

HARASSMENT AND NONDISCRIMINATION POLICY, INCLUDING SEXUAL HARASSMENT AND NONDISCRIMINATION UNDER TITLE IX

INTRODUCTION

Connecticut College's Title IX Policy reflects compliance with Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Connecticut state law and other federal laws.

The College's Honor Code and Principles of Community emphasize that members of our community should act in an equitable manner and with respect for the dignity of all human beings. Sexual harassment, dating violence, and other forms of discrimination based on sex or gender (including gender identity, expression, or characteristics) are forms of unwelcome conduct that can create an intimidating and offensive work, residential, study, or social environment and therefore violate this Policy.

Members of the College community and visitors have the right to be free from all types of such misconduct, as defined in this Policy. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

Acts of sexual harassment, sexual assault, domestic violence, dating violence, and stalking may be committed by any person upon another person, regardless of sex, gender, gender identity and/or sexual orientation of those involved.

When a report of sexual harassment, sexual assault, stalking, domestic violence, dating violence, or other conduct that may violate Title IX or other provisions of this Policy is brought to the College's attention, the College will take steps to end the misconduct, prevent its recurrence, and address its effects. When individuals are determined to have violated this Policy, appropriate sanctions will be imposed, up to and including termination for faculty and staff members. Sanctions for student conduct complaints typically differ based on the circumstances of the complaint. A finding of responsibility for rape, sexual assault, or other violent sexual misconduct will typically result in expulsion, termination, or suspension. For example, a finding of responsibility for rape typically results in suspension or expulsion; fondling typically results in a range of sanctions from disciplinary probation to expulsion; dating violence typically results in a range of sanctions from disciplinary probation to expulsion.

This Policy has been written to affirm the College's goal of maintaining a positive learning, living, and working environment. This Policy addresses issues particular to faculty, staff, and students as well as the intersection of these constituencies. It applies in all College settings, including certain off-campus settings in which individuals are engaged in College-related business or educational programs. The Policy may also apply to situations occurring off-campus that negatively impact the College community.

Individuals who believe they have, or may have, experienced any conduct that violates this Policy, or who have witnessed such conduct, are strongly encouraged to report their experience to the College's Title IX Coordinator or one of the deputy Title IX Coordinators. All student-facing staff and Officials with Authority (as defined in the Glossary below) are mandated to promptly report any potential violations of this policy to the College's Title IX Coordinator, except as specified below in Section 20.

The Division of Institutional Equity and Inclusion oversees all Title IX compliance for the institution, oversees compliance for faculty, and may receive complaints by students, faculty, and staff. One staff member serves as the Deputy Title IX Coordinator; Eva Kovach, the Associate Director of Athletics and

Deputy Title IX Coordinator, and focuses primarily on issues of Title IX compliance within athletics. The College's Title IX Case Manager also serves as a Deputy Title IX Coordinator.

HARASSMENT AND NONDISCRIMINATION

This Policy includes a list of relevant definitions; a list of resources for emotional, physical, and academic support; a description of the process for reporting incidents; and a description of formal and informal procedures for addressing violations of this Policy for students and members of the faculty and staff.

● **Glossary**

- Advisor means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the Resolution Process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- Appeal Decision-maker means the person or panel who accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action accordingly.
- Complainant means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- Confidential Advocates means employees who are not Mandated Reporters of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status) who are appointed by the College to advocate on behalf of those impacted by Policy violations.
- Day means a business day when Connecticut College is in normal operation.
- Decision-maker means the person or panel who hears evidence, determines relevance, and makes the Final Determination of whether this Policy has been violated and/or assigns sanctions.
- Directly Related Evidence is evidence connected to the complaint, but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the Decision-maker(s). Compare to Relevant Evidence, below.
- Education Program or Activity means locations, events, or circumstances where Connecticut College exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by Connecticut College.
- Final Determination is a conclusion based on the Preponderance of the Evidence that the alleged conduct did or did not violate policy.
- Finding is a conclusion by the Preponderance of the Evidence that the conduct did or did not occur as alleged.

- Formal Complaint means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging that a Respondent engaged in harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity and requesting that the College investigate the allegation(s).
- Formal Grievance Process means “Process A,” a method of formal resolution designated by the College to address conduct that falls within the Policies included below, and which complies with the requirements of the Title IX regulations (34 C.F.R. Part 106.45) and the Violence Against Women Act Section 304.
- Grievance Process Pool includes any investigators, Hearing Decision-makers, Appeal Decision-makers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same complaint).
- Informal Resolution means a complaint resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a formal Final Determination being reached.
- Investigator means the person(s) authorized by Connecticut College to gather facts about an alleged violation of this Policy, assess relevance, and credibility, synthesize the evidence, and compile this information into an investigation report of Relevant Evidence and file of Directly Related Evidence.
- Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct that may violate this Policy.
- Official with Authority (OWA) means an employee of Connecticut College who has the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of Connecticut College.
- Parties mean the Complainant(s) and Respondent(s), collectively.
- Process A means the Formal Grievance Process detailed below and defined above.
- Process B means the administrative resolution procedures detailed in Part III that only apply when Process A does not, as determined by the Title IX Coordinator.
- Relevant Evidence is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.
- Remedies are post-Final Determination actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Connecticut College’s education program.
- Resolution means the result of an Informal Resolution or Formal Grievance Process.
- Respondent means an individual who has been reported to be the person responsible for conduct that could constitute harassment or discrimination based on a protected characteristic, or retaliation for engaging in a protected activity under this Policy.

- Mandated reporter means all student-facing employees of Connecticut College who are obligated under the Policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator and/or their supervisor.
- Sanction means a consequence imposed by the College on a Respondent who is found to have violated this Policy.
- Sexual Harassment is an umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. See Section 17.b. for greater detail.
- Student means any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing educational relationship with Connecticut College.
- Title IX Coordinator is at least one official designated by the College to ensure compliance with Title IX and the College’s Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- Title IX Team refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

● **Rationale for Policy**

Connecticut College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination and harassment based on a protected characteristic, and from retaliation for engaging in a protected activity. Connecticut College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, Connecticut College has developed policies and procedures that provide a prompt, fair, and impartial processes for those involved in an allegation of discrimination or harassment on the basis of a protected characteristic, and for allegations of retaliation.

● **Applicable Scope**

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, and stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this Policy is reported, the allegations are subject to resolution using the College’s “Process A” or “Process B,” as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of the College community, a Formal Complaint may be filed and a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the College community. This community includes, but is not limited to, students, student

organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, and invitees. The procedures below may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed and investigated in accordance with this Policy.

Connecticut College recognizes that reports and/or Formal Complaints under this Policy may include multiple forms of discrimination and harassment as well as violations of other Connecticut College policies; may involve various combinations of students, employees, and other members of the College community; and may require the simultaneous attention of multiple College departments. Accordingly, all College departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable Connecticut College policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination and harassment or retaliation.

- **Title IX Coordinator**

The Title IX Coordinator oversees implementation of the College's Affirmative Action and Equal Opportunity plan and this Policy. The Title IX Coordinator has the primary responsibility for coordinating the College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this Policy.

All parties will be provided with a comprehensive brochure detailing options and resources, which the Title IX Coordinator may also review with the parties in person.

- **Independence and Conflict-of-Interest**

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact the Dean of Institutional Equity and Inclusion [Unity House (860) 439-2035] or designee. Concerns of bias, conflict of interest, misconduct, or discrimination by any other Title IX Team member should be raised with the Title IX Coordinator.

- **Administrative Contact Information**

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and procedures, may be made internally to:

Title IX Coordinator
Division of Institutional Equity and Inclusion
Location/Address: 270 Mohegan Ave
Unity House
New London, CT 06320
(860) 439-2624

Email: titleix@conncoll.edu

Web: <https://www.conncoll.edu/title-ix/title-ix-coordinator/>

Title IX Team Members:

Name: Eva Kovach

Associate Director of Athletics

Deputy Title IX Coordinator for Athletics (focuses primarily on issues of Title IX compliance within athletics) Athletics Department

Location/Address: 270 Mohegan Ave

New London, CT 06320

(860) 439-2557

Email: titleix@conncoll.edu

Name: Sarah Cardwell

Senior Associate Dean of Student Life

Office of Student Life

Location/Address: 270 Mohegan Ave

Crozier Williams

New London, CT 06320

(860) 439-2825

Email: scardwel@conncoll.edu

Name: Victor Arcelus

Dean of Students

Appeals Officer (Grievance)

Office of Student Life

Location/Address: 270 Mohegan Ave

Crozier Williams 270 Mohegan Ave

New London, CT 06320

(860) 439-2825

Email: varcelus@conncoll.edu

Name: Reginald White

Vice President for Human Resources

Staff Appeals Officer (Complaint Dismissals)

Office of Human Resources

Location/Address: 270 Mohegan Ave

Strickland House, 2nd floor New London, CT
06320

(860) 439-2085

Email: rwhite3@conncoll.edu

Name: Deborah Eastman

Faculty Appeals Officer (Complaint
Dismissals)

Office of the Dean of the Faculty

Location/Address: 270 Mohegan Ave
Fanning Hall, 2nd floor New London, CT
06320
(860) 439-2445
Email: daeas@conncoll.edu

The College has determined that the following administrators are Officials with Authority (OWAs) to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members listed above, the OWAs listed below may also accept notice or complaints on behalf of the College.

Officials with Authority:

- President Katherine Bergeron
- Director of Athletics, Maureen White
- Director of Campus Safety and Emergency Operations, Mary Savage
- Dean of the Faculty, R. Danielle Egan
- Associate Dean of the Faculty, Deborah Eastman
- Vice President of Human Resources, Reginald White
- Dean of Institutional Equity and Inclusion, Rodmon King
- Senior Associate Dean of Student Life, Sarah Cardwell
- Dean of Students, Victor Arcelus
- Associate Director of Athletics, Eva Kovach
- Assistant Dean for Residential Education and Living, Sara Rothenberger

Recipient has also classified certain employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. Section 22 below on Mandated Reporting explains which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Regional OCR office:

Office for Civil Rights,
Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square

Boston, MA 02109-3921
Telephone: (617) 289-0111
Facsimile: (617) 289-0150
Email: OCR.Boston@ed.gov

For complaints involving employees: [Equal Employment Opportunity Commission](#) (EEOC)¹

15 New Sudbury Street, Room 475
Boston, MA 02203-0506
United States
Telephone: 1-800-669-4000
Facsimile: (617) 565-3196
TTY: 1-800-669-6820
ASL Video Phone: 844-234-5122

● **Notice/Complaints of Discrimination, Harassment, and/or Retaliation**

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

- 1) File a report or Formal Complaint with, or give verbal notice to, the Title IX Coordinator, deputies, or Officials with Authority (see contact information above). Such a report or Formal Complaint may be made at any time (including during non-business hours) by calling 860-439-2035 or emailing (titleix@conncoll.edu), or by mail to the office address listed for the Title IX Coordinator or any other official listed.
- 2) Report online, using the [Incident Reporting](#) form. Anonymous reports are accepted; they can give rise to a need to investigate and a responsibility to provide supportive measures as appropriate and to the extent possible, but such reports may be more difficult to investigate and resolve.
- 3) Anonymous reports can be submitted using the reporting form, [Sexual Misconduct Anonymous Reporting, but](#) anonymous reporting may inhibit the College's ability to initiate a formal response. Because the College respects Complainant requests for confidentiality unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the College to discuss and/or provide supportive measures.

Please note that the submission of a Formal Complaint triggers "Process A," or, if Process A is inapplicable, "Process B." As used in this Policy, the term "Formal Complaint" means a document or electronic submission (such as by electronic mail or through an online portal provided by the College for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that the College investigate the allegations.

¹ EEOC has jurisdiction over sex/gender-based harassment and discrimination claims within employment.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to determine whether the student wishes to proceed with filing a Formal Complaint.

● **Supportive Measures**

Connecticut College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the Parties upon receiving notice or a complaint alleging a violation of this Policy. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a Formal Complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Parties to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

The College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the College's ability to provide those supportive measures. Connecticut College will act to ensure as minimal an academic impact on the Parties as possible. The College will implement measures in a way that does not unreasonably burden the other Party.

Reasonable, supportive measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- [Timely warnings](#)
- Class schedule modifications, withdrawals, or voluntary leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of contact limitation orders may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing complaint under this Policy.

● **Emergency Removal**

The College can act to partially or entirely remove a Respondent from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the core Care Team using its standard objective violence risk assessment procedures.

When an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon as reasonably possible thereafter, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it equitable to do so.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this Policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The College will consider whether measures short of removal are sufficient to address safety concerns, and will implement the least restrictive emergency actions possible in light of the circumstances and the nature of the safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee (in conjunction with Human Resources), restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take incomplete grades without financial penalty, asking the Dean of Students to authorize an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural/club athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued for the duration of the emergency removal to ensure as minimal an academic impact on the parties as possible.

There is no appeal process for emergency removal decisions.

When the Respondent is an employee or a student employee accused of misconduct in the course of their employment, existing provisions for interim action by Human Resources are applicable instead of

the above-described emergency removal provisions.

The procedures outlined in this section also apply to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX when emergency removal may be warranted.

● **Promptness**

Once the College has received notice or a Formal Complaint, all allegations will be addressed as promptly as is reasonably possible. Complaints typically take 60-120 business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time it becomes apparent that the general timeframes for resolution outlined in our procedures will be delayed, the Title IX Coordinator will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

● **Confidentiality/Privacy²**

Every effort is made by the College to preserve the confidentiality of reports. The College will not share the identity of any individual who has made a report or Formal Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the alleged actor of harassment, discrimination, or retaliation; any Respondent; or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA)³ or its implementing regulations,⁴ or as required by law; or to carry out the purposes of 34 C.F.R. Part 106, including any investigation, hearing, or grievance proceeding arising under these policies and procedures.

² For the purpose of this Policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of the College’s employees who “need to know” in order to assist in the assessment, investigation, and resolution of the complaint. All employees who are involved in the College’s response to notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in the College’s FERPA Policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws (including Title IX) that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The College has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 29. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources, including for statistical tracking purposes as required by the federal Clergy Act. Other information may be shared as required or permitted by law.

³ 20 U.S.C. 1232g

⁴ 34 C.F.R. § 99

In the event that a Complainant files a Formal Complaint the College will, in compliance with its Title IX obligations, disclose in its required Notice to the Respondent the name of the Complainant and the substance of the allegations of the complaint.

The College reserves the right to designate which College officials have a legitimate educational interest in being informed about incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Office for Institutional Equity and Inclusion, Division of Student Life, Equity and Compliance Office, Campus Safety, Department of Faculty, Human Resources, and the Care Team.

Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the Parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

Pursuant to College policies and consistent with FERPA, the College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so. If a student is suspended or expelled as the result of a proceeding conducted under this Policy, the College typically notifies the student's parent or guardian of that outcome and change in student status.

Confidentiality and mandated reporting are addressed more specifically [below](#).

