

Eastern Connecticut State University Policy and Procedures on Sexual Misconduct and Sexual Assault

POLICY STATEMENT

Eastern Connecticut State University is committed to creating a community that is safe and supportive of women and men, and people of all genders and sexual identities. One of Eastern's primary concerns is the health and well-being of each student as well as fostering healthy interpersonal relationships. The principles of the University Code of Conduct (integrity, equity, respect and responsibility) addresses elements necessary for healthy interpersonal relationships and these principles are especially important when relationships become intimate. Sexual intimacy is permissible only if it is agreed to by all participants and all activity is affirmatively consensual at all times. Sexual misconduct and sexual assault against anyone is unacceptable and is a crime and violation of Eastern's Code of Conduct. Eastern is committed to providing an environment free of personal offenses against individuals and will not tolerate sexual misconduct or sexual assault in its community.

VICTIMS* RIGHT TO REPORT

The only way that action can be taken against anyone who violates this policy is through reporting. The University strongly urges you and witnesses to take action by reporting sexual misconduct to the appropriate officials and pursuing criminal or disciplinary remedy, or both. The University's Sexual Assault Response Team (SART) can provide you with many supportive options including medical attention, counseling, judicial services, advocacy, referrals and general information regarding sexual assault. The University will preserve your confidentiality to the fullest extent possible and allowed by law. The University employee, victim advocate or community victim advocate being consulted will make any limits of confidentiality clear before any disclosure of facts.

Victims who report any type of sexual misconduct/assault to a university employee, will be informed of all their rights and options, including the necessary steps and potential outcomes of each option, in a timely manner. When choosing a reporting resource please consider the following information. A victim who wishes her/his assault to be handled in a confidential manner, may contact Counseling and Psychological Services, Student Health Services, clergy member(s) of Campus Ministry and the Sexual Assault Crisis Center of Eastern Connecticut (SACCEC) – all bound by state statutes and professional ethics to maintain confidentiality without written releases. Counseling and medical services are available immediately and confidentially, whether or not the victim feels ready to make any decisions about reporting the assault to police or Judicial Affairs.

Victims have the right to take judicial action (criminal/civil action, or action in accordance with the Student Code of Conduct or disciplinary procedures) against the alleged offender. All reports of sexual misconduct/assault will be treated seriously and with dignity by the University.

SEXUAL ASSAULT RESPONSE TEAM (SART)

The Sexual Assault Response Team (SART) is a multi-disciplinary team that works to provide care to victims of sexual misconduct/assault. SART is coordinated by the Women's Center, Coordinator. The team is comprised of the Coordinator of the Women's Center (SART Coordinator), University Chief of Police or designee, Counseling and Psychological Services (CAPS), and Student Health Services.

Together SART provides a coordinated, efficient and supportive response to victims. Through the SART, the campus community has many safe and supportive options including confidential options to report sexual assault and to receive assistance, support, medical help, counseling, advocacy, or academic intervention, and other accommodations following sexual misconduct/assault.

Any questions concerning the University sexual assault policies and procedures should be referred to the Sexual Assault Resource Team. The members of the Resource Team also include the members of the Sexual Assault Response Team along with the Dean of Students, the Associate Dean of Arts and Sciences, the Director of Housing & Residential Life, and the Director of Judicial Affairs. The resource team provides ongoing assessment and reviews of the University's sexual assault policies and procedures and advises the University on educational programs for sexual assault awareness, prevention, and community safety.

Health Care After a Sexual Assault

Victims of sexual assault are encouraged to immediately obtain medical attention such as those offered by University Student Health Services during hours of operation and, at night and on weekends, at the Windham Community Memorial Hospital Emergency Room. (Victims may have the assistance of a SART Team member provided by the University and/or the Sexual Assault Crisis Center of Eastern Connecticut (SACCEC) who will come to the Emergency Room at the hospital.) As appropriate, medical services include complete medical exam, medical attention for injuries, pregnancy testing, emergency contraception, and STD/HIV preventative medication. If the victim is considering criminal action, physical evidence will be collected. Such evidence should be collected within the first 72 hours of the assault.

