

RESPONSE PROTOCOL/PROCEDURES FOR REPORTS OR DISCLOSURES OF SEXUAL MISCONDUCT

Statement of Policy

The Board of Regents for Higher Education (BOR) and each of its member colleges and universities are committed to ensuring that each member of the community has the opportunity to fully participate in the process of education and development. Southern Connecticut State University strives to maintain a safe and welcoming environment free from acts of sexual misconduct (see definitions on pages 5-7). It is also Southern's goal to provide safety, privacy and support to survivors of sexual misconduct.

The BOR has established a policy concerning Sexual Misconduct Reporting, Support Services and Processes (<http://www.ct.edu/files/pdfs/hr-policy-sexual-misconduct.pdf>). The policy strongly encourages and supports the reporting of sexual misconduct including sexual harassment, sexual assault, sexual exploitation, stalking and intimate partner violence. The BOR policy requires all CSCU employees to immediately communicate to the Institutions designated recipient (University's Title IX coordinator) any report or disclosure of sexual misconduct received from a student as well as disclosures or report of sexual misconduct received from another employee when misconduct is related to the business of the institution.

As a Southern Connecticut State University employee, you may find yourself responding to a student or other employee's report or disclosure of sexual misconduct. This protocol is designed to assist employees to respond effectively to such reports or disclosures. Other than those employees with confidentiality (health providers, professional counselors, and pastoral counselors whose official responsibilities include providing mental-health counseling to members of the University community), all university employees are responsible employees and are mandated to report. **In the case of an emergency contact University Police at (203)392-5375 or 911 immediately.**

Responsible Employee Requirements & Rights of Those Who Report or Disclose

In an effort to be in compliance with the University's obligation under Title IX, Connecticut Public Act No. 14-11, and the Board of Regents Policy on Sexual Misconduct, Reporting, Support Services and Processes all faculty, staff, and administrators, with the exception of health providers, professional counselors, and pastoral counselors whose official responsibilities include providing mental-health counseling to members of the University community are mandated to report all disclosures and reports of incidents of sexual misconduct regardless of the age of the survivor. This mandate is a result of the University's obligation to stop the conduct, prevent its reoccurrence, remedy its effects, provide care and support for the reporting or disclosing person, and ensure the safety and security of our community.

In addition, the University is required to inform in a timely manner those who report or disclose any type of sexual misconduct of all of their rights and options, including the necessary steps and potential outcomes of each option.

In an effort to support members of our community and our obligations, the following steps must be followed by all faculty, staff and administrators (with the exception of those listed earlier in this section) whenever someone discloses or reports sexual misconduct. To assist, specifically, with working with students or employees, please consider the sample script on page 3 when dealing with these situations.

Report of Disclosure Reporting Procedures

If a student/employee discloses an incident of sexual misconduct, **do not ask for any details** other than those pertaining to an emergency situation. If the student/employee shares any details of the incident you are mandated to report them Paula Rice, Title IX Coordinator. Kindly inform the student/employee that, while you are a responsible employee and mandated to report any information regarding sexual misconduct, you do want to help. Your role is to compassionately and professionally assist in helping the student/employee get the support and resources they need.

Student Disclosure or Report

1. While with the student, contact Catherine Christy, Violence Prevention, Victim Advocacy and Support Center (VPAS), University Victim Advocate and S.A.R.T. Coordinator, at (203)392-6946 (o) or (203)814-6957(c). Ms. Christy will offer guidance and review information and procedures that can assist the student in getting the help they may need, and will offer to speak and/or meet with the student. Ms. Christy will also provide written, concise information to the student regarding rights, options and possible outcomes of each option.
2. Once the student has been connected with Cathy Christy, University Advocate, the administrator, faculty or staff member must submit the sexual misconduct notification form (https://cm.maxient.com/reportingform.php?SouthernCTStateUniv&layout_id=10) to Paula Rice, Title IX Coordinator. The questions on the form are NOT to be asked of the person disclosing or reporting the situation, therefore, areas will remain blank. Please make sure to provide all information that was reported or disclosed to you. If you are a Campus Security Authority, please make sure to indicate this on the form. Remember that if you know information, the University is also considered to know. The University's obligation to respond begins the moment the University is on notice that a member of our community has experienced sexual misconduct, sexual assault, or intimate partner violence.

