

Your Rights & Resources

A guide for students who experience sexual misconduct, sexual assault, sexual harassment, intimate partner violence and/ or stalking.

SOUTHERN CONNECTICUT STATE UNIVERSITY

DEFINITIONS

Title IX

Title IX of the Educational Amendments of 1972 is a federal law that prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. Title IX declares sexual harassment as a form of discrimination and requires educational institutions to respond promptly and effectively to reports of sexual misconduct that occur within the institution's education program or activity. Sexual misconduct can take many forms, including sexual harassment, sexual assault, intimate partner violence, or stalking, along with other forms of sex- or gender-based misconduct and/or discrimination.

Consent

Consent is the equal approval, given freely, willingly and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision — to engage in mutually accepted sexual contact. Consent cannot 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to sexual activity shall be deemed not to have consented to any such activity which occurs after that consent is withdrawn. A lack of consent may result from mental incapacity (e.g., ingestion of alcohol or drugs which significantly impair awareness or judgement) or physical incapacity (e.g., the person is unconscious or otherwise unable to communicate consent). The existence of a dating relationship between the persons involved, or the face of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Sexual Harassment

Sexual harassment can include any unwanted 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 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.

Sexual Assault

Sexual Assault is any attempted or forcible sexual act (sexual contact or sexual intercourse) directed against another person without their consent (as defined herein) including instances when that person is not capable of giving consent.

Sexual Exploitation

Sexual exploitation occurs when a person takes a nonconsensual 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.

Intimate Partner Violence/Domestic Violence/ Dating Violence

Intimate partner, domestic and/or dating violence means any emotional, physical or sexual harm against an individual by a current or former spouse or in a dating or cohabitating relationship. Intimate partner violence may also include physical abuse, threat of abuse and emotional abuse.

Stalking

Stalking is defined as repeatedly contacting another person when the contacting person knows or should know 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 when the contact causes substantial impairment of the other person's ability to perform the activities of daily life.

CONFIDENTIAL/NON-CONFIDENTIAL RESOURCES

If you are someone who experienced sexual misconduct, sexual assault, sexual harassment, intimate partner violence and/or stalking, we want to make sure you are aware of the resources available to you. There are both confidential and non-confidential resources available to make a disclosure. These offices will be able to give you support and give an overview of resources, options and supportive measures available to you.

Confidential Resources

**Indicates off-campus confidential resources*

Confidential resources are defined as personnel who are bound by state law and professional ethics from disclosing information about reports/disclosures without written releases. These resources also serve as members to Southern's SART Team. Confidential resources include:

Counseling Services

Engleman Hall | (203) 392-5475

Student Health Services

Granoff Hall | (203) 392-6300

Marriage & Family Clinic

Davis Hall | (203) 392-6413

*Women & Families Center

(888) 568-8332 (24/7 hotline)

(888) 789-8104 (Spanish)

*The Umbrella Center for Domestic Violence Services

(203) 789-8104 (24/7 hotline)

Advocacy services are available through VPAS. A VPAS advocate can assist you in finding support services, navigating the reporting process and helping to answer any questions.

203-392-6946 VPAS office

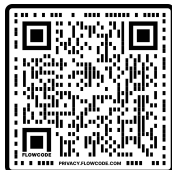
203-687-1252 VPAS cell

Non-Confidential SART Resources

Non-confidential resources are staff members on campus who are considered mandated reporters and are required to inform the university of any disclosure of sexual misconduct, sexual assault, sexual harassment, intimate partner violence and/or stalking. These offices will also be able to give you support and give an overview of other resources, options and supportive measures available to you.

- University Police 203-392-5375 or 911
- University Victim Advocate — 203-392-6946 office • 203-687-1252 cell
- Violence Prevention, Victim Advocacy and Support Center (VPAS) 203-392-6946
- Title IX Coordinator Paula Rice 203-392-5568
- Office of Diversity, Equity & Inclusion 203-392-5491
- Office of the Dean of Students and Student Conduct 203-392-6188
- Human Resources: (for student employees) 203-392-5405
- Multicultural Center 203-392-5879
- Interfaith Office 203-392-5331
- Sexuality and Gender Equality Center (SAGE) 203-392-8989

For More Information:



REPORTING OPTIONS

Reporting is both a right and an individual choice. You have different reporting options available to you. Please note you do not need to choose only one option. You may choose as many options you feel you need. It is completely up to you. It is, however, important to understand that each option has its own procedures and mandated processes. No two processes are the same nor will they produce the same outcome.

