

Guidelines for Implementing BOR Sexual Misconduct Policy

In General

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

Reporting Encouraged

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

Mandated Reporting

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

Privacy of Information Reported

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

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

***CONNACS –Connecticut Sexual Assault Crisis Services, Inc. -24 hour hotline (888) 999-5545
The Network Against Domestic Abuse- 24 hour crisis hotline (860) 763-4542;
Statewide -24 hour crisis hotline (888) 774-2900***

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

Rights and Options of Those Who Report

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

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

Options for Changing Academic, Transportation and Working Arrangements

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

Agency Contact Information

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

- ***211 –Confidential and free service that provides crisis intervention assistance to those in need. 211 or you may call 1-800-203-1234 or <http://www.211ct.org>***
- ***Network Against Domestic Abuse: Hotline phone number (860) 763-4542 (24-hour crisis hotline) Statewide hotline Phone (888) 774-2900 (24 hour crisis hotline)***
- ***Community Health Resources –a private, non-profit, community-based system of behavioral health care. Additional information about CHR is available online: [www.chrhealth.org](http://chrhealth.org) (<http://chrhealth.org/>).***
- ***Enfield Social Services: need based services to the community in order to sustain or improve the quality of life, with respect and appreciation for human and cultural differences. Enfield Social Services website (<http://enfield-ct.gov/content/91/115/default.aspx>)***
- ***CONNSACS –Connecticut Sexual Assault Crisis Services, Inc . Please call their confidential 24-hour hotline***
English – (888) 999-5545, Spanish – (888) 568-8332, local Hartford – (860) 547-1022
- ***Enfield Police Department –(860) 763-6400***
- ***Saint Francis Hospital and Medical Center, 114 Woodland Street, Hartford, CT (860) 714-4000***
- ***National Suicide Prevention Lifeline 1-800-273-TALK (8255)***
- ***New Directions of North Central Connecticut (860) 741-3001***

Right to Notify Law Enforcement & Seek Protective and Other Orders

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

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

Information pertaining to how to apply for a restraining order is available at:
<http://jud.ct.gov/Publications/fm142.pdf> as well as through the Office for Victim Services.

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

Students should be aware that under Connecticut law (Public Act 12-114, entitled An Act Concerning Domestic Violence) that became effective on October 1, 2012, among other provisions, requires clerks of court, upon request of the protected person, to send notice of a protective order to the President and the special police force, if any, at the College or University at which the victim is enrolled. The full text of the statute can be found at: <http://www.cga.ct.gov/2012/ACT/PA/2012PA-00114-R00HB-05548-PA.htm>

Student Conduct Procedures

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

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

Time to Report

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

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

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

Investigation

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

Range of Sanctions

The ***Student Code of Conduct*** provides sanctions for any violation of the Policy that range from a warning to separation from the College depending on the severity and the extent of the behavior, among other factors. The purpose of sanctions includes, but is not limited to: changing student

behavior, protecting the College community from further violations and fostering a campus environment that is conducive to learning, teaching and working.

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

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

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

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

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

Rights of Both the Reported Victim and the Accused

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

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

Key Definitions

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

Sexual Misconduct is defined as:

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

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

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

Relationship violence is defined as:

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

- Sexual harassment, which can include any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education; submission to or rejection of such conduct by an individual is used as a basis for academic decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile or offensive educational environment. Examples of conduct which may constitute sexual harassment include but are not limited to:
 - sexual flirtation, touching, advances or propositions
 - verbal abuse of a sexual nature
 - pressure to engage in sexual activity
 - graphic or suggestive comments about an individual's dress or appearance
 - use of sexually degrading words to describe an individual
 - display of sexually suggestive objects, pictures or photographs
 - sexual jokes
 - stereotypic comments based upon gender
 - threats, demands or suggestions that retention of one's educational status is contingent upon toleration of or acquiescence in sexual advances.

RESOURCES

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

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

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

Asnuntuck Community College and community resources here:

- ***211 –Confidential and free service that provides crisis intervention assistance to those in need. 211 or you may call 1-800-203-1234 or <http://www.211ct.org>***
- ***Network Against Domestic Abuse: Hotline phone number (860) 763-4542 (24-hour crisis hotline) Statewide hotline Phone (888) 774-2900 (24 hour crisis hotline)***
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- ***Enfield Social Services: need based services to the community in order to sustain or improve the quality of life, with respect and appreciation for human and cultural differences. Enfield Social Services website (<http://enfield-ct.gov/content/91/115/default.aspx>)***
- ***CONNSACS–Sexual Assault Crisis Services, Inc. Please call their confidential 24-hour hotline***
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- **Enfield Police Department –(860) 763-6400**

Asnuntuck Community College Resources, Monday-Friday, 8am-5pm, (security hours below)

- *Dean of Students: (860) 253-3011*
- *Security: Monday to Thursday 7:00am to 10:00 pm, Friday: 7:00 am – 5:00 pm, Saturday 8:00 am -4:00 pm. Contact: (860) 253-3012 or (860) 253-3013*

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

- *Johnson Memorial Hospital Emergency Room: (860) 684-8111*
- *Suicide Prevention Lifeline: 1-800-273-TALK (8255)*

SEXUAL ASSAULT AWARENESS & EDUCATION

During new student orientation, and at planned sessions throughout the academic year, students are presented information designed to create student awareness communicating the prevalence of sexual assault and present tools for students to empower themselves to take a stand against these issues; sexual assault, intimate partner violence and stalking. Training is also planned for faculty, staff members, and administrators.

CONCLUSION

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