consent at each stage of sexual involvement, without incapacitation, force or coercion.

V. Educational Programming

A. Awareness and Prevention Programming

The University shall provide educational programs for new students, faculty and staff, and annual awareness and prevention programming for all faculty, staff and students, on the following topics:

- This Policy and the operational policies and procedures promulgated pursuant to this Policy;
- Awareness and prevention of Prohibited Behavior, including but not limited to sexual assault (including rape and acquaintance rape), intimate partner violence and stalking, including the relevant state law definitions of consent in regards to sexual activity, sexual assault, domestic violence, dating violence and stalking;
- On-campus and off-campus resources available to victims of sexual assault, intimate partner violence including domestic violence and dating violence and Other Sexual Misconduct, including stalking, under this Policy;
- Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking against another individual ("Bystander Intervention");
- Information on risk reduction, including information on recognizing warning signs of abusive behavior and how to avoid potential attacks; and
- Elements of the criminal justice system pertaining to Sexual Violence and stalking, including the availability of protective orders and temporary restraining orders.

The content of the educational program may be delivered through a variety of means, including but not limited to poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars and panel discussions.

The Title IX Coordinator shall make sure that the appropriate offices participate in the planning, preparation and delivery of the educational program, including without limitation relevant offices in the Division of Student Affairs, the Office of Human Resource Development, the General Counsel's Office, the Department of Public Safety and the Office of the Provost. The Title IX Coordinator will provide overall leadership in the development of the educational program, and review the program periodically for effectiveness, coverage and delivery.

B. Dissemination of Operational Policies and Procedures

The Title IX Coordinator will oversee the development and dissemination of operational policies and procedures, and related practices related to this Policy. Operational policies and procedures shall include, at a minimum, the following:

- A statement of University policy on Sexual Violence and Other Sexual Misconduct;
- A description of Prohibited Behavior, including sexual assault, intimate partner violence (including domestic violence and dating violence); stalking, sexual exploitation and other behavior prohibited under this Policy, and of the University's definition of "consent," as that term is used for purposes of determining whether or not Prohibited Behavior has occurred;
- A description of educational, awareness and prevention programming provided by the University for students, faculty and staff;
- Information on Bystander Intervention;
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- Information on the importance of preserving evidence, including physical evidence, of Sexual Violence or Other Sexual Misconduct, and contact information of on-campus and off-campus resources available to assist with the preservation of evidence;
- On-campus and off-campus resources available for victims of Sexual Violence and Other Sexual Misconduct, including resources for medical treatment, emotional support and counseling, victim advocacy and legal assistance; and available assistance, from University resources and/or community advocacy groups, in accessing these resources;
- Information on the different options available to victims of Sexual Violence or Other Sexual Misconduct to report incidents of Prohibited Behavior, including options to report to confidential and non-confidential resources, both on-campus and off-campus; to report incidents anonymously; to on-campus and off-campus victim support and advocacy resources; and with the option of filing or not filing a formal complaint under the procedures established pursuant to this Policy;
- Information on the different options available to victims of Sexual Violence, stalking or other criminal acts covered under this Policy to file a report with and seek assistance through the criminal justice system, including the procedures for reporting such criminal acts to law enforcement agencies; victim rights, institutional responsibilities, and procedures for obtaining and enforcement of protective orders, temporary restraining orders and similar court orders; an explanation of available assistance from on-campus and off-campus resources in connection with such law enforcement options; and the right

and option of a victim to choose not to report an incident of Sexual Violence, stalking and other criminal acts to law enforcement officials;

- Information on the confidentiality and privacy of persons reporting and accused of Prohibited Behavior; the University's legal obligations regarding the investigation of incidents of Prohibited Behavior, including factors which the University will apply when deciding whether it is able or unable to honor a victim's request for confidentiality when the University has been put on notice of an incident of Sexual Violence or Other Sexual Misconduct; the University's obligation to protect the confidentiality of an accuser's and accused's identity to the greatest extent possible in light of the University's legal obligations and responsibilities to investigate and where appropriate conduct disciplinary proceedings under this Policy; and the University's obligation to report crime statistics and provide timely warnings to the campus community of crimes presenting an ongoing threat to the safety of members of the community in a manner which protects confidentiality to the greatest extent possible in light of the University's legal obligations, where the crimes constitute Prohibited Behavior under this Policy;
- Options available to victims of Sexual Violence and Other Sexual Misconduct for temporary accommodations, such as changing academic, living, campus transportation and working conditions, in response to incidents of Sexual Violence and Other Sexual Misconduct, regardless of whether or not a victim wishes to report the incident(s) to law enforcement or pursue a complaint under University procedures;
- A description of disciplinary procedures to be followed when a University complaint is filed against a student or employee alleging one or more incidents of Prohibited Behavior in violation of this Policy, as described further below;
- A description of the range of sanctions which may be imposed when an individual has been found responsible for committing Prohibited Behavior in violation of this Policy; and
- A statement prohibiting retaliation against any person who, in good faith, reports or who participates in the investigation of alleged violations.