If the victim chooses to have evidence collected, s/he should be instructed not to wash, bathe, shower, douche, comb hair, change clothes, eat, drink, smoke, brush teeth, or go to the bathroom before going to the hospital. This allows evidence to be preserved until the victim makes a final decision.

UNIVERSITY EMPLOYEE RESPONSIBILITY

Any University employee informed of an allegation of sexual misconduct/assault involving a student is required to contact a member of the Sexual Assault Response Team (SART) (hereafter called an "advocate") who responds immediately to the student. The University employee will also file an informational report with the SART Coordinator, the Coordinator of the Women's Center. Any University employee uncertain about whether they need to report an incident should consult with the Coordinator of the SART, and if necessary, the Dean of Students. University employees serving in a professional role in which communication is confidential under Connecticut law (e.g., medical providers, therapists, rape crisis counselors, clergy) are not bound by this expectation, except as required by law. Information reported to any University employee will not require the victim to pursue any type of formal institutional or criminal action. University employees will not pressure the victim to report, not report, or under-report a sexual assault. University employees will provide a supportive and proactive response to anyone reporting an incident of sexual misconduct/assault.

Mandated Reporting

If a victim is under the age of 18, mandated reporting requirements of the Child Protection Law may require that a report be made to the Connecticut Department of Social Services.

Privacy of Information Reported

When the University receives a report of sexual assault and/or sexual misconduct, reasonable steps are taken to preserve the victim's privacy and protect the confidential information while promptly investigating and responding. The University honors confidentiality, however, the degree, to which confidentiality can be protected, depends upon the professional role of the person receiving the report. At the point of receiving the initial report, University employees are instructed to contact a member of the Sexual Assault Response Team (SART) who responds immediately to the student.

- **Full Confidential Reporting-** Information reported by the victim or reporter legally cannot be disclosed to any other person without the victim's or reporter's consent, except under very limited circumstances such as an imminent threat of danger to self or others of if the victim is a minor.
- **Limited Confidential Reporting-** Information reported is subject to privacy requirements of the Family Education Rights Privacy Act (FERPA). While respecting the privacy and concerns of the victim or reporter, the University will fulfill its need to protect the University community; and to insure the appropriate disciplinary processes are implemented.

Full confidential resources such as, Counseling and Psychological Services (CAPS), Student Health Services, clergy member(s) of Campus Ministry and the local Sexual Assault Crisis Center of Eastern Connecticut (SACCEC) are bound by state statues and professional ethics from disclosing information about reports without written releases. Limited confidential resources include, other University employees who are obligated by policy or law to report such violations. Therefore, if a victim wants to disclose in full confidentiality for legal protections, s/he must speak with a full confidential resource.

Responses to circumstances wherein it is necessary for the University to take steps to protect the safety of the victim and/or the university community will be in a manner to not compromise the privacy of the victim.

Alert Notifications

When an act of violence on campus, poses a serious ongoing threat to students and employees, the University is required by the Clery Act to issue timely warnings, alert notifications to the campus community. The University Police Department determines if an alert notification is appropriate. Whether to issue such an Alert is considered on a case by case basis. The University uses various methods to communicate timely warnings, including email messages, text messages, and website postings. If a timely warning is issued, the SART Coordinator will notify the victim or person reporting the sexual violence of the warning and explain the purpose for issuing the Alert. At no time would the Alert notification contain a victim's or reporting person's name or any other personal identifying information.

The University will respond in the context of its responsibility to provide a safe and non-hostile climate for all members of the campus community.

Violence Report Form

The Sexual Assault Response Team (SART) members make anonymous reports (no name or other identifiable information which can lead to the identity of the victim) of sexual assaults on a standard Violence Report form to the Coordinator of the Women's Center, serving as the SART

Coordinator. The SART Coordinator may share information from these forms with other SART members for coordinating team response, as necessary, and for data for official university statistical reporting as required by statute.