● **Jurisdiction of this Policy**

This Policy applies to the College's education program and activities,⁵ to conduct that takes place on property owned or controlled by Connecticut College, at College-sponsored events, or in buildings owned or controlled by the College's recognized student organizations. The Respondent must be a member of the Connecticut College community or within its control in order for this Policy to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively deprives someone of access to the College's education program or activities. Connecticut College may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial College interest, as defined below.

Regardless of where the conduct occurred, the College will address notice/complaints to determine whether the conduct occurred in the context of its employment or education program or activity and/or has continuing effects on campus (including virtual learning and employment environments) or in an off-campus sponsored program or activity. Conduct that occurs outside of a College education program or activity is not subject to the rights, protections, and procedural requirements of Title IX. A substantial College interest includes:

- 1) The alleged violation occurred at a College-sponsored or sanctioned event or program; or
- 2) The Respondent used their status as a member of the College community to assist in the commission of an alleged violation; or

⁵ Which includes the College's employees' work environment.

- 3) The misconduct has or is likely to have a significant adverse impact on the College community, its members, and/or its mission/objectives; or
- 4) A reasonable belief exists that the alleged or known violation includes a potential criminal component, and/or poses a threat to the health or safety of any member of the College community.

If the Respondent is unknown or is not a member of the Connecticut College community, the Title IX Coordinator will assist the Complainant in identifying appropriate institutional and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of our College community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or the office of Sexual Violence Prevention and Advocacy (Crozier Williams Rm. 222, (860) 439-2219).

In addition, the College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from College property and/or events. All vendors serving Connecticut College through third-party contracts are subject to the policies and procedures of their employers or to these Policies and procedures if their employer has agreed to be bound by these Policies and procedures in their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate official at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to Connecticut College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse.

Off campus: The New London and Waterford Police Departments are available if a student would like to report sexual harassment, sexual assault, stalking, dating violence, or domestic violence to possibly initiate a criminal investigation. The Police Departments can also assist the student with obtaining a protective order through the court. The College will honor any court-issued protective order.

Connecticut College encourages students to report all crimes to the appropriate police department and will assist the Complainant in making such a report. This option of reporting is not exclusive; a student may seek internal College support and also file a Formal Complaint with the Title IX Coordinator in addition to reporting to the police.

The Title IX Coordinator, the Director of Sexual Violence Prevention and Advocacy, and the Director of Campus Safety can initiate contact and arrange a meeting between a student and the police. A representative of the College may accompany the student, upon request. During a police investigation, the College may briefly suspend its own investigation to accommodate the needs of the police. The College has no control over the police investigation and the resulting legal process.

- **Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator and/or designee. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the College will typically apply the policy offense definitions in place at the time of the alleged misconduct and the procedures in place at the time of the resolution. Per federal law, this Policy is only applied to alleged incidents that occurred after August 14, 2020. For alleged incidents that occurred prior to August 14, 2020, previous versions of this Policy will apply. Those versions are available from the Title IX Coordinator. Applicable procedures are those in place at the time of the resolution and are described below. Link to [Process A](#). Link to [Process B](#).

- **Online Harassment and Misconduct**

Connecticut College policies are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the College's education program and activities or use Connecticut College networks, technology, or equipment.

While the College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the College, it will engage in a variety of means to address and mitigate the effects.

Members of the Connecticut College community are encouraged to be good digital citizens and to refrain from online misconduct, such as: feeding anonymous gossip sites; sharing inappropriate content via all forms of social media; unwelcome sexual or sex-based messaging; nude or semi-nude photos or recordings; breaches of privacy; or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Connecticut College community.

In evaluating allegations of sexual harassment that involve speech, the College will consider principles of academic freedom to the extent they are applicable.

15. Policy on Nondiscrimination

The College adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in private institutions of higher education.

The College does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- Race,
- Religion,

- Hearing status,
- Color,
- Sex,
- Pregnancy,
- Residence,
- Religion,
- Creed,
- Ethnicity,
- National origin (including ancestry),
- Physical or mental disability (including perceived disability),
- Age,
- Marital status,
- Sexual orientation,
- Gender identity,
- Gender expression,
- Veteran or military status (including disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, and Armed Forces Service Medal veteran),
- Predisposing genetic characteristics,
- Domestic violence victim status,
- Height,
- Weight
- or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, and/or other human/civil rights agencies.

This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the College community whose acts deny, deprive, or limit the educational, employment, residential and/or social access, benefits, and/or opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the College Policy on Nondiscrimination and Harassment.

When brought to the attention of the College, any such discrimination will be promptly and fairly addressed and remedied by the College according to the appropriate grievance process described below.

16. Policy on Disability Discrimination and Accommodation

The College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal, state, and local laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the College, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Title IX Coordinator has also been designated as the College's ADA/504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability. Grievances related to disability status and/or accommodations will be addressed using Process B, described below. For details relating to disability accommodations in the College's resolution process, see page 84.

a. Students with Disabilities

The College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of the College.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Director of Student Accessibility Services, who coordinates services for students with disabilities.

The Director of Student Accessibility Services reviews documentation provided by the student to determine if the student has a qualifying disability and, in consultation with the student, determines which accommodations are appropriate for a disabled student's particular needs and academic program(s) in accordance with the College's applicable policies.

b. Employees with Disabilities

Pursuant to the ADA, the College will provide reasonable accommodation(s) to all qualified employees with known disabilities who are able to perform the essential functions of the job with or without accommodation, except when doing so would result in undue hardship to the College.

An employee with a disability is responsible for submitting a request for an accommodation to the Director of Human Resources and providing necessary documentation. The Director of Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties in accordance with the College's applicable policies.

17. Discriminatory Harassment Policy

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. This policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom. When speech or conduct is protected by academic freedom, it will not be considered a violation of Connecticut College Policy, though supportive measures may be offered to those impacted.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under College policy.

All offense definitions below encompass actual and/or attempted offenses.

A. Discriminatory Harassment

Discriminatory harassment constitutes a form of discrimination that is prohibited by College Policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law. Sexual harassment is one form of discriminatory harassment, which is addressed in Section 17.B. below.

Connecticut College does not tolerate discriminatory harassment of any employee, student, visitor, or third party. The College will act to remedy (without discipline) all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, Connecticut College may discipline Respondents found responsible for violating this Policy through application of the appropriate grievance process. A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.⁶ This discriminatory effect results from harassing verbal, written, graphic, and/or physical conduct that is severe or pervasive **and** objectively offensive.

Connecticut College reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct may not result in the imposition of discipline under this Policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other Informal Resolution mechanisms.

For assistance with Alternative Resolution and other Informal Resolution techniques and approaches, employees should contact the Director of Human Resources and students should contact the Title IX Coordinator.

B. Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Connecticut regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful, discriminatory practice.

Connecticut College has adopted the following definition of sexual harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking and is defined as:

Conduct on the basis of sex,⁷ or that is sexual in nature, that satisfies one or more of the following:

1) **Quid Pro Quo:**

⁶ This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: [Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students at Educational Institutions Investigative Guidance.](#)

⁷ Including gender identity, gender expression, sexual orientation, and sex stereotypes.

- a. an employee of the College who
- b. conditions⁸ the provision of an aid, benefit, or service of the College
- c. on an individual's participation in unwelcome sexual conduct.

2) **Severe and pervasive sexual harassment:**

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a Complainant equal access to the College's education program or activity.⁹

3) **Sexual Assault**, defined as: Any sexual act¹⁰ against a Complainant,

- a. without their consent, or
- b. in situations in which the Complainant is incapable of giving consent.

⁸ Implicitly or explicitly.

⁹ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced. This definition is broad enough to potentially encompass forms of sex-based disparate treatment, even if not harassing in nature.

¹⁰ A "sexual act" is specifically defined by federal regulations to include one or more of the following:

Rape:

- The carnal knowledge of a Complainant or Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person,
- without their consent,
- including instances where they are incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity .

Fondling:

- The touching of the private body parts of the Complainant (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly, and/or
- against their will (non-consensually), or
- not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Incest:

- Non-forcible sexual intercourse,
- between persons who are related to each other,
- within the degrees wherein marriage is prohibited by Connecticut law.

Statutory Rape:

- Non-forcible sexual intercourse,
- with a minor more than three years younger than the actor if the younger person is at least age 13, but under the age of 16, or
- with a minor under age 13 if the actor is more than two years older.

4) Dating Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - ii. For the purposes of this definition—
 - a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b) Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence,¹¹ defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by:
 - i. a current or former spouse or intimate partner of the Complainant,
 - ii. a person with whom the Complainant shares a child in common,
 - iii. a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner,
 - iv. a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Connecticut, or
 - v. any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Connecticut.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex.
- c. directed at the Complainant, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

¹¹ To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- Reasonable person means a reasonable person in the position of the Complainant and under similar circumstances
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

In addition to violating the College's policy, sexual assault and stalking are crimes in Connecticut and may be subject to criminal prosecution.

C. Consent, Force, Coercion, and Incapacitation¹²

As used in the offenses above, the following definitions and understandings apply:

Consent is:

- active,
- knowing,
- voluntary, and
- clear permission
- by word or action
- to engage in mutually agreed upon sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has affirmatively consented before engaging in the specific sexual activity and that consent is sustained throughout the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consents to that specific sexual conduct. Reasonable reciprocation can be implied consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

A person can withdraw consent at any time during sexual activity by reasonably and clearly communicating through words or actions that they no longer want the act to continue, and, if that happens, the other person must stop reasonably immediately. If sexual activity occurs after consent has been withdrawn, there is no longer valid consent.

If an individual expresses clear conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected. Violations of such boundaries may render what would otherwise be consensual sexual activity nonconsensual.

Proof of consent or non-consent is not a burden placed on either party involved in a complaint. Instead, the burden remains on the College to determine whether its Policy has been violated. The existence of

¹² The state definition of consent, which is applicable to criminal prosecutions for sex offenses in Connecticut, may differ from the definition used on campus by the College to address policy violations.

consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous relevant patterns that may be evidenced.

Consent in relationships must also be considered in context, and long-term established patterns of communication about consent between the parties should be considered. For example, when parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and therefore consensual; the College’s evaluation of communication in kink situations should be guided by the specific circumstances and agreed upon terms of consent, rather than by assumptions based on non-kink relationships.

What is not consent?

- a. Silence, passivity or the absence of resistance alone cannot be taken as consent.
- b. Consent to some sexual contact (such as fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).
- c. A current or previous intimate relationship alone is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred
- d. A person who is incapacitated (as discussed and defined below) cannot consent.
- e. Coerced sexual activity is not consensual (as discussed and defined below).
- f. A verbal “no” (no matter how indecisive) constitutes a lack of consent. A forced sexual act is considered without consent except that where the act is explicitly consented to, as in the case of consensual BDSM activity.
- g. In Connecticut, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old may be a crime, as well as a violation of this policy, even if the contact would be consensual had the minor been over the age of 16 .

Effect of Force on Consent

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” which elicits the response, “Okay, don’t hit me. I’ll do what you want”).

Sexual activity that is forced is, by definition, non-consensual, but sexual activity is not necessarily consensual simply because it is not forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary for a finding, when present, it is a clear demonstration of lack of consent.

Effect of Coercion on Consent

Coerced sexual activity is not consensual. Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. Unreasonable pressure is a function of frequency, intensity, isolation, and duration and will be evaluated on a case-by-case basis using a reasonableness standard. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Effect of Incapacitation on Consent

A person cannot consent if they are unable to understand what is happening, or are disoriented, helpless, asleep, or unconscious, for any reason, including due to the influence of alcohol or other drug consumption, or as a result of a temporary or permanent physical or mental health condition. A person will be considered incapacitated if, by reason of the foregoing conditions, they are unable to make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g. to understand the “who, what, when, where, why, or how” of their sexual interaction). A person whose incapacity results from involuntary physical restraint, and/or the consumption of incapacitating substances will also be considered incapacitated.

Incapacitation is determined through consideration of all relevant information about an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

A Respondent violates this policy if they engage in sexual activity with someone whom they know or should have known to be incapacitated and therefore incapable of giving consent. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person in the shoes of the Respondent is both sober and exercising sound judgment.

Connecticut State Required Disclosure Regarding Affirmative Consent

Consent under this Policy is intended to be consistent with the requirements of CT Public Act No. 21-81, which provides that, in the context of an alleged violation of the policy or policies regarding sexual assault and intimate partner violence,

A. (A) affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity,

B. (B) affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity,

(C) it is the responsibility of each person to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity,

(D) it shall not be a valid excuse to an alleged lack of affirmative consent that the student or employee responding to the alleged violation believed that the student or employee reporting or disclosing the alleged violation consented to the sexual activity

(i) because the responding student or employee was intoxicated or reckless or failed to take reasonable steps to ascertain whether the student or employee reporting or disclosing the alleged violation affirmatively consented, or

(ii) if the responding student or employee knew or should have known that the student or employee reporting or disclosing the alleged violation was unable to consent because such student or employee was unconscious, asleep, unable to communicate due to a mental or physical condition, or incapacitated due to the influence of drugs, alcohol or medication, and

(E) the existence of a past or current dating or sexual relationship between the student or employee reporting or disclosing the alleged violation and the responding student or employee, in and of itself,

shall not be determinative of a finding of affirmative consent.

D. Other Offenses

In addition to the forms of sexual harassment described in Section 17.A above, the College additionally prohibits the following offenses as forms of discrimination when the act is based upon the Complainant's actual or perceived characteristics protected by law or College policy.

18. Sexual Exploitation ■

Sexual Exploitation is defined as:

- a. an individual taking non-consensual or abusive sexual advantage of another
- b. for the actor's own benefit or for the benefit of anyone other than the person being exploited, and
- c. that conduct does not otherwise constitute sexual harassment as defined in subsection 17(A).

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- Taking photos, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection in advance of the sexual activity and obtaining consent
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g. spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child pornography

2) **Harm/Endangerment**, defined as:

- threatening or causing physical harm;
- extreme verbal, emotional, or psychological abuse; or
- other conduct which threatens or endangers the health or safety of any person or damages their property.

3) **Assault**, defined as any unwanted physical contact with harmful intent or result against another individual

4) **Discrimination**, defined as: treating someone differently on the basis of their actual or perceived membership in a protected category listed above.

5) **Intimidation**, defined as:

- implied threats or
- acts that cause the Complainant reasonable fear of harm.

6) **Hazing**, defined as:

- willfully or recklessly endangers the physical or mental health or safety of a person(s); or
- causes physical or psychological discomfort or harm; or
- demonstrates disregard for another's persons dignity; or
- causes or encourages a person to violate college policy or the federal/state/local law, primarily for the purposes of initiation, admission into or affiliation with, or as a condition of continued membership in a group, organization, or team. (as defined further on pg 41 of the Student Handbook).

7) **Bullying**, defined as:

- a. repeated and/or severe aggressive behavior
- b. that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant,
- c. that is not speech or conduct that is otherwise protected by freedom of speech or academic freedom.