The operational policies and procedures shall be set down in writing, presented in a clear manner using plain language, and be available online and in hard copy. A written summary, in concise, plain language, of the victim's rights and related policies and procedures under this Policy shall also be provided to all persons who report that they have been the victim of Sexual Violence or Other Sexual Misconduct, at the time of reporting, whether or not they indicate an intention to report the incident(s) to law enforcement officials or to file a complaint under University disciplinary procedures.

VI. Disciplinary Procedure

The University shall maintain procedures for the reporting, investigation and conducting of disciplinary proceedings related to allegations by and/or against students, faculty and/or staff of Prohibited Behavior in violation of this Policy. The Title IX coordinator will ensure that the procedures promulgated pursuant to this Policy comply with this Policy and applicable law are written in concise, plain language and contain, at a minimum, the following elements:

- A commitment to prompt, fair and impartial investigations of and disciplinary proceedings resulting from allegations of incidents of Prohibited Behavior;

- Use of the “preponderance of the evidence” standard to determine whether or not a violation has occurred;
- The right of both the accuser and accused to be accompanied by a support person of their choice to all meetings related to the investigation of and disciplinary proceedings resulting from such complaints;
- The right of both the accuser and accused to present witnesses – or to request investigators to interview specific individuals – and other evidence in such proceedings, under the same general conditions;
- A right for either the accused or the accuser to appeal the results of the disciplinary proceedings;
- Options for providing intermediate forms of assistance to the accuser while an appeal by the accused is pending, such as changing academic, living, campus transportation and/or working conditions;
- A commitment to inform both the accuser and the accused, in writing and simultaneously, of the results of any such disciplinary proceeding, the procedures for appealing those results, any changes to those results before such changes become final, and when the results are final; and
- A commitment to maintain the confidentiality of both the accuser and the accused except to the extent necessary to comply with applicable law and/or to conduct the proceeding.

So long as both accuser and accused have equal right to present evidence and witnesses, the disciplinary procedure developed under this Policy does not need to involve a hearing or other setting in which the accuser and accused are in the same room or in which the accuser or the accused have the opportunity to observe, listen to or question the other. The procedure will have separate roles for investigator(s), hearing or assessment/findings panel and appeals panel, with no one person serving in more than one role in the same case – although a person may serve different roles in different cases.

All persons serving as investigators, panelists or appeals panelists will receive annual training on issues relating to sexual assault, stalking and intimate partner violence including domestic violence and dating violence; on the operational policies and procedures promulgated under this Policy; and on how to conduct an investigation and hearing procedure that is fair and protects the safety of victims and promotes accountability for behavior.

VII. Campus Resource Team

A. Membership

The President shall appoint a Campus Resource Team, consisting of the following individuals:

- The Title IX Coordinator or designee;
- The Vice President for Student Affairs or designee;
- At least one person from each of the following:
 - Administration;
 - Counseling services;
 - Health services;
 - Women’s center;

- Public Safety;
- Faculty;
- Senior staff/midlevel staff;
- Students;
- Residential life; and
- Student judicial conduct.

The President shall also invite at least one individual from each of the following to serve on the Campus Resource Team:

- A community-based sexual assault crisis service center;
- A community-based domestic violence agency; and
- A representative from local or state police, or a prosecutor from the Division of Criminal Justice.

B. Training of Campus Resource Team

Every member of the Campus Resource Team must be trained in the following areas:

- Awareness and prevention of sexual assault, intimate partner violence including domestic violence and dating violence, and stalking;
- How to communicate with and assist victims of these crimes;
- This Policy and the operational and procedural policies developed under this Policy;
- Relevant provisions of Title IX;
- A victim-centered response to Sexual Violence, defined as a systematic focus on the needs and concerns of a victim of sexual assault, stalking or intimate partner violence that:
 - Ensures the compassionate and sensitive delivery of services in a nonjudgmental manner;
 - Ensures an understanding of how trauma affects victim behavior;
 - Maintaining victim safety, privacy and, where possible, confidentiality; and
 - Recognizing that victims are not responsible for the assault, stalking or violence committed against them;
- The role of community-based sexual assault victim advocates;
- The role and functions of each member on the Campus Resource Team for ensuring a coordinated response to reported incidents of Prohibited Behavior; and
- Communicating sensitively and compassionately with victims of sexual assault, stalking and intimate partner violence, including but not limited to:
 - An awareness of the importance of responding to victims with diverse cultural backgrounds; and
 - Providing services to or assisting in locating services for such victims.