- 1. Contacting the Office of Diversity & Equity/Title IX and filing a formal complaint.** You have the right to file a formal complaint with the Office of Diversity & Equity/Title IX which initiates an administrative investigation of behavior alleged to violate our Sexual Misconduct Policy and/or the Student Code of Conduct. This process does not investigate violations of criminal law.
 - a. All investigations of violations of Title IX and our Sexual Misconduct Policy are designed to be prompt, fair, impartial and to equitably protect the rights of individuals participating in the process. If you choose to submit a complaint, you have the right to have a support person present with you throughout the complaint, investigation, and hearing process.
 - b. As the reporting party you have the choice to participate or not in the investigation process.
 - It is important to know that in certain cases, the Title IX Coordinator may choose to move forward with the investigation even if the reporting party wishes to not participate. The reporting party will not be forced to participate but will be notified if an investigation will continue or not.
 - c. For more information on filing a formal complaint, please contact the Title IX Coordinator at (203) 392-5568
- 2. Third Party/Anonymous Reporting** Any individual has the right to file a report on the **Title IX: Relationship Violence, Sexual Misconduct or Stalking Form** which can be found here: https://cm.maxient.com/reportingform.php?SouthernCTStateUniv&layout_id=10
 - a. Anonymous reports can be submitted here: <https://form.jotform.com/32685331858968>
 - b. Note University employees are required to file a *Title IX: Title IX: Relationship Violence, Sexual Misconduct or Stalking Form* when made aware of an incident related to sexual assault, sexual harassment, stalking and intimate partner violence.
 - c. For more information on reporting please contact the Title IX Coordinator at (203) 392-5568.
- 3. Contacting the University Police Department** Reporting an incident to UP does not commit you to further legal action. The earlier you report any such incident, the easier it will be for UP to investigate the alleged crime and to prosecute the case successfully if that is your choice. UP may be reached 24/7 at (203) 392-5375.
 - a. Criminal Complaint. Students may make criminal complaints with the University Police Department. The police will inform the students of their rights and options. University police will investigate and will keep the student apprised about any decision to prosecute. *Note: A criminal investigation will be done through the Police department with jurisdiction of the area that the crime was committed.*
 - b. The police will review all cases with the State's Attorney's office. The State's Attorney will make the final decision to prosecute under state law.
 - c. If you wish to have the accused prosecuted, the police and district attorney's office will handle the legal proceedings without expense to you. You do not need to hire an attorney.
 - d. If you wish, you may have a VPAS advocate present with you while making a complaint to the police.

- e. Protective and/or Restraining Orders
 - i. University Police and advocates can help you explore safety options such as protective or restraining orders that can be requested and issued by a judge from the criminal courts related to any of the above incidents.
 - ii. A court issued protective or restraining order prohibits someone from communicating with a complainant, from entering the complainant's residence, workplace, school, or property and any place the complainant may frequent.
 - iii. When informed that a protective or restraining order has been issued, Southern will take immediate steps to enforce the order as it relates to activities on the campus. It is important that students alert SCSU police that such an order has been issued (*providing the police with a copy of the order is strongly encouraged*).

SUPPORTIVE MEASURES

Supportive measures are non-disciplinary and non-punitive services offered as appropriate to restore or preserve equal access to the University's educational program or activity without unreasonably burdening the other party. Students have the right to receive supportive measures from Southern, regardless of whether they decide to file a complaint. Students should not hesitate to make these requests, which will be addressed in a timely manner by the Office of Diversity & Equity/Title IX. Some supportive measures include, but are not limited to:

1. Assistance in changing living arrangements, class schedules or on-campus work schedules.
2. Campus escort services.
3. No Contact Orders. Restrictions on contact between involved parties. (*Please note, this is not the same as a protective or restraining order*).
4. Leave of absence.
5. Increased security and monitoring of certain areas of campus.

OVERVIEW OF THE TITLE IX GRIEVANCE PROCESS

The Title IX grievance process will be concluded within a reasonably timely manner, and no longer than ninety (90) school calendar days after the filing of the formal complaint, understanding that the process may be extended for good reason. Any delays to the process along with reason will be directly communicated to all parties by the Title IX investigator and coordinator. Any student who is going through the process has the right to have a support person present at any meeting. Students may choose their own support person or the University can provide one.