Violation of any other College policies may constitute an offense when a violation is motivated by an individual's actual or perceived protected characteristics, and results in a discriminatory limitation or denial of employment or educational access, benefits, or opportunities for that individual.

Sanctions for the above-listed types of misconduct range from letter of warning through expulsion/termination.

If alleged violations of the types of misconduct described above implicate College policies on freedom of speech and academic freedom, those policies will be taken into account in determining whether there is a violation of this Policy.

19. Consensual Sexual Relations Policy

There are inherent risks in any sexual relationship or any type of non-professional intimate/sexual activity between individuals in unequal positions of power or authority. Concerns about conflicts of interest and unfair treatment of others not involved in the relationship may arise. These relationships or interactions may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect.

Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome.

To minimize these risks, Connecticut College prohibits sexual or intimate activities and/or relationships between:

- Any faculty member (anyone with instructional responsibilities, including some athletic coaches, guest artists, postdocs) and a student
- Any staff member (including graduate interns and AmeriCorps VISTA volunteers) and a student
- Any supervisor and a subordinate

This policy does not apply to pre-existing relationships that were known to Human Resources before this policy took effect, or to relationships that occurred prior to the role of the employee or student falling within these parameters.

All reported violations of this policy will be investigated, and if it is determined that a violation occurred, the faculty and/or staff member(s), and in certain situations the student(s), will be subject to disciplinary proceedings. Violations of this policy are typically resolved by referral to Human Resources or the Grievances and Hearing Committee (for faculty), rather than by use of the procedures below.

If sexual activity or a relationship occurs between a supervisor and a subordinate, the supervisor will ordinarily bear the primary burden of accountability, but both employees may be subject to disciplinary action up to and including termination of employment. Occasionally student workers are in a supervisory role - one in which they hire, evaluate, direct the work and/or approve time sheets of another student worker. This policy applies to sexual activity and relationships between such students workers and their subordinates but does not apply to sexual activity and relationships between Residential Education and Living student-staff and their residents.

Even when there is no supervision or evaluative authority, sexual activity or relationships between co-workers may lead to workplace difficulties. If such a relationship negatively impacts the workplace, the matter may be referred to the appropriate office (Human Resources, Dean of the Faculty, or Student Life) for resolution. The person in the position of greater authority or power will ordinarily bear the primary burden of accountability.

Connecticut College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

20. Inclusion Related to Gender Identity/Expression

The College strives to ensure that all individuals are safe, included, and respected in their working and learning environments, regardless of their gender identity or expression, including intersex, transgender, agender, and gender diverse students and employees.

Discrimination on the basis of gender identity or expression is not tolerated by the College. If a member of the College community feels they have been subjected to discrimination under this Policy, they should follow the appropriate reporting/Formal Complaint process described above.

In upholding the principles of equity and inclusion, the College supports the full integration and healthy development of those who are transgender, transitioning, or gender diverse, and seeks to eliminate any stigma related to gender identity and expression.

The College is committed to fostering a climate where all identities are valued and create a more vibrant and diverse community. The purpose of this Policy is to have the College administratively address issues some students and employees, including those identifying as intersex, transgender, agender, and gender diverse, may confront. As our society's understanding of gender evolves, so do the College's processes and policies.

Concepts like misgendering and deadnaming may not be familiar to all but understanding them is essential to the College's goal of being as welcoming and inclusive a community as possible.

Misgendering is the intentional or unintentional use of pronouns or identifiers that are different from those used by an individual. Unintentional misgendering is usually resolved with a simple apology if someone clarifies their pronouns for you. Intentional misgendering is inconsistent with the type of community we hold ourselves out to be. We all get to determine our own gender identity and expression, but we don't get to choose or negate someone else's.

Deadnaming means using someone's birth-assigned (cisgender) name, rather than the name they have chosen. Deadnaming, along with misgendering, can be very traumatic to a person who is transgender, transitioning, or gender diverse

To a person who is transgender, transitioning, or gender diverse, their cisgender identity may be something that is in their past, dead, buried, and behind them. To then revive their deadname could trigger issues, traumas, and experiences of the past that the individual has moved past, or is moving past, and can interfere with their health and well-being.

Again, in some circumstances, unintentional deadnaming can be addressed by a simple apology and an effort to use the person's chosen name. Intentional deadnaming could be a form of bullying, outing, or otherwise harassing an individual, and in certain circumstances such harassment could violate the Policy's prohibition on sexual harassment.

This Policy should be interpreted consistent with the goals of maximizing the inclusion of intersex, transgender, transitioning, agender, and gender diverse students and employees, including:

- Maintaining the privacy of all individuals consistent with law
- Ensuring all students equal access to educational programming, activities, and facilities, including restrooms and locker rooms
- Ensuring all employees equal access to employment opportunities and work, service, or health-related facilities
- Providing professional development for employees and education for students on topics related to gender inclusion
- Encouraging all students and employees to respect the pronoun usage and identities of all members of the College community

The College has set forth its specific processes for implementing this Policy through the accompanying Title IX-related procedures set forth in Processes A and B.

21. Retaliation

It is prohibited for the College or any member of the College's community to intimidate, threaten,

coerce, harass, or discriminate against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Protected activity under this policy includes retaliation against someone for reporting alleged misconduct that may implicate this Policy, participating in the resolution process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately through the mechanisms described in Subsection (7) (Notice/Complaints of Discrimination, Harassment, and/or Retaliation) of this Policy and they will be promptly investigated. The College will take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Pursuing a code of conduct violation that does not involve discrimination or harassment but arises out of the same facts or circumstances as a report or complaint of sex discrimination or sexual harassment, for the purpose of interfering with any rights or privilege secured by Title IX, also constitutes retaliation. Pursuing a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute retaliation. A determination regarding responsibility alone is not sufficient to conclude that any party has made a materially false statement in bad faith.

Any student, employee, or any other person in the College who is found to have engaged in retaliation may be subject to discipline up to and including termination of employment or expulsion.

22. Mandated Reporting and Confidential Resources

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting institutional resources. Generally, all Connecticut College employees who have direct contact with students (faculty, staff, and administrators) are Mandated Reporters, i.e., they are expected to report actual or suspected discrimination or harassment to appropriate officials immediately. There are, however, some limited exceptions, known as “Confidential Resources.”

Individuals designated as Confidential Resources by the College maintain confidentiality and are not required to report actual or suspected discrimination, harassment, or retaliation in a way that identifies the parties. They may offer options and resources to the Complainant without any obligation to inform an outside agency or College official unless a Complainant has requested the information be shared or in extreme cases of immediate threat or danger or abuse of a minor/individual with a disability, or when required to disclose by law or court order.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or Policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them. The Title IX Coordinator will then offer supportive measures and explain the process for filing a Formal Complaint to initiate the grievance process, if desired.

The following sections describe the reporting options at Connecticut College for a Complainant or third

party (including parents/guardians when appropriate):

A. Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- a. Student Counseling Services Staff (860-439-4587)
- b. Student Health Services Staff (860-439-2275)
- c. Confidential Advocates
 - i. Director of Sexual Violence Prevention and Advocacy (860-439- 2219)
- d. Chaplains & Office of Religious and Spiritual Programs (860-439-2450)
- e. Community-based (non-employees):
 - o Licensed professional counselors and other medical providers
 - o Local rape crisis counselors
 - o Domestic violence resources
 - o Local or state assistance agencies
 - o Clergy/Chaplains
 - o Attorneys with whom there is an established lawyer-client relationship

All of the above-listed individuals will maintain confidentiality when acting within the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/individual with a disability, when required to disclose by law or court order, or when the Complainant requests and/or authorizes disclosure.

Connecticut College counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Connecticut College employees who are Confidential Resources will timely submit anonymous statistical information for Clery Act purposes unless they believe in good faith that it would be harmful to their client, patient, or parishioner to do so.

B. Mandated Reporters and Formal Notice/Complaints

All student-facing employees of Connecticut College (e.g., Residential Education and Living Professional Staff; Professional Student Life Staff On Call; REAL Student Staff; Class Deans; Supervisors; Department Chairs; Human Resources Staff, Senior Administration, Faculty and Athletics Department Staff), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors that are prohibited under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third party.

Complainants should be aware that when they share personally identifiable details with non-confidential Mandated Reporters, the Mandated Reporters must share those details with the Title IX Coordinator. (Anonymous reports by Complainants are addressed below in Section 20.C.)

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects

research, or at events such as “Take Back the Night”, marches, or speak-outs do not provide notice that must be reported to the Title IX Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the College.

Supportive measures may be offered as the result of such disclosures without formal action from the College.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment, discrimination, or retaliation of which they become aware is a violation of College policy and can be subject to disciplinary action for failure to comply.

When a Mandated Reporter engages in harassment or other violations of this Policy, they still have a duty to report their own misconduct, though the College is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves or the Reporter’s conduct is reported by someone else.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

C. Anonymous Notice to Mandated Reporters

At the request of a Complainant, notice may be given anonymously (i.e., without identification of the Complainant) to the Title IX Coordinator by a Mandated Reporter. The Mandated Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandated Reporter maintain the Complainant’s anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by the College to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided. However, anonymous notice typically limits the College’s ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant’s personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. The Mandated Reporter may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements, or when the report presents a compelling threat to health or safety, and should consult with the Title IX Coordinator, accordingly.

23. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the institution and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a Formal Complaint to initiate a grievance process when warranted after completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show that a compelling risk to health and/or safety requires the College to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence, or other serious health or safety risks. In these circumstances, the College may be compelled to act on alleged student, employee, or faculty misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator issues the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the College proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, an Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant. However, the Complainant's advisor is not permitted to testify or offer evidence on the Complainant's behalf.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College will offer Informal Resolution options (see Section 6.A below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the College, and to have the incidents investigated and properly resolved through these procedures.

24. Federal Timely Warning Obligations

Under federal law, the College must issue timely warnings for reported incidents that pose a serious and continuing threat of bodily harm or danger to the members of the campus community. The College will ensure that a Complainant's name and other identifying information are not disclosed while still

providing enough information for community members to make safety decisions in light of the danger (see Campus Safety Communications in Student Handbook).

25. False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy -- as opposed to allegations which, even if erroneous, are made in good faith -- are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation, hearing or Informal Resolution, can be subject to discipline under College policy.

26. Amnesty

The health and safety of students is a primary concern at Connecticut College. At the discretion of the Senior Associate Dean of Students or the Dean of Students, the College may extend amnesty to students for certain (typically minor) violations of College policy when the student chooses to bring related serious violations (such as hazing, sexual harassment, and drug distribution) to the College's attention. Educational options may be implemented by the Senior Associate Dean of Students or the Dean of Students but no conduct proceedings will be initiated. Please refer to the Medical Amnesty Policy for alcohol and other drugs in the Student Handbook.

27. Federal Statistical Reporting Obligations

Certain College officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All “primary crimes,” which include criminal homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) VAWA-based crimes,¹³ which include sexual assault, domestic violence, dating violence, and stalking; and
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be passed along to Campus Safety regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log. (See The Clery Act and Campus Security Authorities in Student Handbook).

Campus Security Authorities include student affairs/student conduct staff, campus safety, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus

¹³ VAWA is the Violence Against Women Act, enacted in 1994, codified in part at 42 U.S.C. sections 13701 through 14040.

activities.

28. Preservation of Evidence

To assist in the decision-making process, the following information is important for individuals who have experienced sexual violence or for friends assisting them:

Medical Attention:

When students experience any kind of sexual assault, dating violence, domestic violence, or stalking and medical services are needed, students are encouraged to seek medical care at Student Health Services or Yale New Haven Hospital Lawrence and Memorial (L& M) Emergency Room (365 Montauk Avenue, New London).

Student Health Services staff can provide support and can arrange for transportation and an escort to the Yale New Haven Health Lawrence and Memorial (L&M) Emergency Room. If Health Services is closed, or if a student prefers, students may go directly to L&M Hospital.

The preservation of evidence in incidents of sexual assault and stalking is critical to potential criminal prosecution and to obtaining restraining orders and is particularly time sensitive. The College will inform the Complainant of the importance of preserving evidence by taking the following actions. Complainants who are unable to take some or all of the following actions are nevertheless encouraged to report sexual violence.

Sexual Assault

- 1) Seek forensic medical assistance at the Yale New Haven Hospital Lawrence and Memorial (L&M) Emergency Room (365 Montauk Avenue, New London), ideally within 120 hours of the incident (sooner is better). However, students are also strongly encouraged to seek medical attention even if that time period has elapsed.
- 2) Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- 3) Try not to urinate, but evidence may still be collected even if you do.
- 4) If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth, but evidence may still be collected even if you do.
- 5) If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container if possible.
- 6) Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.
- 7) The Sexual Assault Nurse Examiner (a specially trained nurse) at L&M is on call 24 hours a day, 7 days a week.
- 8) A Rape Crisis Counselor from the Sexual Assault Crisis Center of Eastern CT can also meet the student at L & M Hospital- call the 24-hour State Hotline at 888-999-5545.
- 9) A campus advocate is generally available 24 hours/7 days a week (during the academic year) through the college on-call system (860-460-9194).

Stalking

- 1) Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number or blocks someone on social media.

- a. Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
 - b. Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, TikTok, Facebook).
- 2) Save copies of e-mail and social media correspondence, including notifications related to account access alerts.
- 3) Take time stamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- 4) Save copies of any messages, to include those showing any request for no further contact.
- 5) Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be discussed, if timely.

I. RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE SEXUAL HARASSMENT AND NONDISCRIMINATION (TITLE IX) POLICY (PROCESS “A”)

1. Overview

The College will act on any formal complaint of violation of this Policy that is received by the Title IX Coordinator¹⁴ or any other Official with Authority by applying these procedures, known as “**Process A**” if the College determines that Process A is applicable.

The procedures below apply **only** to Formal Complaints of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in Section 17(A) above) by students, staff, administrators, or faculty members.

If other provisions of this Policy are invoked, such as policies related to harassment or discrimination on the basis of an actual or perceived protected characteristic that does not fall within the definition of sexual harassment as defined in Section 17A above, please see Part III below for a description of the procedures applicable to the resolution of such offenses, known as “Process B.”

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when the conduct in question does not fall within the scope of conduct regulated by Title IX, and therefore jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights but only to the extent those agreements do not conflict with the College’s obligations to comply with Title IX or other applicable federal or state laws.

The procedures below may also be used to address alleged collateral misconduct by a Respondent arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations of the Policy are being addressed at the same time. In such cases, the Title IX Coordinator may consult with the College officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs, etc.) to provide input as needed. All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures elaborated in the student, faculty, and staff handbooks.

2. Notice/Complaint

Upon receipt by the Title IX Coordinator of a Formal Complaint or notice of an alleged policy violation, the College initiates a prompt initial assessment to determine the next steps the College needs to take. The Title IX Coordinator will contact the Complainant to offer supportive measures and determine whether the Complainant wishes to file a Formal Complaint (if one has not already been filed).