C. Role of Campus Resource Team

No later than July 1, 2015, the Campus Resource Team shall review this Policy and the operational policies and procedures promulgated under this Policy and make recommendations to the University on protocols for providing support and services to any student or employee who reports being the victim of sexual assault, stalking or intimate partner violence.

Thereafter, at least once each semester, the Campus Resource Team shall review the protocols developed in response to its recommendations and recommend updating of the protocols, as appropriate.

Recommendations of the Campus Resource Team shall be made to the Title IX Coordinator, who will consider these recommendations and take action as the Title IX Coordinator determines to be appropriate.

VIII. Training in Trauma-Informed Response

The Title IX Coordinator and all Public Safety officers shall be educated in the awareness and prevention of sexual assault, stalking and intimate partner violence, and in trauma-informed response. As set forth in CGS Section 10a-55m, section 5(b), “trauma-informed response” means “a response involving an understanding of the complexities of sexual assault, stalking and intimate partner violence through training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding the causes and impact of trauma, understanding the behavior or perpetrators and conducting an effective investigation on behalf of victims who have suffered trauma.”

IX. Memoranda of Understanding with Community-Based Organizations

No later than January 1, 2015, and continuously thereafter, the University will enter into a memorandum of understanding (“MOU”) with at least one community-based sexual assault crisis center, and with at least one community-based domestic violence agency. Each MOU shall accomplish the following purposes:

- To ensure that any student or employee of the University who discloses being a victim of Prohibited Behavior can have access to free and confidential counseling and advocacy services, either on-campus or off-campus; and
- To establish a partnership between the University and each such community-based organization addressing, at a minimum:
 - Involvement of a representative of the organization in the University’s Campus Resource Team; and
 - Training between the organization and the University to ensure mutual understanding of each entity’s role in responding to reports and disclosures of sexual assault, stalking and intimate partner violence against students and employees of the University and the University’s protocols for providing support and services to these individuals.

X. Reporting Requirements

A. Crime Reporting

The Director of Public Safety is responsible for University compliance with the crime reporting and timely notice of ongoing threat requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Act, 20 U.S.C. Section 1092(f) (“the Clery Act”) as amended by the Violence Against Women Reauthorization Act of 2013, as well as the crime reporting requirements of CGS Section 10a-55a, as amended by Public Act No 14-11. This responsibility includes but is not limited to compliance with amendments to the Clery Act and state crime reporting law related to Sexual Violence and stalking. The Title IX Coordinator will ensure that the Director of Public Safety or her/his designee has access to the policies required to be included with any and all policies relating to Sexual Violence and stalking that are required under the Clery Act and CGS Section 10a-55a.

B. Annual Report to the Connecticut Legislature

Beginning no later than October 1, 2015, and each year thereafter, the Title IX Coordinator will ensure that the University complies with requirements for annual reporting to the joint standing committee of the Connecticut General Assembly charged with addressing higher education, as described in CGS Section 10a-55m(2)(f). The Title IX Coordinator will coordinate the efforts of all University offices responsible for gathering the material necessary to prepare the report, including:

- A copy of the University’s most recent policies regarding sexual assault, stalking and intimate partner violence;
- A copy of the University’s most recent concise written notification of a victim’s rights and options under this Policy and the operational policies and procedures promulgated under this Policy;
- The number and type of sexual assault, stalking and intimate partner violence prevention, awareness and risk reduction programs conducted at the University in the prior calendar year;
- The type of sexual assault, stalking and intimate partner violence prevention and awareness campaigns held by the University in the prior calendar year;
- The number of incidents of sexual assault, stalking and intimate partner violence reported to the University in the prior calendar year;
- The number of confidential or anonymous reports or disclosures of sexual assault, stalking and intimate partner violence made to the University in the prior calendar year;
- The number of disciplinary cases at the University involving allegations of sexual assault, stalking and intimate partner violence; and
- The final outcome of all disciplinary cases at the University involving allegations of sexual assault, stalking and intimate partner violence, including the outcome of any appeals.

XI. No Retaliation

Retaliation against any individual who, in good faith, reports or who participates in the investigation of alleged violations is strictly forbidden. This Policy does not protect an individual who files a report or provides information as part of an investigation that he or she knows is false, files a bad faith retaliation claim or participates in any illegal conduct. The University will take appropriate action, up to and including dismissal or expulsion, as applicable, against any employee or student who violates this section of the Policy.