REPORTING OPTIONS FOR VICTIMS

Anonymous Report

Disclose Incident with Full Confidentiality

If the victim would like to disclose an incident to a source with full confidentiality, the victim must disclose to Counseling and Psychological Services (CAPS), Student Health Services, clergy member(s) of Campus Ministry and/or the local Sexual Assault Crisis Center of Eastern Connecticut (SACCEC). In addition to providing support and counseling, they can also make referrals and speak with the victim about their options.

- **Counseling and Psychological Services (CAPS)**
(860) 465-0181
Provides information to students about sexual assault reporting options, available resources and assistance for the victim, and the victim's rights. CAPS personnel are available to accompany victims and provide support during contact with law enforcement personnel and during campus judicial hearings.
- **Student Health Services**
(860) 465-5263
Provides baseline and follow-up testing for STIs and provides pregnancy testing and emergency contraception if requested. Health Services also recommends and provides referrals to outside agencies that evaluate and treat victims of sexual assault.
- **Campus Ministry**
(860) 423-0856
Engages all aspects of faith life on campus and provides information to students about sexual assault reporting options, available resources and assistance for the victim, and the victim's rights.
- **Sexual Assault Crisis Center of Eastern Connecticut (SACCEC)**
(860) 456-2789 or 1-888-999-5545
The Victim Advocate will provide information to the victim about sexual assault reporting options, available resources and assistance for the victim, and the victim's rights. The advocate is also available to accompany victims and provide support during hospital exams, contact with law enforcement personnel, during campus judicial hearings, and for local court proceedings.

Online Incident Report Form

If the victim chooses not to report an incident to a resource with full confidentiality, but would like to disclose a report in full confidentiality, s/he may disclose anonymously to the Student Intervention Team (SIT). Anonymous reports allow the University to track reported incidents of sexual assault. Victims may report by using the [online incident report form](#). Once a report is submitted online, a copy is e-mailed to the appropriate team member(s) for review and action.

Eastern Police also have an [online anonymous report form](#). This report will assist with the compilation of statistical records for assaults that occur on the campus. Completing this form does *not* constitute an incident report, police report or a report to the university.

If the victim chooses not to speak with a Sexual Assault Response Team (SART) member or to complete either of the online anonymous report form, s/he may call the Eastern Police Department's confidential message hotline at 860-465-0242. This anonymous message hotline allows the victim to leave specific information about the incident. All information will be held in strictest confidence.

Under circumstances of anonymous reports, the University will investigate; however, anonymous reporting may limit the ability to conduct an effective investigation. If the victim is named in the anonymous report, s/he will be contacted by the Coordinator of the SART.

Disclose Incident Without Full Confidentiality

If the victim would like to disclose an incident to a member of the Sexual Assault Response Team (SART) or a University employee at Eastern, s/he will receive support, referrals, information and/or help understanding the reporting options. The victim and/or University employee may contact:

Women's Center

***Sexual Assault Response Team (SART) Coordinator
(860) 465-4314***

The victim has the option of making an informal report to the SART Coordinator. The Coordinator will inform the victim of their rights and options and will guide the victim to victim services. The Coordinator will statistically report any reports of sexual assault/misconduct to the Chief of University Police for record keeping and reporting purposes. The Coordinator will assist in meeting the needs of the victim (i.e. assistance, support, medical help, counseling, advocacy, and academic intervention)

Eastern Police Department

(860) 465-5310 or 911 for emergencies

There are a couple of types of reports that the victim can make with the Eastern Police. Those options include:

- **Criminal Complaint:** You may make a criminal complaint with the University police. The police will inform you of your rights and options. The police will conduct an investigation and will keep the complainant informed on matters to prosecute. 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. This may be combined with the University judicial process.
- **Informal Report:** You may informally report the incident to the University Police. University Police will inform you of your rights and options and will guide you to victim services. The victim may, at a future time, choose to pursue charges through the University Judicial system or as a criminal complaint.