The College will then initiate at least one of three responses:

- 1) Offering supportive measures if not already offered

¹⁴ Anywhere this procedure indicates “Title IX Coordinator,” the College may substitute a trained designee.

- 2) An Informal Resolution (upon submission of a Formal Complaint)
- 3) A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint)

In cases where the Title IX Coordinator determines that Process A applies, the College uses a Formal Grievance process as described below to determine whether the Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, to limit their potential recurrence, and/or their effects.

3. Initial Assessment

Following receipt of notice or a Formal Complaint of an alleged violation of this Policy, the Title IX Coordinator¹⁵ engages in an initial assessment, which is typically one to five (1-5) business days in duration. The steps in an initial assessment can include:

- If notice has been given but no Formal Complaint has been filed, the Title IX Coordinator seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
 - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling need or threat to health and/or safety.
- If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures, if not already offered.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response, an Informal Resolution option, or a formal investigation and grievance process.
 - If a supportive response is preferred, the Title IX Coordinator works with the Complainant to identify their needs, determine appropriate supports, and then seeks to facilitate implementation accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution,¹⁶ which informal mechanism may serve the situation best or is available, and will seek to determine if the Respondent is also willing to engage in Informal Resolution.
 - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the alleged misconduct falls within the jurisdictional scope of the 2020 Title IX regulations:
 - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address, based on

¹⁵ If circumstances require, the Title IX Coordinator will designate another person to oversee the process below should a credible allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

¹⁶ Per the 2020 Title IX regulations, recipients are prohibited from Informal Resolution of a complaint by a student against an employee.

the nature of the complaint:

- an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate issue
- If alleged sexual misconduct does not fall within the scope of the federal Title IX regulations, the Title IX Coordinator determines that the Title IX regulations do not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly, including referring that matter for resolution under Process B if applicable. Please note that dismissing a complaint under the 2020 Title IX regulations is a jurisdictional requirement under Title IX which does not limit the College’s authority to address a complaint under other College policies with an appropriate process and remedies.
 - If the complaint alleges claims of sexual harassment or discrimination that are subject to dismissal under Title IX (see Section 3.B below), the Title IX Coordinator may refer the complaint for resolution under Process B.
 - If the complaint alleges claims of non-sex based harassment or discrimination, it will be referred directly to Process B.

A. Violence Risk Assessment

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted. A VRA can aid in ten critical and/or required determinations, including:

- 1) Emergency removal of a Respondent on the basis of immediate threat to physical health/safety
- 2) Whether the Title IX Coordinator should pursue/sign a Formal Complaint absent a willing/able Complainant
- 3) Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- 4) To help identify potential predatory conduct
- 5) To help assess/identify grooming behaviors
- 6) Whether it is reasonable to try to resolve a complaint through Informal Resolution, and what modality may be most successful
- 7) Whether to recommend that the Dean of Students permit a voluntary withdrawal by the Respondent
- 8) Whether to impose transcript notation or communicate with a transfer College/University about a Respondent
- 9) Assessment of appropriate sanctions/remedies (to be applied post-hearing)
- 10) Whether a Clery Act Timely Warning/Persona-non-grata is needed

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Care team members. A VRA authorized by the Title IX Coordinator should occur in collaboration with the core Care

team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process, which may result in disciplinary action.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about the College's process for VRA can be found below in [Appendix B](#).

B. Dismissal (Mandatory and Discretionary)¹⁷

Under current Title IX regulations, the College **must** dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the Formal Complaint would not constitute sexual harassment as defined in the Policy above, even if proved
- 2) The conduct did not occur in an educational program or activity controlled by the College, and/or the College does not have control of the Respondent
- 3) The conduct did not occur against a person in the United States
- 4) At the time of filing a Formal Complaint, a complainant is not participating in or attempting to participate in the education program or activity of the College, and the Title IX Coordinator has determined that they do not need to sign the complaint on behalf of the College¹⁸

Under current Title IX regulations, the College **may** dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein
- 2) The Respondent is no longer enrolled in or employed by the college
- 3) Specific circumstances prevent the college from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein

A Complainant who decides to withdraw a complaint may later request to refile it.

Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below [in Section 37](#).

Upon dismissal, the Title IX Coordinator will consider whether the complaint should be referred to Process B and/or other applicable College disciplinary processes and will inform the Complainant of

¹⁷ These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45.

¹⁸ Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable unless the Title IX Coordinator signs the complaint in the event the Complainant cannot/will not do so.

their options to pursue the complaint using those avenues.

4. Counter-Complaints

The College permits the filing of counter-complaints but uses an initial assessment, described above, to assess whether the allegations in the counter-complaint are made in good faith. The College is obligated to ensure that the grievance process is not abused for retaliatory purposes; counter-complaints made with retaliatory intent will not be permitted. Any complaint or counter-complaint that is deemed by the Title IX Coordinator to have been filed in bad faith may be considered retaliation against the Complainant who filed the original complaint, will be considered a separate violation of the Connecticut College Policy, and will subject the Respondent to potential sanctions. (Please see Section 19 on Retaliation).

Counter-complaints determined to have been reported in good faith will be processed using the Resolution Process below. Investigation of such claims may take place concurrently with or after resolution of the underlying initial complaint, in which case a delay may occur.

Counter-complaints may also be resolved through the same investigation as the underlying complaint, at the discretion of the Title IX Coordinator.

5. Right to an Advisor

The Parties may each have an Advisor of their choice present with them for all meetings and interviews within the Resolution Process, if they so choose. The Parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.¹⁹

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

Each party will be permitted to have an Advisor present throughout the grievance process, and must have one Advisor present during the hearing for purposes of conducting cross examination, if they intend to conduct cross-examination.

A. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the Resolution Process. The Parties may choose Advisors from inside or outside of the College community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the College, the Advisor will be someone who has been trained by the College and familiar with the College's Resolution Process. A College-appointed Advisor will not be an attorney.

¹⁹ "Available" means the party cannot insist on an Advisor who doesn't have inclination, time, or availability to fulfill the role of Advisor. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

If the Parties choose an Advisor from outside the pool of those identified by the College, the Advisor may not have been trained by the College and may not be familiar with College policies and procedures. The Advisor can request a meeting with the Title IX office to become more familiar with the College's Policies and Procedures, and the College can provide a written guide to Advising, upon request.

Parties also have the right to choose not to have an Advisor in the initial stages of the Resolution Process, prior to a hearing.

B. Advisors in Hearings/College-Appointed Advisor

Under the current Title IX regulations, a form of indirect questioning is required during the hearing but must be conducted by the Parties' Advisors. The Parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting any questioning of the parties and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor unless the party elects to waive the opportunity for cross-examination. If the party's Advisor cannot or will not conduct cross-examination, the College will appoint an Advisor who will do so, if the party wishes to conduct cross-examination. The party's chosen Advisor can play this questioning role at the hearing regardless of whether their advisee participates or not. Questioning of the parties and witnesses will also typically be conducted by the Decision-maker(s) during the hearing.

C. Advisor's Role

The Parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and subsequent interviews. Advisors should help the parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the College is not obligated to provide an attorney. The College will, however, ensure that each party has access to a College-trained advisor, if desired.

D. Pre-Interview Meetings

Advisors and their advisee may request to meet with investigators and/or administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting will be for the limited purpose of allowing Advisors to clarify and understand their role and the College's policies and procedures.

E. Advisors' Requirements Under College Policy

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address College officials in meetings or interviews unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing when they are conducting cross-examination.

The Parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this Policy, or who refuses to comply with the College's established rules of decorum for the hearing, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting may be ended, or other appropriate measures implemented, including the College requiring the party to use a different Advisor or providing a different College-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role. Sharing Information with the Advisor

The College expects that the Parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the Parties to participate more meaningfully in the resolution process.

The College also provides a consent form that authorizes the College to share such information directly with an Advisor. The Parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before the College is able to share records with an Advisor.

The College expects Parties to be active participants in the process. If a party requests that all communication be made through their Advisor, the College will not comply with that request, but will copy both Advisor and advisee on communications.

Advisors will not be asked to disclose details of their interactions with their advisees to College officials or Decision-makers.

F. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them by the College. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

G. Expectations of an Advisor

The College generally expects an Advisor to adjust their schedule to allow them to attend College meetings/interviews/hearing when planned but may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

H. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The Parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired). Absent extenuating circumstances, the grievance process will not be delayed based solely on a Party's selection of a new advisor.

The Parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

The following staff members have been trained as Advisors.

- Cheryl Banker (caban@conncoll.edu)
- Margaret Bounds (mbounds@conncoll.edu)
- Shirley Parson (sapar@conncoll.edu)
- Todd Radley (tradley@conncoll.edu)
- Jackie Smith (jsmith35@conncoll.edu)

6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the Resolution Process are expected to maintain the privacy of the proceedings in accordance with College policy.

Although there is an expectation of privacy around what Investigators share with Parties during interviews, the Parties have discretion to share their own knowledge and evidence with others if they so choose, except for information the parties agree not to disclose as part of an Informal Resolution. The College encourages Parties to discuss any sharing of information with their Advisors before doing so.

The Formal Grievance Process is the College's primary resolution approach unless Informal Resolution is elected by all parties and the College or Process B applies. The options for Informal Resolution are detailed below in Section 6.A., and the Formal Grievance Process is detailed in Section 6.B.

A. Informal Resolution

Three options for Informal Resolution are detailed in this section.

- Supportive Resolution. When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- Alternative Resolution. When the parties agree to resolve the matter through an alternative resolution mechanism, including mediation, restorative practices, facilitated dialogue, etc., as described below, often before a formal investigation takes place; see discussion in Section 6.B., below.
- Accepted Responsibility. When the Respondent accepts responsibility for violating policy, and desires to accept the recommended sanction and end the Resolution Process; see discussion in Section 6.C., below.

To initiate Informal Resolution, a Complainant typically must submit a Formal Complaint, as defined above. A Party who wishes to initiate Informal Resolution should contact the Title IX Coordinator. In order to proceed with Informal Resolution, all Parties must consent as described below. The parties may further agree, as a condition of engaging in Informal Resolution, that statements made or evidence shared during the Informal Resolution process will not be considered in the Formal Grievance Process unless all Parties consent.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and

any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. The Parties may not enter into an agreement that requires the College to impose specific sanctions, though the Parties can agree to certain restrictions or other courses of action. For example, the Parties cannot require a student be suspended, but the Parties can agree that the Respondent will temporarily or permanently withdraw. The only Informal Resolution Process that can result in sanctions levied by the College is “Accepted Responsibility.”

The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

Prior to implementing Informal Resolution, the College will provide the Parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.

The College will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. Informal resolution will not proceed absent consent of all Parties. Any informal resolution agreement arrived at between the Parties must be approved by the Title IX Coordinator.

Informal resolution is not typically available for complaints involving allegations that a College employee sexually harassed a student.

B. Alternative Resolution Approaches

Alternative Resolution is an informal approach, including mediation, restorative practices, facilitated dialogue, etc. by which the Parties reach a mutually agreed upon resolution of an allegation. All Parties must consent to the use of an Alternative Resolution approach.

The Title IX Coordinator may consider the following factors to assess whether Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the Parties:

- The Parties’ amenability to Alternative Resolution
- Likelihood of potential resolution, taking into account any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties’ motivation to participate
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Disciplinary history of the Respondent
- Whether an emergency removal is needed
- Skill of the Alternative Resolution facilitator with this type of allegation
- Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in Alternative Resolution (time, staff, etc.)

The ultimate determination of whether Alternative Resolution is available or likely to be successful is made

by the Title IX Coordinator. The Title IX Coordinator is authorized to facilitate a resolution that is acceptable to all Parties, and/or to accept a resolution that is proposed by the Parties, usually through their Advisors, including terms of confidentiality, release, and non-disparagement.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., referral for formal resolution, referral to the conduct process for failure to comply).

Results of complaints resolved by Alternative Resolution are not appealable.

C. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all Parties and the College are able to agree on responsibility, restrictions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of the College's Policy and implements agreed-upon restrictions and remedies and determines the appropriate sanction(s) in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all Parties indicate their written assent to all agreed upon resolution terms. When the Parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

7. Formal Grievance Process Pool

The Formal Grievance Process relies on a pool of individuals ("the Pool") to carry out the process. Members of the Pool are announced in an annual distribution of this Policy to all students, parents/guardians of students, employees, prospective students, and prospective employees. They are also listed in the Annual Title IX Report published by the Title IX Office.

A. Pool Member Roles

Members of the Pool are trained annually, and can serve in in the following roles, at the discretion of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To perform or assist with initial assessment
- To serve in a facilitation role in Informal Resolution
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)

- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

B. Pool Member Appointment

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different complaints, the College can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles. The College may fill any of these roles with external contractors, when appropriate.

C. Pool Member Training

The Pool members receive annual training. This training includes, but is not limited to:

- The scope of the College’s Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to conduct a sexual harassment investigation
- Trauma-informed practices pertaining to investigations and resolution processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning and cross-examination during hearings
- How to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution processes; this training will include:
 - How to assess credibility
 - Impartiality and objectivity
 - How to render findings and generate clear, concise, evidence-based rationales
 - The definitions of all offenses
 - How to apply definitions used by the College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution processes
 - How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
 - Any technology to be used at a live hearing
 - Issues of relevance of questions and evidence
 - Issues of relevance in determining what to include in an investigation report that fairly summarizes relevant evidence

- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

The materials used to train all members of the Pool are publicly posted [here](#).

8. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is usually given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations
- The identity of the involved parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies implicated
- A description of the applicable procedures
- A statement of the potential sanctions/responsive actions that could result
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity during the review and comment period to inspect and review all directly related and/or relevant evidence obtained
- A statement about the College’s policy on retaliation
- Information about the privacy of the process
- Information on the right for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the parties that the College’s policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process,
- Detail on how the party may request disability accommodations during the grievance process,
- A copy of College’s VAWA Brochure
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have
- An instruction to preserve any evidence that is directly related to the allegations

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official College records, or emailed to the parties’ College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

9. Resolution Timeline

The College will make a good faith effort to complete the Resolution Process within a sixty to one-hundred and twenty (60-120) business-day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator. The Coordinator will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

10. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator will appoint an investigator(s) to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed.

11. Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process (including the Title IX Coordinator, Investigator(s), and Decision-maker(s)) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure they are impartial and have no actual or apparent conflicts of interest or disqualifying biases. The Parties may, at any time during the Resolution Process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Dean of Institutional Equity and Inclusion.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations will not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the preponderance of the evidence.

12. Investigation Timeline

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take many weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, law enforcement involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

13. Investigation Process Delays and Interactions with Law Enforcement

The College may undertake a short delay in its investigation (normally not more than a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or health conditions.

The College will communicate the anticipated duration of the delay and reason to the parties in writing and provide the parties with status updates if necessary. The College will promptly resume its investigation and/or Resolution Process as soon as feasible. During such a delay, the College will implement supportive measures as deemed appropriate.