Employee Disclosure or Report

1. While with the employee, contact Diane Mazza, Office of Human Resources at (203) 392-5405. Ms. Mazza will offer guidance and review information and procedures that can assist the employee in getting the help they may need, and will offer to speak and/or meet with the employee. Ms. Mazza will also provide, concise information to the employee regarding rights, options and possible outcomes of each option.
2. Once an employee has been connected with Diane Mazza, Office of Human Resources, the administrator, faculty or staff member must submit the sexual misconduct notification form https://cm.maxient.com/reportingform.php?SouthernCTStateUniv&layout_id=10 to Paula Rice, Title IX Coordinator. The questions on the form are NOT to be asked of the person disclosing or reporting the situation, therefore, areas will remain blank. Please make sure to provide all information that was reported or disclosed to you. If you are a Campus Security Authority, please make sure to indicate this on the form. Remember that if you know information, the University is also considered to know. The University's obligation to respond begins the moment the University is on notice that a member of our community has experienced sexual misconduct, sexual assault, or intimate partner violence.

Employee Self-Report

University employees wishing to report personal incidents of sexual misconduct should contact Paula Rice, Title IX Coordinator at (203) 392-5568. If an employee wishes to receive information about University and community support and advocacy services he/she should contact Diane Mazza, Office of Human Resources at (203)392-5405. To make a criminal report the employee should contact University Police at (203)392-5375 or 911 in an emergency.

What Happens After You Notify Title IX Coordinator?

1. The Title IX Coordinator or her/his designee begins an investigation. It is important to note, that while the institution must make every effort to reach out to the survivor as part of the investigation, the survivor has the option to speak with the investigator or not. This will be explained by the Human Resources/ Victim Advocacy and Support Center (VPAS) directly to the survivor. Her or his privacy will be respected; identities and details will be shared only with those who need to know to support the reporting or disclosing person and to address the situation through the University's processes.
2. If the reporting or disclosing person is under the age of eighteen (18), the Title IX Coordinator will contact the Connecticut Department of Children and Families to inform them of the alleged situation involving sexual misconduct
3. If you, as a responsible employee, also serve as a Campus Security Authority under the Jeanne Clery Act, the Title IX Coordinator will contact University Policy to report the possible sexual assault regardless of the age of the survivor. Employees identified as CSAs will be contacted by University Police and training will be provided.

Sample Script When Dealing With Student Disclosure or Report

“Excuse me for interrupting. It sounds like you are going to tell me about a situation involving sexual misconduct (sexual harassment, sexual assault, sexual exploitation, intimate partner violence or stalking) Please know that I want to help. However, if you want to continue this conversation with me, you need to know that I am a responsible employee and I have a duty to report this conversation to the university’s Title IX Coordinator. The university has professionals who you can speak with about this and I can give you their information. I also have information about resources for counseling, health, advocacy and reporting options. I want you know that you do not need to share any information on the incident with anyone to receive support and advocacy. Also, while you are here I am going to contact the University Advocate who will help to ensure that you are getting the information and support that can best help you at this time. You do not have to speak to the advocate unless you choose to. Is there anything else I can do for you now?”

Confidential Resources & Confidentiality

When SCSU or any of its employees receives a report of sexual misconduct, all reasonable steps will be taken by the appropriate University officials to preserve the privacy of the reported survivor while promptly investigating and responding to the report. While the institution will strive to maintain the confidentiality of the personally identifiable student information reported, which information is subject to privacy requirements of the Family Education Rights Privacy Act the institution also must fulfill its duty to protect the campus community.

As a responsible employee you are mandated to report and can no longer have confidential conversations with students or employees reporting or disclosing information about their

experiences with sexual misconduct. The University recognizes the significant trust relationship and the difficult situation you are placed in when a student/employee requests confidentiality. To help mitigate this challenges students/employees have been informed that all faculty, staff and administrators must share information with the University and that they have options for confidential reporting.

Confidential resources are defined as follows: For the Universities, entities with statutory privilege, which include campus based counseling center, health center and pastoral counseling staff members whose official responsibilities include providing mental health counseling to members of the University community as well as off campus counseling and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center and Domestic Violence Center.