1. **Filing a Formal Complaint** When a formal complaint is filed, the Title IX Coordinator will meet with the complainant to review and better understand what occurred and what allegations are being reported. Once the allegations are determined, the person accused of alleged behavior (also referred to as the respondent) will receive a notice of allegations from the Title IX investigator and start the formal investigation process.
 - a. It is important to know that in certain cases, the Title IX Coordinator may choose to move forward with the investigation even if the complainant wishes not to participate. The complainant will not be forced to participate but will be notified if an investigation will continue or not.
2. **Investigations:** The investigator will set up interviews with both the complainant and respondent and any witnesses each party wants interviewed. During the interview the investigator will request for each party to provide any relevant evidence to be reviewed which includes, but are not limit to, documents, emails, texts or social media communications. Any relevant and related evidence submitted will be included in the final report. All parties have the right to have a support person present during the investigation interview.

Once the investigations are concluded, the investigator will write up a report with all the facts gathered and relevant evidence. Both the complainant and respondent as well as their support persons will receive a copy of the report. Each party will be given 10 days to review the report and respond with any feedback.

- 3. Informal Resolution:** If appropriate, a complainant who files a formal complaint may elect, at any time, to address the matter through the University's informal resolution process. All parties to a formal complaint must agree to enter the informal resolution process through an informed written consent. Information about the different options within the informal resolution process will be discussed with the Title IX Coordinator.
- 4. Hearing:** If a case is not resolved under an informal resolution, it will be taken to a hearing. If a hearing occurs, each party must have an advisor who will orally ask questions of the other party and witnesses. If you do not have an advisor, the Title IX Coordinator will assist in assigning one to you. There will be pre-hearing meetings with all parties (*individually with their support person*) with the assigned hearing officer to go over the process and give an overview of how the hearing will go. Once the hearing is concluded, the hearing officer will write up an outcome report explaining if they found the respondent in violation or not and a rationale for their decision. This report will be sent out to both the complainant and respondent and their advisors.
- 5. Possible Sanctions/Disciplinary Actions:** If a respondent is found in violation for alleged behavior, sanctions can include suspension or expulsion.
- 6. Appeals:** Each party has the right to an appeal and information on how to go about an appeal will be included in the hearing outcome report. You can submit an appeal if:
 - a. You believe there is a procedural irregularity that affected the outcome of the matter (*i.e. a failure to follow institution's own procedures*).
 - b. There is new evidence that was not reasonably available at the time of the hearing, that could affect the outcome of the matter.
 - c. The Title IX Coordinator, investigator(s) or decision-maker(s) had a conflict of interests or bias for or against an individual party, or, for or against complainants in general that affected the outcome of the case.
 - d. The severity of sanctions are not commensurate with violations.

IMMEDIATELY FOLLOWING AN INCIDENT

1. Go to a safe place. If you are not safe, call University Police at 203-392-5375 or 911
2. Preserve all evidence.
 - Sexual Harassment and Stalking: Save any gifts, emails, text messages, and create a log of all suspicious activity.
 - Intimate Partner Violence: Document all incidents in a log as well as take pictures of physical injuries and store in a place that the abuser cannot find.
 - Sexual Assault: Save all clothing from the time of the assault; do not shower, bathe, douche, or brush your teeth. You may bring a support person of your choice with you to the hospital to have an Evidence Collection Kit performed, including a friend or advocate from the Women and Families Center. Even if you are undecided about whether or not you want to file a police report, you are encouraged to have evidence collected as soon as possible (within 5 days, but best within 3 days). You do not need to file a police report in order to have the Evidence Collection Kit performed. There is time to change your mind and file a report but there is limited time to collect evidence, which is the best way to keep your options open for the future. Please note that the kit is at no expense to you or your insurance.
 - Sexual Exploitation: Save copies of videos to an external hard drive, print and save copies of websites or social media, save any type of communication regarding the exploitative images, and document all incidents in a log.
3. **Get medical care.** Whether or not you decide to have evidence collected, you still have the option of obtaining medication to prevent sexually transmitted infections and/or pregnancy, and general medical care, all available at the SCSU Health Center, 203-392-6300.