College action(s) are not typically altered or precluded on the grounds that government complaints, civil actions, or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

14. Investigation Process Steps

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviewing all available relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record. Recordings of interviews are not provided to the Parties, but the Parties will have the ability to review the transcript or summary of the interview once the investigation report is compiled. If a party wishes to identify an expert witness to the College, that should be done during the investigation so that the expert can be interviewed. Identifying an expert witness only after the investigation to testify at the hearing is typically not permitted.

At the discretion of the Title IX Coordinator, investigations can be combined when complaints implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant.
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures.
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the parties and witnesses.
- Meet with the Complainant to finalize their interview/statement, if necessary
- Work with the Title IX Coordinator, if necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations.
 - Notice should inform the parties of their right to have the assistance of an

Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party.

- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings.
- Make good faith efforts to notify each party of any meeting or interview involving the other party, in advance when possible.
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide regular status updates to the Parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and all relevant evidence. Appendices including relevant physical or documentary evidence will be included.
- Gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis and render no recommendations as part of their report.
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a determination, for a **ten (10) business day** review and comment period so that each party may meaningfully respond to the evidence. The Parties may elect to waive the full ten (10) days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, and Respondent's Advisor).
- Elect to respond in writing in the investigation report to the Parties' submitted responses and share the responses between the Parties for additional responses, if further clarification is needed.
- Incorporate relevant elements of the Parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made as a result of the review and comment period.
- Share the report with the Title IX Coordinator and/or legal counsel for their review and feedback.
- Incorporate any relevant feedback and share the final report with all Parties and their Advisors (and Decision-makers, as appropriate) through secure electronic transmission or hard copy at least **ten (10) business days** prior to a hearing. The Parties and Advisors are also provided with a file of any directly related evidence that was not included in the report.

15. Witness Role and Participation in the Investigation

Witnesses (as distinguished from the Parties) who are employees of the College are strongly encouraged to cooperate with and participate in the College's investigation and Resolution Process. Student witnesses and witnesses from outside the College community are encouraged to cooperate with College investigations and to share what they know about a complaint.

Interviews for Parties and all potential witnesses may be conducted in person or remotely. Zoom, Microsoft Teams, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s).

16. Interview Recording

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved Parties must be made aware of audio and/or video recording. Interviews will be recorded by the Investigator.

17. Evidentiary Considerations

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition; or 3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the investigation can consider character evidence generally, if offered, but that evidence is generally unlikely to be relevant to a determination of responsibility unless it is factual evidence or relates to a pattern of conduct.

18. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be held less than ten (10) business days from the conclusion of the investigation—when the final investigation report is transmitted to the Parties and the Decision-maker(s), unless all Parties and the Decision-maker(s) agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker(s) from the Pool and provide them with a copy of the investigation report and file of directly related evidence.

19. Hearing Decision-maker Composition

The College will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the Resolution Process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill the facilitator role. The hearing will convene at a time determined by the Title IX Coordinator or designee.

20. Additional Evidentiary Considerations in the Hearing

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Absent a pattern, such information will not be considered until the sanction stage of the process, at which point it may be considered in determining an appropriate sanction upon a determination of responsibility.

The Parties may each submit a written impact statement prior to the close of deliberations for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility has been reached. The impact statements will not be reviewed or considered in determining responsibility. If the Decision-maker(s) reviews the impact statements at the sanction stage, they will also be exchanged between the Parties.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

21. Hearing Notice

No less than ten (10) business days prior to the hearing,²⁰ the Title IX Coordinator or the Chair will send notice of the hearing to the Parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- The time, date, and location of any pre-hearing meetings.

²⁰ Unless an expedited hearing is agreed to by all parties.

- A description of any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the Parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator as soon as possible, preferably at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker(s) based on demonstrated bias or conflict of interest. Objections based on demonstrated bias or conflict of interest must be raised with the Title IX Coordinator at least two (2) business days prior to the pre-hearing meetings or, if no pre-hearing meeting is convened, at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and how the Parties can access the recording after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence
- Notification that the Parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the College will appoint one. Each party **must** have an Advisor present if they intend to conduct cross-examination. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the complaint, unless they have already been provided.²¹
- An invitation to each party to submit to the Chair an impact statement before the close of deliberations that the Decision-maker(s) will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing, or as soon as a Party becomes aware of the need for accommodation.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 60-120 business day goal for resolution. Employees who do not have 12-month contracts are still expected to participate in Resolution Proceedings that occur during months between contracts.

22. Alternative Hearing Participation Options

If a party or the Parties prefer not to or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair as soon as possible, preferably at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

²¹ The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

23. Pre-Hearing Preparation

After any necessary consultation with the Parties, Investigator(s), and/or Title IX Coordinator, the Chair or hearing facilitator will provide the names of persons who have been asked to participate in the hearing, all pertinent documentary evidence, and the final investigation report to the Parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all Parties and the Chair agree to the witness's participation in the hearing without advance questioning. The same holds for any relevant evidence that is first offered at the hearing that could impact the outcome. If the Parties and Chair do not agree to the admission of evidence newly offered at the hearing, that evidence will not be considered, or the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The Parties will be given a list of the names of the Decision-maker(s) at least ten (10) business days in advance of the hearing. All bias or conflict of interest objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) business days prior to the pre-hearing meetings, or, if no pre-hearing meeting is convened, two (2) business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial hearing of the complaint.

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least ten (10) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the Parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day review period prior to the hearing, the Parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair by email, at the pre-hearing meeting, or at the hearing and will be exchanged between each party by the Chair.

24. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the Parties and their Advisors to address any review and comment by the Parties and their Advisors. The Chair may invite them to submit the questions or topics they (the Parties and their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time, to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a pre-hearing ruling by the Chair based on any new information or testimony offered at the hearing. The Chair will document and share their rationale for any pre-hearing rulings on exclusion or inclusion of evidence to the extent they have made such rulings.

At each pre-hearing meeting with a party and/or their Advisor, the Chair will consider arguments that

evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will issue those rulings to the Parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator,²² or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded. The pre-hearing meetings may be conducted as separate meetings with each party/Advisor, with all parties/Advisors present at the same time, remotely, or as a written-only exchange. The Chair will work with the Parties to establish the format.

25. Hearing Procedures

At the hearing, the Decision-maker(s) have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation, and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with or collateral to the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the offense categories that are subject to Process A.

Participants at the hearing usually include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the Parties (or three (3) organizational representatives when an organization is the Respondent),²³ Advisors to the Parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations, translation, or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-maker(s) and the parties' Advisors and the witnesses will then be excused. The Investigator(s) will remain present for the duration of the hearing unless excused by the Chair.

26. Joint Hearings

In hearings involving more than one Respondent and/or involving more than one Complainant who has accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each complaint with respect to each alleged policy violation.

27. The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for

²² The Title IX Coordinator does not have a substantive decision-making role at the hearing. The Title IX Coordinator may have some role in answering questions about the College's processes.

²³ Subject to the College's Code of Organizational Conduct.

challenge or recusal of the Decision-maker(s) based on bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review the challenge and decide.

The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator.²⁴ The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

28. Investigator Presentation of Final Investigation Report

The Investigator(s) will present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the Parties (through their Advisors).

Neither the Parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations. The Investigators, Advisors, and Parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded as irrelevant.

29. Testimony and Questioning

Once the Investigator(s) present(s) their report and respond(s) to questions, the Parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. Each party will be asked if they wish to make a brief opening statement, and then will be asked if they wish to provide a brief closing statement at the end of the hearing. The hearing facilitator will facilitate questioning of Parties and witnesses by the Decision-maker(s) and then by the parties through their Advisors.

All questions are subject to a relevance determination by the Chair. The Advisors, who should remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider the question (and state it if it has not already been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or required to be rephrased.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain arguments from the Advisors on relevance once the Chair has ruled on a question. The Chair will state for the record their reasoning for excluding any question as irrelevant, and/or may reframe the question for relevance.

²⁴ If not conflicted out by previous involvement, the Title IX Coordinator may serve as the hearing facilitator/case manager.

If the Parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias or conflict of interest of an Investigator or Decision-maker.

30. Refusal to Submit to Questioning; Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared. It is otherwise considered off-limits, and an Advisor who is an institutional employee is temporarily alleviated from mandated reporter responsibilities related to their interaction with their advisee during the Resolution Process. If an Advisor is to be questioned as a witness, the Chair will work with the advisee to arrange alternate questioning options because the Advisor will not be able to conduct questioning while they are serving as a witness.

31. Hearing Recordings

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the College will be permitted to review the recording or review a transcript of the recording, upon request to the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

32. Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible for the Policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact and/or mitigation statements in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact and/or mitigation statement once they are submitted.

The Decision-maker(s) will also review any pertinent conduct history provided by the Senior Associate

Dean of Students and will determine the appropriate sanction(s) in consultation with other appropriate administrators who have knowledge of the conduct history or other information relevant to determination of an appropriate sanction.

The Chair will then prepare a written deliberation statement for the Title IX Coordinator's review, detailing all findings and final determinations, the rationale(s) explaining the decision, the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) and rationales explaining the sanction(s) and will deliver the statement to the Title IX Coordinator.

33. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome may be reviewed by legal counsel. The Title IX Coordinator will then share the Notice of Outcome letter, which includes the final determination, rationale, and any applicable sanction(s), with the parties and their Advisors, typically within three (3) business days of receiving the deliberation statement. The Notice of Outcome will identify the specific alleged policy violation(s), including the relevant policy section(s), and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued email or otherwise approved account (e.g., Maxient). Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will include information on when the results are considered final by the College, will note any changes to the outcome and/or sanction(s) that occur prior to finalization, and the relevant procedures and bases for appeal.

34. Rights of the Parties [\(see Appendix C\)](#)

35. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for reopening a grievance process at any time, and/or referring that information to another process for resolution, including disciplinary action against any individual determined to have intentionally provided false or misleading information.

C. Student Sanctions

The following are the common sanctions that may be imposed upon students singly or in combination:²⁵ The sanctions described below are not intended to be progressive in nature. For example, a student need not have first been placed on Disciplinary Probation in order to receive a sanction of Suspension or Expulsion. Decisionmaker(s) will impose sanctions based on the factors listed above and what they deem to be commensurate with the severity of the misconduct for which a student has been found responsible.

- **Disciplinary Warning:** A letter indicating that a student has been found responsible for a violation. This sanction indicates that if the student is again found in violation, a sanction will likely be imposed that reflects a repeated violation.
- **Disciplinary Probation Level 1:** A status indicating that a student has been found responsible for a violation that reflects a serious violation. This sanction will be in effect for a specified period of time and indicates that if the student is again found in violation during the period of this status, a sanction of Disciplinary Probation Level 2 or greater will likely be necessitated.
- **Disciplinary Probation Level 2:** Formal notice that a student's status at the College is in jeopardy as a result of one or more violations. This sanction will be in effect for a specified period of time and indicates that if the student is found in violation of College policies during the period of this status, additional imposed sanctions may include Loss of Housing, Suspension from the College, or Expulsion from the College. While on Level 2 probation, a student will not be permitted to serve as a member of Student Government Association, an executive Board member of a student organization, or on any standing College committee. A student's ability to participate in other college programs may also be limited by this status as determined by those offices (e.g., Study Away programs, Career and Professional Development internships). When placed on this status, the Office of the Dean of the College and the student's parent/guardian may be notified as permitted by FERPA.
- **Loss of Housing:** Dismissal from College owned housing for a specified period of time. Financial reimbursement is made according to the refund schedule in the College Catalog. During this period, a student is not eligible for summer housing. After this period is concluded, the student may request the Dean of Students or their designee to re-evaluate the student's ability to return to the residence hall. Loss of housing may result in notification of the student's faculty and staff adviser, class dean, and parent/guardian as permitted by FERPA..
- **Suspension from the College:** Suspension from the College is a temporary dismissal from the College for a specified period of time. After this period is concluded, the student may resume

²⁵ College policies on transcript notation will apply to these proceedings.

studies following an interview with the Title IX Coordinator or their designee. A suspended student may not engage in College activities, use any College facilities, or be on College property without express permission from the Dean of Students or their designee. Financial reimbursement is made according to the refund schedule in the College Catalog. When suspended from the College, the student's class dean, athletic coach, and parent/guardian may be notified. A suspended student does not have the opportunity to earn academic credit towards a Connecticut College degree unless granted permission by the Dean of Students. Conditions for return from suspension may be established at the time of the suspension.

- **Expulsion from the College:** Permanent dismissal from the College without the right to return. An expelled student no longer has the privileges of matriculated students and may not engage in College activities, use any College facilities, or be on College property. Financial reimbursement is made according to the refund schedule listed in the College Catalog. When expelled from the College, the student's parent/guardian may be notified as permitted by FERPA.
- **Other Actions:** In addition to or in place of the above sanctions, the College may impose any other sanctions in the Student Handbook as deemed appropriate.

D. Student Organization Sanctions

The following are the common sanctions that may be imposed upon student organizations singly or in combination:²⁶ The sanctions described below are not intended to be progressive in nature. For example, an organization need not have first been placed on Probation in order to receive a sanction of Suspension or Expulsion. Decisionmaker(s) will impose sanctions based on the factors listed above and what they deem to be commensurate with the severity of the misconduct for which an organization has been found responsible. they deem to be commensurate with the severity of the misconduct for which an organization has been found responsible.

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student organization recognition for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student organization may not conduct any formal or informal business or participate in College-related activities, whether they occur on or off campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the College.
- **Expulsion:** Permanent termination of student organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- **Loss of Privileges:** Restricted from accessing specific College privileges for a specified period of time.

²⁶

Subject to College's Organizational Code of Conduct.

- **Other Actions:** In addition to or in place of the above sanctions, the College may impose any other sanctions as deemed appropriate.

E. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation may include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Assignment to New Supervisor*
- *Delay of (or referral for delay of) Tenure Track Progress*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension/Administrative Leave with Pay*
- *Suspension/Administrative Leave without Pay*
- *Termination*
- **Other Actions:** In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

The sanctions described above are not intended to be progressive in nature. For example, an employee need not have first been placed on Probation in order to receive a sanction of Suspension or Termination. Decisionmaker(s) will impose sanctions based on the factors listed above and what they deem to be commensurate with the severity of the misconduct for which an organization has been found responsible.

36. Withdrawal or Resignation While Charges Pending

A. Students

Students with a complaint pending may not go on a leave or withdraw from the College before the resolution of a complaint unless they are granted permission by the Dean of Students. In such circumstances, the student's return to the College may be contingent upon the completion of resolution proceedings. Should a student Respondent decide not to participate in the Resolution Process, the process may proceed absent their participation to a reasonable resolution. Should a student Respondent's request to withdraw (as distinct from a request for leave) from the College be granted, the resolution process typically ends with a dismissal, as the College no longer has disciplinary jurisdiction over the withdrawn student. However, the College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the complaint is dismissed or pursued to completion of the Resolution Process,

the College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who is granted permission to withdraw while the process is pending may not return to the College in any capacity. A hold will be placed on their ability to be readmitted. They may also be barred from College property and/or events. Admissions and/or Human Resources will be notified, accordingly. Such exclusion applies to all College locations.