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

Information on University Reporting Options and Support/Advocacy Services

REPORTING OPTIONS

- University Police (Criminal complaints) @ (203) 392-5375 or 911
- Title IX Coordinator – Paula Rice (Student & Employee complaints)
@ (203) 392-5568
- Office of Student Conduct & Civic Responsibility – Christopher Piscitelli
(Student complaints) @ (203) 392-6188

EMPLOYEE RESOURCES

- Human Resources – Diane Mazza @ (203) 392-5405
- Employee Assistance Program (EAP) The Lexington Group Inc. 1 (800) 676-4357
Available 24/7 Confidential Service

ADVOCACY & SUPPORT SERVICES

- Violence Prevention, Victim Advocacy and Support Center (VPAS) (203) 392-6946
- University Victim Advocate- Catherine Christy -Available: 24/7
Office (203) 392-6946 Cell: (203) 687-1252
- **Confidential-** SCSU Counseling Services @ (203) 392-5475
- **Confidential-** SCSU Health Services @ (203) 392-6300
- **Confidential-** Women & Families Center 1-(888) 999-5545, 24/7
- **Confidential-** The Umbrella Center for Domestic Violence Services (203) 789-8104, 24/7

Visit <https://southernct.edu/vpas/sart.html> for further information including reporting options, students' rights, restraining and protective orders, advocacy and medical attention.

Definitions:

- (1) **Report** of sexual misconduct is the receipt of a communication of an incident of sexual misconduct accompanied by a request for an investigation or adjudication by the institution.
- (2) **Disclosure** is the receipt of any communication of an incident of sexual misconduct that is not accompanied by a request for an investigation or adjudication by the institution.
- (3) **Consent** must be affirmed and given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is a mutually affirmative, conscious decision - indicated clearly by words or actions - to engage in mutually accepted sexual contact. Consent may be revoked at any time during the sexual activity by any person engaged in the activity.

Affirmative consent may never be assumed because there is no physical resistance or other negative response. A person who initially consents to sexual activity shall be deemed not to have affirmatively consented to any such activity which occurs after that consent is withdrawn. It is the responsibility of each person to assure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that affirmative consent is sustained throughout the sexual activity. 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 reporting or disclosing the alleged violation consented to the 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 the 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. The existence of a past or current dating or sexual relationship between the persons involved in the alleged violation shall not be determinative of a finding of affirmative consent.

- (4) **Sexual misconduct** includes engaging in any of the following behaviors:

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

Retaliation is prohibited and occurs when a person is subjected to an adverse employment or educational action because he or she made a complaint under this policy or assisted or participated in any manner in an investigation.

b) **Sexual assault** shall include but is not limited to a sexual act directed against another person without the consent (as defined herein) of the other person or when that person is not capable of giving such consent.

Sexual assault is further defined in sections 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b and 53a-73a of the Connecticut General Statutes.

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

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

Sexual exploitation is further defined as a crime in Connecticut State Law.

d) **Intimate partner, domestic and/or dating violence** means any physical or sexual harm against an individual by a current or former spouse of or person in a dating or cohabiting relationship with such individual that results from any action by such spouse or such person that may be classified as a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes, stalking under section 53a-181c, 53a-181d or 53a-181e of the general statutes, or domestic or family violence as designated under section 46b-38h of the general statutes. This includes any physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1) sexual assault (2) sexual assault in a spousal or cohabiting relationship; (3) domestic violence; (4) sexual harassment (5) sexual exploitation, as such terms are defined in this policy.

Offenses that are designated as "domestic violence" are against family or household members or persons in dating or cohabiting relationships and include assaults, sexual assaults, stalking, and violations of protective or restraining orders issued by a Court. Intimate partner violence may also include physical abuse, threat of abuse, and emotional abuse.

- Physical abuse includes, but is not limited to, slapping, pulling hair or punching.
- Threat of abuse includes but is not limited to, threatening to hit, harm or use a weapon on another (whether victim or acquaintance, friend or family member of the victim) or

other forms of verbal threat.

- Emotional abuse includes but is not limited to, damage to one's property, driving recklessly to scare someone, name calling, threatening to hurt one's family members or pets and humiliating another person.
- Cohabitation occurs when two individuals dwell together in the same place as if married.
- The determination of whether a "dating relationship" existed is to be based upon the following factors: the reporting victim's statement as to whether such a relationship existed, the length of the relationship, the type of the relationship and the frequency of the interaction between the persons reported to be involved in the relationship.

e) **Stalking**, which is defined as repeatedly contacting another person when contacting person knows or should know that the contact is unwanted by the other person; and the contact causes the other person reasonable apprehension of imminent physical harm or the contacting person knows or should know that the contact causes substantial impairment of the other person's ability to perform the activities of daily life.

As used in this definition, the term "contacting" includes, but is not limited to, communicating with (including internet communication via e-mail, instant message, on- line community or any other internet communication) or remaining in the physical presence of the other person.

**Definitions taken from the Board of Regents Sexual Misconduct Reporting, Support Services and Processes Policy revised 6/16/16*