If the student Respondent only takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely and, if found responsible, that student is not permitted to return to the College unless and until all sanctions have been satisfied.

B. Employees

Should an employee Respondent resign or their contract ends with unresolved allegations pending, the Resolution Process typically ends with a dismissal, as the College no longer has primary disciplinary jurisdiction over the resigned employee. However, the College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, doing may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the matter is dismissed or pursued to completion of the Resolution Process, the College will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for rehire or academic admission with the College or any College location, and the records retained by the Title IX Coordinator will reflect that status.

37. Appeals

Any party may file a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within three (3) business days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will Chair the appeal. No Appeal Decision-maker will have been previously involved in the Resolution Process for the complaint, including in any appeal of a mandatory or discretionary dismissal determination that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Decision-maker or designee for consideration to determine if the request meets the grounds for appeal.

This review is not a review of the merits of the appeal, but solely a determination as to whether the request presents one or more of the permitted grounds for appeal and is timely filed.

A. Grounds for Appeal

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;

- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If the Request for Appeal does not present one or more of the permitted grounds for appeal, that request will be denied by the Appeal Decision-maker. If any of the grounds in the Request for Appeal does not fit within one of the permitted grounds for appeal, that portion of the Request for Appeal will be denied. The parties and their Advisors will be timely notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-maker will timely notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Appeal Decision-maker to all parties for review and comment, for which another three (3) business days will be provided.

The non-appealing party (if any) may also choose to request for appeal at this time. If so, that will be reviewed to determine if it meets the grounds for appeal in this Policy by the Appeal Decision-maker and will either be permitted or denied. If the appeal is permitted, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as appropriate, who will submit their responses, if any, within three (3) business days. Any such responses will be circulated for review and comment by all parties, for which another three (3) business days will be provided. If not approved, the parties will be notified accordingly, in writing.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved grounds and will render a decision in no more than three (3) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any change in sanctions that may result and the rationale supporting the essential findings.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' College-issued email or otherwise approved account (e.g., Maxient). Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

B. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed (i.e.: not implemented) during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then the emergency removal procedures (detailed above) for a hearing on the justification for doing so must be instituted within 48 hours of implementation.

The College may still place a hold on official transcripts, degrees, diplomas, graduations, and/or course registration pending the outcome of an appeal when the original sanctions included separation (suspension, expulsion, termination) in any form. The Respondent may request a stay of these holds from the Title IX Coordinator within two (2) business days of the notice of the sanctions. The request will be evaluated by the Title IX Coordinator or designee, whose determination is final.

C. Appeal Considerations

- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure, for clarification, if needed; provided, however, that the Title IX Coordinator should not participate in any substantive aspect of the appeals process. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Appeal Decision-maker.
- Once an appeal is decided, the outcome is final and further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural irregularity cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

38. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the Parties and/or the campus community. These are not additional sanctions, but remedial measures that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent

reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Temporary or permanent alteration of housing assignments for a complainant
- Temporary or permanent alteration of work arrangements for an employee complainant
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the College to the Respondent to ensure no effective denial of educational access.

The College will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the College's ability to provide these services.

39. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Decision-maker).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), up to and including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator. Expungement of the record of a suspension can be granted by the Title IX Coordinator, upon written request, but will only be granted when the Title IX Coordinator is satisfied that doing so is equitable. The effect of expungement is not to destroy records, but to make them inaccessible to third parties, and to restore the record of the person impacted.

40. Recordkeeping

The College will maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The College will make these training materials publicly available on the College's website.
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent;
 - b. Any measures designed to restore or preserve equal access to the College education program or activity; and
 - c. If no supportive measures were provided to the Complainant, documentation of the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The College will also maintain any and all records in accordance with state and federal laws.

41. Disabilities Accommodations in the Resolution Process

Connecticut College is committed to providing appropriate accommodations to students with disabilities to ensure that all individuals have equal access to all College programs and services, including Complainants and Respondents in harassment complaints. This includes accommodations provided under the Americans with Disabilities Act (as amended) and related regulations. All individuals with disabilities who are involved in harassment complaints, including Complainants, Respondents, Advisors, and witnesses may seek accommodations for any stage of the resolution process, including intake meetings, investigation interviews, hearings, and any pre- or post-hearing meetings.

Students with accommodation requests must register with the Student Accessibility Services Office and qualify as a student with a disability. Students must make any request in a timely fashion. Connecticut College may not be able to provide an accommodation which is not requested with reasonable advance notice before the accommodation is needed to allow time for review and implementation. Accordingly, each student seeking an accommodation is strongly encouraged to do so as early as possible in the investigation process.

Student Accessibility Services may consult with the Title IX office to determine, based on appropriate legal standards and Connecticut College policy, what accommodation(s), if any, may be appropriate and reasonable. Accommodations cannot be applied retroactively; students must arrange for accommodations in advance.

Similar accommodation requirements apply to employees as well, who should make timely accommodation requests related to this process with Human Resources.

42. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policies addressing harassment, sexual misconduct,

discrimination, and/or retaliation for incidents occurring on or after August 14, 2020, under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

The procedural provisions of this Policy that are in effect at the time the investigation and decision-making process will apply, regardless of when the alleged offense occurred.

The Policy's substantive provisions specifying what constitutes a violation of the Policy that are in effect at the time the alleged offense occurred will apply even if the Policy is changed subsequently but prior to resolution unless the Parties consent to be bound by the current policy

During the Resolution Process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective 10/03/22.

II. RESOLUTION PROCESS FOR ALLEGED VIOLATIONS NOT SUBJECT TO TITLE IX (PROCESS “B”)

- Process B can be applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.
- If Process A is applicable, Process A must be applied in lieu of Process B.
- VAWA Section 304 requirements apply to Process B.
- Title IX requirements outside of Section 106.30 (based on the original 1975 regulations) may also be resolvable using Process B, including disparate treatment on the basis of sex.

The College will act on any formal or informal allegation or notice of violation of this Policy that is received by the Title IX Coordinator²⁷ or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy above.

The procedures described below apply to all allegations of harassment, discrimination, and/or retaliation on the basis of protected characteristic status involving students, staff, faculty members, or third parties, except that Process B will not apply to at-will employees. Unionized or other categorized employees will be subject to the terms of their respective collective bargaining agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

1. Initial Assessment

Following intake, receipt of notice, or a complaint of an alleged violation of the Policy, the Title IX Coordinator²⁸³⁰ engages in an initial assessment, which is typically one to five (1-5) business days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response, an Informal Resolution, or an Administrative Resolution.

²⁷ All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.

²⁸ If circumstances require, the Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- o If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
- o If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
- o If Administrative Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:
 - Incident
 - A potential pattern of misconduct
 - A culture/climate issue²⁹
- In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Care team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:
 - o Interim suspension of a Respondent who is a threat to health/safety
 - o Whether the Title IX Coordinator should pursue Administrative Resolution absent a willing/able Complainant
 - o Whether to put the investigation on the footing of incident and/or pattern and/or climate
 - o To help identify potentially predatory conduct
 - o To help assess/identify grooming behaviors
 - o Whether a Complaint is amenable to Informal Resolution, and what modality may be most successful
 - o Whether to permit a voluntary withdrawal by the Respondent
 - o Whether to impose transcript notation or communicate with a transfer College/University about a Respondent
 - o Assessment of appropriate sanctions/remedies
 - o Whether a Clery Act Timely Warning and/or Trespass order/Persona-non-grata is needed

More about the College's process for VRA can be found in [Appendix B](#).

Based on the initial assessment, the College will initiate one of three responses:

- Supportive Response – measures to help restore the Complainant's education access, as described in the Policy.
- Informal Resolution – typically used for less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
- Administrative Resolution – investigation of policy violation(s) and recommended finding,

²⁹ The Title IX Coordinator has the discretion to modify these procedures as necessary to address a culture/climate complaint, including the fact that a named complainant may not be available, or that specific respondents may not be identified. Where a program, department, or division is being investigated, administrators are typically named "respondents" on behalf of the program, and are responsible for implementing remedies, but may not be held individually responsible for misconduct unless there is evidence of individual misconduct.

subject to a determination by the Title IX Coordinator or Decision-maker and the opportunity to appeal to an Appeal Decision-maker.

The investigation and the subsequent Administrative Resolution determine whether this Policy has been violated. If so, the College will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects. The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that there is no evidence reasonably supporting the allegation that policy has been violated, the process will end, and the Parties will be notified.

The Complainant may request that the Title IX Coordinator review that reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

2. Resolution Process Pool

The resolution processes rely on a pool of officials (“Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this Policy to all students and their parents/guardians, employees, prospective students, and prospective employees. The Pool can include external contractors, as needed.

Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide sensitive intake for and initial advice pertaining to the allegations
- To act as optional process Advisors to the parties
- To facilitate Informal Resolution
- To investigate allegations
- To serve as a Decision-maker
- To serve as Appeal Decision-maker

The Title IX Coordinator, in consultation with the Dean of Institutional Equity and Inclusion and the Senior Associate Dean of Student Life, carefully vets Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Pool members receive annual training organized by the Title IX Coordinator, including a review of the College policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

This training includes, but is not limited to:

- The scope of the College’s Sexual Harassment and Nondiscrimination Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment and impact

- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the college with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

Specific training is also provided for Appeal Decision-makers, intake personnel, and Advisors. All Pool members are required to attend this annual training.

3. Counter-Complaints

The College permits the filing of counter-complaints but uses an initial assessment, described above, to assess whether the allegations in the counter-complaint are made in good faith. The College is obligated to ensure that the grievance process is not abused for retaliatory purposes; thus counter-complaints made with retaliatory intent will not be permitted. Any complaint or counter-complaint that is deemed by the Title IX Coordinator to have been filed in bad faith will be considered retaliation against the Complainant who filed the original complaint, will become a separate violation of the Connecticut College Policy, and will subject the Respondent to potential sanctions. (Please see Section 19 on Retaliation).

Counter-complaints determined to have been reported in good faith will be processed using the Resolution Process below. Investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur.

Counter-complaints may also be resolved through the same investigation as the underlying complaint, at the discretion of the Title IX Coordinator.

4. Advisors

Each party may choose an Advisor³⁰³¹ who is eligible and available³¹³² to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. However, the grievance process typically will not be delayed based solely on a Party's decision to use a new Advisor.

A. Expectations of an Advisor

The College generally expects an Advisor to adjust their schedule to allow them to attend College meetings when planned, but the College may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by College policies and procedures may face the loss of that Advisor and/or possible Policy violations.

Advisors are expected to consult with their advisees without disrupting the meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

B. Expectations of the Parties with Respect to Advisors

F.

G. Each party may choose an Advisor³² who is eligible and available³³ to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2)

³⁰ This could include an attorney, advocate, or support person. With the exception of union representation as described above, witnesses are not entitled to Advisors within the process, though they can be advised externally.

³¹ "Available" means the party cannot insist on an Advisor who ~~simply~~ doesn't have inclination, time, or availability to fulfill the role of Advisor without unduly delaying the grievance process. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

³²

³³

business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator if they change Advisors at any time.

Upon written request of a party, the College will copy the Advisor on all communications between the College and the party. Absent student consent, the College will not communicate directly with the Advisor. The Advisor may be asked to sign a confidentiality agreement regarding private, sensitive records.

For parties who are entitled to union representation, the College will allow the unionized employee to have their union representative (if requested by the Party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are permitted to have union representation in grievance process interviews or meetings.

Upon request and at the discretion of the Title IX Coordinator, more than one Advisor per party may be allowed. For equity purposes, if one party is allowed an additional Advisor, the other party must be allowed an additional Advisor as well.

5. Resolution Options

Proceedings are private. All persons present at any time during the Resolution Process are expected to maintain the privacy of the proceedings in accord with College Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose, but are encouraged to discuss with their Advisors first before doing so.

A. Informal Resolution

Informal Resolution is applicable when the Respondent accepts responsibility for violating Policy or when the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the resolution is finalized, Administrative Resolution may be pursued.

The framework for Informal Resolution is outlined in Appendix A.

i. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution Process. If the Respondent accepts responsibility, the Title IX Coordinator determines that the individual is in violation of the College Policy.

The Title IX Coordinator then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Title IX Coordinator or designee has determined appropriate sanction(s) or responsive actions, to which the Respondent agrees, and which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Title IX Coordinator has determined appropriate sanction(s) or responsive actions, to which the Respondent agrees, then the remaining allegations will continue to be investigated and resolved through Administrative Resolution. The parties will be informed of this outcome.

B. Administrative Resolution

Administrative Resolution can be pursued at any time during the process for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the Sexual Harassment and Nondiscrimination Policy if proven. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least 48 hours in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification should include the Policies allegedly violated, if known at the time. If potential additional Policy violations are identified in the course of the investigation, those Policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

Once the decision is made to commence an investigation, the Title IX Coordinator appoints Pool members to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no apparent conflicts of interest or disqualifying bias.

The parties may, at any time during the Resolution Process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the Dean of Institutional Equity and Inclusion.

The College aims to complete all investigations within a sixty (60) business-day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator, with notice to the parties as appropriate. Investigations can take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

The College may undertake a reasonable delay in its investigation (typically not more than a few weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the College's Resolution Process are being investigated by law enforcement. The College will promptly resume its investigation and Resolution Process once notified by law enforcement that the initial evidence collection process is complete.

The College action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

6. Investigation

The Investigator(s) will typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all Policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated Policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of a Pool member as a process Advisor appointed by the College or other Advisor of their choosing present for all

- meetings attended by the advisee
- When formal notice is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within three (3) business days and incorporate that response, if any, into the report
- Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop.
- Share the report with the Title IX Coordinator or legal counsel for review and feedback. Provide the final report to the Title IX Coordinator which will include a recommended determination of responsibility based on a preponderance of the evidence (whether a policy violation is more likely than not to have occurred).

7. Determination

Within two to three (2-3) business days of receiving the Investigator's recommendation, the Title IX Coordinator or a trained, designated Decision-maker from the Pool³⁴³³ reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the Title IX Coordinator/Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The recommendation of the investigator(s) as to responsibility should be strongly considered but is not binding on the Title IX Coordinator/Decision-maker. The Title IX Coordinator/Decision-maker

³⁴ When the Title IX Coordinator is the Investigator or has been heavily involved in the process prior to determination, a Decision-maker should be designated from the Pool to ensure there is no conflict of interest.

may invite and consider impact and/or mitigation statements from the parties if and when determining appropriate sanction(s), if any.

The Title IX Coordinator then timely provides the parties with a written Notice of Outcome to include findings, any sanction(s) (see Section 9 below on Sanctions), and a detailed rationale, delivered simultaneously (without undue delay) to the parties.

8. Additional Details of the Resolution Process

A. Witness responsibilities

Witnesses (as distinguished from the parties) who are faculty or staff of the College are expected to cooperate with and participate in the College's investigation and Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Resolution Process constitutes a violation of Policy and may be subject to discipline.

B. Remote processes

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) and/or Decision-maker determines that timeliness, efficiency, or other causes dictate a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal. Where remote technologies are used, the College makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

C. Recording

No unauthorized audio or video recording of any kind is permitted during the Resolution Process. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording and provided access upon request.

D. Evidence

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history, as well as evidence indicating a pattern of misconduct, subject to the limitation in (E) below. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is unduly prejudicial and lacking in probative value.

E. Sexual history/patterns of conduct

The investigation and the finding of responsibility typically do not consider: (1) incidents not directly related to the possible violation(s), unless they evidence a pattern; (2) the irrelevant sexual history of any Party; or (3) irrelevant character evidence of the Parties.

F. Previous allegations/violations

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinator/Decision-

maker with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s).

G. Character witnesses

Neither the Title IX Coordinator, Decision-maker, nor the Investigator(s) meet with character witnesses, but the Investigator(s) may accept up to two (2) letters supporting the character of each of the parties. Such letters must be provided to the Investigator(s) prior to the report being finalized; otherwise, the parties have waived their right to provide such letters. The Title IX Coordinator, Decision-maker, and/or Investigator(s) will determine if the character evidence is relevant.

H. Notification of outcome

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator, in consultation with other administrators as appropriate, determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator informs the parties of the determination within two to three (2-3) business days of the resolution, simultaneously (without significant time delay between notifications). Notifications are made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties' College-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which the College is permitted to share pursuant to state or federal law, and the rationale supporting the findings to the extent the College is permitted to share under state or federal law.

The notice will detail when the determination is considered final and will detail any changes that are made prior to finalization.

Unless based on an acceptance of responsibility by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found in [Section 11](#) below.

9. Sanctions

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination,

- harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinator

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

A. Student Sanctions

The following are the common sanctions³⁵³⁵ that may be imposed upon students singly or in combination. The sanctions described below are not intended to be progressive in nature. For example, a student need not have first been placed on Disciplinary Probation in order to receive a sanction of Suspension or Expulsion. Decisionmaker(s) will impose sanctions they deem to be commensurate with the severity of the misconduct for which a student has been found responsible.

- **Disciplinary Warning:** A letter indicating that a student has been found responsible for a violation. This sanction indicates that if the student is again found in violation, a sanction will likely be imposed that reflects a repeated violation.
- **Disciplinary Probation Level 1:** A status indicating that a student has been found responsible for a violation that reflects a more serious violation. This sanction will be in effect for a specified period of time and indicates that if the student is again found in violation during the period of this status, a sanction of Disciplinary Probation Level 2 or greater will likely be necessitated.
- **Disciplinary Probation Level 2:** Formal notice that a student's status at the College is in jeopardy as a result of one or more violations. This sanction will be in effect for a specified period of time and indicates that if the student is found in violation during the period of this status, the imposed sanction may include Loss of Housing, Suspension from the College, or Expulsion from the College. While on probation, a student will not be permitted to serve as a member of Student Government Association, an executive Board member of a student organization, or on any standing College committee. A student's ability to participate in other college programs may also be limited by this status as determined by those offices (i.e. Study Away programs, CELS internships). When placed on this status, the Office of the Dean of the College and the student's parent/guardian may be notified.
- **Loss of Housing:** Dismissal from College owned housing for a specified period of time. Financial reimbursement is made according to the refund schedule in the College Catalog. During this period, a student is not eligible for summer housing. After this period is concluded, the student may request the Dean of Students or their designee to re-evaluate the student's ability to return to the residence hall. Loss of housing may result in notification of the student's faculty and staff adviser, class dean, and parent/guardian.
- **Suspension from the College:** Suspension from the College is a temporary dismissal from the College for a specified period of time. After this period is concluded and any conditions of the suspension are satisfied, the student may resume studies following an interview with the

35

³⁵ College policies on transcript notation will apply to these proceedings.

Title IX Coordinator or their designee. A suspended student may not engage in College activities, use any College facilities, or be on College property without express permission from the Dean of Students or their designee. Financial reimbursement is made according to the refund schedule in the College Catalog. When suspended from the College, the student's class dean, athletic coach, and parent/guardian may be notified. A suspended student does not have the opportunity to earn academic credit towards a Connecticut College degree unless granted permission by the Dean of Students.

- **Expulsion from the College:** Permanent dismissal from the College without the right to return. An expelled student no longer has the privileges of matriculated students and may not engage in College activities, use any College facilities, or be on College property. Financial reimbursement is made according to the refund schedule listed in the College Catalog. When expelled from the College, the student's parent/guardian may be notified as permitted by FERPA.
- **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions in the Student Handbook as deemed appropriate.

B. Student Organization Sanctions

The following are the common sanctions that may be imposed upon student organizations singly or in combination.³⁶ The sanctions described below are not intended to be progressive in nature. For example, an organization need not have first been placed on Probation in order to receive a sanction of Suspension or Expulsion. Decisionmaker(s) will impose sanctions they deem to be commensurate with the severity of the misconduct for which an organization has been found responsible.

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student organization recognition for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student organization may not conduct any formal or informal business or participate in College-related activities, whether they occur on or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the College.
- **Expulsion:** Permanent termination of student organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- **Loss of Privileges:** Restricted from accessing specific College privileges for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

C. Employee Sanctions

³⁶

Subject to College's Organizational Code of Conduct.

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Annual Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of Tenure Track Progress*
- *Assignment to New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

The sanctions described above are not intended to be progressive in nature. For example, an employee need not have first been placed on Probation in order to receive a sanction of Suspension or Termination. Decisionmaker(s) will impose sanctions they deem to be commensurate with the severity of the misconduct for which an organization has been found responsible.

10. Withdrawal or Resignation While Charges are Pending

A. Students

The College does not permit a student to withdraw if that student has an allegation pending for violation of this Policy, unless special permission to withdraw is granted by the Dean of Students. The College may place a hold, bar access to an official transcript, and/or prohibit graduation as necessary to permit the Resolution Process to be completed.

B. Employees

Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any College responses to future inquiries regarding employment references for that individual will include the former employee's unresolved status and whether the employee is eligible for rehire.

11. Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within

three (3) business days of the delivery of the Notice of Outcome of the Title IX Coordinator.

An Appeal Decision-maker chosen from the Pool will be designated by the Title IX Coordinator from those who have not previously been involved in the process. Any party may appeal, but appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If the request for appeal does not present one of the permissible grounds for an appeal, or the appeal is not timely, the Appeal Decision-maker dismisses the appeal. If any of the grounds in the Request for Appeal does not fit within one of the permitted grounds for appeal, that portion of the Request for Appeal will be denied. If the request raises permissible grounds for appeal, the Appeal Decision-maker will share the appeal request with all other parties or other appropriate persons such as the Investigator(s), who may file a response within three (3) business days.

Another party may also submit their own request for appeal on separate grounds.

If new requests for appeal sufficiently raise permissible grounds for appeal, the original appealing party will be permitted to submit a written response to these new grounds within three (3) business days. These responses or appeal requests will be shared with each party. The Appeal Decision-maker will review the appeal request(s) and render a decision within three (3) business days of completing the pre-appeal exchange of materials.

Additional principles governing the review of appeals include the following:

- Decisions by the Appeal Decision-maker are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Investigator(s) or Title IX Coordinator merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Decision-maker.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
 - For students: Graduation, study abroad, internships/externships, etc., do NOT in and of themselves constitute extraordinary circumstances, and students may not be able to

participate in those activities during their appeal.

- All parties will be informed in writing within three (3) business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand. When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these procedures.
- In rare cases when a procedural or substantive error cannot be cured by the original Investigator(s) and/or Title IX Coordinator (as in cases of bias), the Appeal Decision-maker may recommend a new investigation and/or Administrative Resolution process, including a new Decision-maker.
- The results of a new Administrative Resolution Process can be appealed once, on any of the three applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable.

12. Long-Term Remedies/Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Temporary or permanent alteration of housing assignments for complainants
- Temporary or permanent alteration of work arrangements for employee complainants
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation assistance
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will consider appropriate remedial measures for the Respondent.

13. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinator.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/responsive/corrective action(s), up to and including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

A suspension will only be lifted if and when compliance is achieved to the satisfaction of the Title IX Coordinator.

14. Recordkeeping

In implementing this Policy, records of all allegations, investigations, resolutions, and hearings will be kept by the Title IX Coordinator in the Title IX complaint database indefinitely, or as required by state or federal law or institutional policy.

15. Statement of the Rights of the Parties (see Appendix C)

16. Disability Accommodation in the Resolution Process

Connecticut College is committed to providing appropriate accommodations to students with disabilities to ensure that all individuals have equal access to all College programs and services, including Complainants and Respondents in harassment complaints. This includes accommodations provided under the Americans with Disabilities Act (as amended) and related regulations. All individuals with disabilities who are involved in harassment complaints, including Complainants, Respondents, Advisors, and witnesses may seek accommodations for any stage of the resolution process, including intake meetings, investigation interviews, hearings, and any pre- or post-hearing meetings.

Students with accommodation requests must register with the Student Accessibility Services Office and qualify as a student with a disability. Students must make any request in a timely fashion. Connecticut College may not be able to provide an accommodation which is not requested with reasonable advance notice before the accommodation is needed to allow time for review and implementation. Accordingly, each student seeking an accommodation is strongly encouraged to do so as early as possible in the investigation process.

Student Accessibility Services may consult with the Title IX office to determine, based on appropriate legal standards and Connecticut College policy, what accommodation(s), if any, may be reasonable and appropriate. Accommodations cannot be applied retroactively; students must arrange for accommodations in advance.

Similar accommodation requirements apply to employees as well, who should make timely accommodation requests related to this process with Human Resources.

17. Revision

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice (on the College website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure.

The procedures that are in effect at the time of the investigation and decision-making process will apply, regardless of when the alleged offense occurred.

The Policy's substantive provisions specifying what constitutes a violation of the Policy that are in effect at the time the alleged offense occurred will apply even if the Policy is changed subsequently but prior to resolution, unless the Parties consent to be bound by the current policy.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This policy and procedure was implemented 10/03/22.

APPENDIX A: FRAMEWORK FOR INFORMAL RESOLUTION (IR)

Connecticut College has framed a process for Informal Resolution (IR) that includes three options:

1. A response based on supportive measures
2. A response based on a Respondent accepting responsibility
3. A response based on alternative resolution, which could include various approaches and/or facilitation of dialogue

Here are the principles to be considered for supporting various approaches to informal resolution:

- IR can be applied in any interpersonal conflict that is subject to this Policy, but may not be appropriate or advisable in cases involving violent incidents (sexual violence, stalking, domestic and dating violence, severe sexual harassment, sexual exploitation, etc.)
- Situations involving dangerous patterns or significant ongoing threats to the community should not be resolved by IR.
- The determination of whether to permit an IR-based resolution is entirely at the discretion of the Title IX Coordinator (TIXC) and in line with the requirements for IR laid out in the Title IX regulations.
- Any party can end IR early-, mid-, or late-process for any reason or no reason.
- IR can be attempted before and in lieu of formal resolution as a diversion-based resolution (although a formal complaint must be filed if the allegations are within 34 C.F.R. Section 106.30, per OCR).
- Alternative approaches can inform formal resolution, as in a formal resolution model infused with restorative practices.
- IR-based processes could be deployed after formal resolution, as an adjunct healing/catharsis opportunity (that could potentially mitigate sanctions or be a form of sanction).
- Alternative Resolution approaches to IR must be facilitated by the College or a third-party. There may be value in creating clearly agreed-upon ground rules, which the parties must sign in advance and agree to abide by, otherwise the Informal Resolution process may be deemed to have failed.
- Technology-facilitated IR can be made available, should the parties not be able or willing to meet in person.
- If IR fails, a formal resolution can take place thereafter. Evidence elicited within the “safe space” of the IR facilitation could be later admissible in the formal resolution unless all parties determine it should not be. This will be clearly spelled out as a term of the decision to engage in the IR process.
- With cases involving violence, the preferred alternative approach typically involves a minimal number of essential parties and is not a restorative circle approach with many constituents, in order to ensure confidentiality.
- Some approaches require a reasonable gesture toward accountability (this could be more than an acknowledgement of harm) and some acceptance, or at least recognition, by the Respondent that catharsis is of value and likely the primary goal of the Complainant. A full admission by the Respondent is not a prerequisite. This willingness needs to be vetted carefully in advance by the TIXC before determining that an incident is amenable/appropriate for resolution by IR.
- IR can result in an accord or agreement between the parties (Complainant, Respondent, and the College) which is summarized in writing by and enforced by the College. This can be a primary goal of the process.
- IR can result in the voluntary imposition of safety measures, remedies, and/or agreed-upon resolutions by the parties that are enforceable by the College. These can be part of the agreement.
- As a secondary goal, IR can result in the voluntary acceptance of “sanctions,” meaning that a Respondent could agree to withdraw, self-suspend (by taking a leave of absence), or undertake

other restrictions/transfers/online course options that would help to ensure the safety/educational access of the Complainant, in lieu of formal sanctions that would create a formal record for the Respondent. These are enforceable by the College as part of the accord/agreement, as may be terms of mutual release, non-disparagement, and/or non-disclosure.

- Although a non-disclosure agreement (NDA) could result from IR, it would have to be mutually agreed-upon by the parties in an environment of non-coercion verified by the Title IX Coordinator.
- The College will develop rules for managing/facilitating the conference/meeting, with a goal of having the procedures be civil, age-appropriate, culturally-competent, reflective of power imbalances, and which maximize the potential for the resolution process to result in catharsis, restoration, remedy, etc., for the harmed party(ies).
- If a formal complaint has been filed, Informal Resolution will be allowed to proceed only with the written consent of all parties and the College.

APPENDIX B: VIOLENCE RISK ASSESSMENT (VRA)

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A **Violence Risk Assessment (VRA)** is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other Care team members.

A VRA occurs in collaboration with the Care team, and/or threat assessment team and must be understood as an on-going process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

1. an appraisal of **risk factors** that escalate the potential for violence;
2. a determination of **stabilizing influences** that reduce the risk of violence;
3. a contextual **analysis of violence risk** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence; and
4. the application of **intervention and management** approaches to reduce the risk of violence.

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the violence risk assessment process through the Care team. The Care team will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

The assessor will follow the process for conducting a violence risk assessment as outlined in the Care team manual and will rely on a consistent, research-based, reliable system that allows for the operationalization of the risk levels.

Some examples of formalized approaches to the VRA process include: The NaBITA Risk Rubric,³⁷²² The Structured Interview for Violence Risk Assessment (SIVRA-35),³⁸²³ The Extremist Risk Intervention

³⁷ www.nabita.org/tools

³⁸ www.nabita.org/resources/assessment-tools/sivra-35/

Scale (ERIS),³⁹²⁴ Looking Glass,⁴⁰²⁵ Workplace Assessment of Violence Risk (WAVR-21),⁴¹²⁶ Historical Clinical Risk Management (HCR-20),⁴²²⁷ and MOSAIC.⁴³²⁸

The VRA is conducted independently from the Title IX process, free from outcome pressure, but is informed by the Title IX process. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The Care team conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community.

³⁹ www.nabita.org/resources/assessment-tools/eris/

⁴⁰ www.nabita.org/looking-glass

⁴¹ www.wavr21.com

⁴² hcr-20.com

⁴³ www.mosaicmethod.com

APPENDIX C: STATEMENT OF PROTECTIONS OF THE PARTIES

- An equitable investigation and resolution of all credible allegations of prohibited harassment, discrimination, and/or retaliation made in good faith to College officials.
- Timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- Timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- To be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- Not to have any personally identifiable information released to the public without consent provided, except to the extent permitted or required by law.
- To be treated with respect by College officials.
- To have College policies and procedures followed without material deviation.
- Not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- Not to be discouraged by College officials from reporting sexual misconduct, harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- To be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by College authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- To have allegations of violations of this Policy responded to promptly and with sensitivity by College officials.
- To a College-implemented contact-limitation order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.
- To be informed of reasonable, available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available and consistent with College policies. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Relocating an on-campus student's housing to a different on-campus location

- o Assistance from College staff in completing the relocation
 - o Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - o Transportation assistance
 - o Visa/immigration assistance
 - o Arranging to dissolve a housing contract and a pro-rated refund
 - o Exam, paper, and/or assignment rescheduling or adjustment
 - o Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - o Transferring class sections
 - o Temporary withdrawal/leave of absence (may be retroactive)
 - o Campus safety escorts
 - o No contact orders
 - o Alternative course completion options.
- To have the College maintain such actions for as long as reasonably necessary and for supportive measures to remain private to the extent possible, provided privacy does not impair the College's ability to provide the supportive measures.
 - To receive sufficiently advanced, written notice of any meeting or interview involving the other party, to the extent possible.
 - In a formal Title IX Grievance Procedure (Process A), to a hearing with cross-examination to determine responsibility for alleged violations of the Policy.
 - In a formal Title IX Grievance Procedure (Process A), to an Advisor.
 - To identify and have the Investigator(s) and/or Decision-maker(s) question relevant available witnesses, including expert witnesses.
 - To provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Decision-maker(s), may be asked of any party or witness.
 - To have inadmissible sexual predisposition/prior sexual history or irrelevant character evidence excluded by the Decision-maker(s).
 - To know the relevant and directly related evidence obtained and to respond to that evidence.
 - To a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
 - In a formal Title IX Grievance Process (Process A), to receive a copy of all relevant and directly related evidence obtained during the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10)-business-day period to review and comment on the evidence.
 - In a formal Title IX Grievance Process (Process A) to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing.

- In a formal Title IX Grievance Process (Process A) to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- To be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- To receive regular updates on the status of the investigation and/or resolution.
- To have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received at least eight hours of relevant annual training.
- The right to a Hearing Panel that is not single sex in its composition, if a panel is used.
- To the preservation of confidentiality/privacy, to the extent reasonably possible and permitted by law.
- To meetings, interviews, and/or hearings that are closed to the public.
- To petition that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- To have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- To have the Decision-maker(s) use the appropriate standard of evidence, preponderance of the evidence, to make a Finding and Final Determination after an objective evaluation of all relevant evidence.
- To be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- To have an impact statement and/or mitigation statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning in Process A.
- To be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the Resolution Process and a reasonably detailed rationale therefore (including an explanation of how credibility was assessed), and to have the Notice of Outcome letter delivered simultaneously (without undue delay) to the Parties.
- To be informed in writing of when a decision by the College is considered final and any changes to the Final Determination or sanction(s) that occur post Notification of Outcome.
- To be informed of the opportunity to appeal the finding(s) and sanction(s) of the Resolution Process, and the procedures for doing so in accordance with the standards for appeal established by the College.

- To a fundamentally fair resolution as defined in these procedures.

APPENDIX D: POLICY EXAMPLES

Some examples of possible sexual harassment include:

- A professor offers for a student to have sex or go on a date with them in exchange for a good grade. This constitutes sexual harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends graphic, sexually-oriented jokes and pictures around campus via social media to hundreds of other students. Many don't find it funny and ask them to stop, but they do not. Because of these jokes, one student avoids the sender on campus and in the residence hall in which they both live, eventually asking to move to a different building and dropping a class they had together.
- A professor engages students in class in discussions about the students' past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The professor inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.
- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah on campus.
- Chris has recently transitioned from male to non-binary, but primarily expresses as a female. Since their transition, Chris has noticed that their African Studies professor, Dr. Mukembo, pays them a lot more attention. Chris is sexually attracted to Professor Mukembo and believes the attraction is mutual. Chris decides to act on the attraction. One day, Chris visits Dr. Mukembo during office hours, and after a long conversation about being non-binary, Chris kisses Dr. Mukembo. Dr. Mukembo is taken aback, stops the kiss, and tells Chris not to do that. Dr. Mukembo explains to Chris that they are not interested in Chris sexually or romantically. Chris takes it hard, crying to Dr. Mukembo about how hard it is to find someone who is interested in them now based on their identity. Dr. Mukembo feels sorry for Chris and softens the blow by telling them that no matter whether they like Chris or not, faculty-student relationships are prohibited by the university. Chris takes this as encouragement. One night, Chris goes to a gay bar some distance from campus and sees Dr. Mukembo at the bar. Chris tries to buy Dr. Mukembo a drink and, again, tries to kiss Dr. Mukembo. Dr. Mukembo leaves the bar abruptly. The next day, Chris makes several online posts that out Dr. Mukembo as gay and raise questions about whether they are sexually involved with students. Dr. Mukembo contacts the Title IX Office and alleges that Chris is sexually harassing him.

Examples of Stalking

- Students A and B were "friends with benefits." Student A wanted a more serious relationship, which caused student B to break it off. Student A could not let go, and pursued student B relentlessly. Student B obtained a campus contact-limitation no-contact order. Subsequently, Student B discovered their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if they had sent out a picture of themselves, though it was not their penis. This caused them considerable embarrassment and

social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Title IX Coordinator, Student B met with the IT department, which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.

- A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate it if the gift deliveries stopped. The student then started leaving notes of love and gratitude on the tutor's car, both on-campus and at home. Asked again to stop, the student stated by email, "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. If I can't have you, no one will."

Examples of Sexual Assault:

- Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00 p.m. until 3:00 a.m., Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. Despite her clear communications that she is not interested in doing anything sexual with him, Bill keeps at her, questions her religious convictions, and accuses her of being "a prude." He brings up several rumors that he has heard about how she performed oral sex on a number of other guys. Finally, it seems to Bill that her resolve is weakening, and he convinces her to "jerk him off" (hand to genital contact). Amanda would have never done it but for Bill's incessant coercion.
- Jiang is a junior. Beth is a sophomore. Jiang comes to Beth's residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, soon become more intimate, and start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a babysitter at the age of five and avoids sexual relations as a result, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses, and begins to have intercourse with Beth, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop but cannot. Beth is stiff and unresponsive during the intercourse.
- Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his apartment, and John comes on to Kevin, initiating sexual activity. Kevin asks John if he is really up to this, and John says yes. They remove each other's clothes, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems pretty groggy and passive, and he thinks John may have

even passed out briefly during the sex, but he came to again. When Kevin runs into John the next day, he thanks him for the great night. John remembers nothing and decides to make a report to the Dean.

Examples of Retaliation:

- Student-athlete A alleges sexual harassment by a coach; the coach subsequently cuts the student-athlete's playing time without a legitimate justification.
- A faculty member alleges gender inequity in pay within her department; the Department Chair then revokes his approval for her to attend a national conference, citing the faculty member's tendency to "ruffle feathers."
- A student from Organization A participates in a sexual misconduct investigation as a witness whose testimony is damaging to the Respondent, who is also a member of Organization A; the student is subsequently removed as a member of Organization A because of their participation in the investigation.

APPENDIX E: FREQUENTLY ASKED QUESTIONS

The following are some of the most commonly asked questions regarding this Policy .

1. How can the College help to remedy the effects of discrimination?

Accommodations available to you, as consistent with other applicable College policies, may include:

- Room changes
- Arranging to dissolve a housing contract and pro-rating a refund
- Exam, paper, or assignment rescheduling;
- Taking an incomplete in a class;
- Transferring class sections when available;
- Temporary withdrawal;
- Alternative course completion options;
- A no-contact order;
- Counseling assistance;
- Escorts or other campus safety protections

The Director of Sexual Violence Prevention and Advocacy and campus advocates, or the Title IX Coordinator, may assist you in pursuing these options.

2. How does privacy apply?

As provided in the Policy, the privacy of all parties to a complaint of sexual misconduct will be maintained, except insofar as it interferes with the College's obligation to fully investigate allegations of sexual misconduct.

Certain College administrators are informed of all complaints (e.g. the President of the College, Dean of Students, Director of Campus Safety). If a student reports an act of alleged sexual misconduct to the Director of Sexual Violence Prevention and Advocacy or campus advocates, Student Counseling Services, Student Health Services, or a College chaplain, privacy can be maintained. If the act is reported to the Division of Institutional Equity and Inclusion or to an Official with Authority as listed in the Policy, those Mandatory Reporters are required to report the act to the Title IX Coordinator; the student will be offered the option to file a Formal Complaint with the College and/or to the local police. The College is required by federal law to include in a statistical report the occurrence on campus of any major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

3. Will my parents be told?

Whether you are the Complainant or the Respondent, Connecticut College's primary relationship is to the student and not to the parent/guardian. In the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. However, College officials may directly inform parents, to the extent permitted under federal student privacy law, when a student receives a sanction of disciplinary probation, loss of housing, suspension, or expulsion. The College may also contact a parent/guardian in emergency situations, when it is deemed necessary to protect the health or safety of the student or others, pursuant to federal law.

4. Will a Complainant Have to Confront a Respondent in a Formal Complaint?

Yes, but indirectly. The outcome of a Formal Complaint under Title IX must be decided at a live hearing, during which the parties have the legal right to cross-examine each other via an Advisor. These hearings can be held via video-conferencing to avoid being in the same room as the other party.

5. Does the Complainant have to name the Respondent?

Not to receive College supportive measures, but yes, if a Complainant wants formal action, including a no contact order, against the Respondent. No, if the Complainant wants to explore options and chooses not to file a formal complaint.

6. What do I do if I am accused of sexual harassment, sexual assault, domestic violence, dating violence, or stalking?

First, do not contact the Complainant. You may immediately want to contact someone whom you can trust and who can provide information and support. The College has identified Advisors trained in the college's process as well as outlined their role above. The Title IX Coordinator can explain the College's procedures for addressing these kinds of complaints. You may also want to consider seeking support from Student Counseling Services.

7. Will I have to pay for counseling or medical care?

No fee is charged for care that is provided through the Student Health Center or Counseling Services. Hospital and off-campus fees may be covered according to your own insurance policy; however, any person who decides to pursue criminal charges will not have to pay to have the Physical Evidence Recovery Kit (PERK) procedure performed at the hospital in the case of a sexual assault. Emergency money may be available through the Office of the Dean of Students, if needed.

8. What do I do about legal advice?

The role of any legal advisor in proceedings under this Policy is limited to giving you advice about your situation and serving in the role of Advisor as provided by the Policy. Connecticut College's procedures are internal and are only designed to determine whether College Policies have been violated. Both the Complainant and the Respondent may use an attorney as their Advisor during the investigation and hearing process, if they choose to.

If you are pressing charges of criminal sexual assault, dating/domestic violence, or stalking, you need not retain a private attorney because prosecution will be handled by a representative from the State's Attorney's office, though you are free to hire an attorney if you wish to do so.

You may want to retain an attorney if you are accused of violating College policy or applicable law, or if you are considering filing a civil action. The College's legal counsel represents and advises the College and does not represent individual students.

9. What about changing residence hall rooms and accessing the dining halls?

If you want to move, you may request a room change. Room changes under these circumstances are considered emergencies. It is the College's policy that in emergency room changes, the student is moved to the first available room. Pending the outcome of a complaint under this Policy, the Title IX Coordinator may also designate/restrict dining hall access. The Director of Sexual Violence Prevention and Advocacy or campus advocates can help you with these arrangements.

10. What does a Complainant do if they share a class/activity/athletic team with the Respondent?

Complainants may tell the Title IX Coordinator, who will work to determine the most feasible solution. It is not necessary to disclose the nature of the incident to other offices to receive assistance.

11. What do I do about preserving evidence of sexual assault?

Physical evidence of a criminal sexual assault must be collected within 120 hours. However, students are also encouraged to seek medical attention after that time period. If you believe you have been a victim of criminal sexual assault, you may first go to Health Services. Staff there can provide support and can arrange for transportation and an escort to the Lawrence and Memorial (L & M) Emergency Room (365 Montauk Avenue, New London). If Health Services is closed, you may go directly to the hospital. It is important that you not wash yourself or your clothing before an examination, if possible. The Sexual Assault Forensic Examiner (a specially trained nurse) at L & M is on call 24 hours a day, 7 days a week (call the Emergency Room at 442-0711 if you want to speak to the nurse; ER will refer you). A Rape Crisis Counselor from the Sexual Assault Crisis Center of Eastern Connecticut (call their 24-hour Hotline at 888-999-5545) may also meet you at L & M Hospital.

12. Will a student be punished when reporting a Policy violation if they have illegally used drugs or alcohol?

No, the College offers amnesty for drug or alcohol use in such situations. The seriousness of sexual misconduct and other forms of discrimination are a major concern, and the College does not want any of the circumstances, e.g. drug or alcohol use, to inhibit the reporting of sexual assault or other Title IX complaints. Note, however, that certain violations of the College's drug and alcohol policies that go beyond simple use or possession of drugs and alcohol, including drug and alcohol-related hazing and the sale of drugs or alcohol, may not be subject to amnesty.

13. Will either party's prior use of drugs and/or alcohol be a factor during a Title IX investigation?

Not unless that prior use or abuse is relevant to the present case.

14. What should I do if I am uncertain about what happened in a sexual encounter?

If you believe that you have experienced sexual harassment, sexual assault, dating violence, domestic violence, or stalking, but are unsure of whether it was a violation of the College's policies, you can contact the Director of Sexual Violence Prevention and Advocacy, Campus Advocates, or the Title IX office. These individuals can help you to clarify the event(s) and advise you of your options.

15. What should I do if I am a student and I believe I have been the victim of sexual harassment, sexual assault, stalking, domestic violence, or dating violence by a member of the faculty or staff? The Director of Sexual Violence Prevention and Advocacy, Student Counseling Services, Student Health Services, and/or the College Chaplains are available to offer you support and options. The Director of Sexual Violence Prevention and Advocacy or the Title IX Coordinator can assist a student in reporting a violation. An individual may file charges with the police department as well and has the right to have the College assist in making such a report.

Revised 10/03/22

Based on the ATIXA 2022 One Policy, Two Procedures Model. ©2022 ATIXA. Used with permission.