The Police Department can provide information on the rights and remedies afforded to victims, including assistance in pursuing action against the accused. Contacting the police does not mean you have filed a report. University Police will assist the victim in accessing campus support services,

such as Counseling and Psychological Services (CAPS), or the Women's Center for example. The SACCEC Victim Advocate can accompany you when you file a report. In Connecticut, the statute of limitations to make a police report is five years.

Dean of Students
(860) 465-5244

The Dean of Students can assist a victim in filing a formal complaint(s) or, if the victim is not ready to file a formal complaint, the Dean can work with the victim to address concerns over housing, class assignments or schedules, leave of absence, withdrawal and/or other academic concerns. The Dean can also assist the victim in notifying Eastern Police or local law enforcement, if the victim desires, or refer the victim to resources such as counseling or a confidential advocate.

Judicial Affairs
(860) 465-0063

The Director of Judicial Affairs can assist in explaining the disciplinary process to the Reporting Party. Judicial Affairs determines responsibility (if any) for all alleged violations of the Student Code of Conduct. Judicial Affairs provides an equal, fair, and timely process for complainants and accused students. An informal administrative response or a formal adjudication is offered through Judicial Affairs. The informal administrative response includes an investigation of the complaint, charges filed as applicable and resolution of the case by mutual agreement with the Reporting Party and the Accused Student. The formal adjudication on campus leads to an investigation, charges filed as applicable and resolution of the case by a formal hearing. See Student Code of Conduct for more information.

CONFIDENTIALITY

Eastern Connecticut State University is committed to creating an environment that encourages students to come forward if they have experienced any form of sexual misconduct. The University will work to safeguard the identities and privacy of the victim(s) who seek help or who report sexual misconduct. It is important for the victim to understand the limits of confidentiality when reporting an incident of sexual misconduct. Confidentiality is applied when a student seeks services from the following: Counseling and Psychological Services (CAPS), Student Health Services, clergy member(s) of the Campus Ministry and the Sexual Assault Crisis Center of Eastern Connecticut (SACCEC).

Any other University employee cannot guarantee confidentiality. Information shared with the Sexual Assault Response Team (SART) will only be discussed with other University departments on a need to know basis. Information will otherwise be confidential unless there is a legal basis to break confidentiality (i.e. subpoena, threat to self or others, suspicion of child abuse), or a release is signed. The University must balance the needs of the victim with its obligation to protect the safety and well-being of the community at large. Therefore, depending on the reported incident, further action may be necessary, including a campus security alert.

A victim may request confidentiality/privacy at any point. This type of request means the victim does not want his/her identity known to the respondent and witnesses, or that s/he wishes to withdraw a report. If at any point the victim requests privacy, the University will make all reasonable attempts to comply with this request. In situations where the victim requests privacy, the University's ability to investigate and respond to allegations may be limited.

The Coordinator of the SART will notify the victim if the University cannot maintain the victim's confidentiality/privacy. The victim's identity will only be revealed to members the SART who need to know certain information in providing assistance to the victim or in order for an investigation to commence.

In situations where a member of the University community becomes aware of a pattern of behavior by a single respondent, the University will take appropriate action in an attempt to protect the University community and to be proactive in the preventing reoccurrence. The choice of what to do following an incident of sexual misconduct is the right of the victim.

KEY DEFINITIONS

For the purpose of this policy, sexual misconduct is defined as any sexual act perpetrated upon a person. Sexual misconduct is a broad term encompassing any non-consensual behavior of a sexual nature that is committed by force or intimidation, or that is otherwise unwelcome. The term includes sexual assault.

Sexual assault includes any unwanted, unwelcome, forceful, or coercive sexual contact. Degrees of sexual assault range from forced or coerced sexual penetration to nonphysical forms of pressure that compel an individual(s) to engage in sexual activity against their will (See Connecticut General Statutes, sec. 53a-70 to sec. 53a-73a). Sexual assault is a criminal act that can be prosecuted under Connecticut state law, as well as under the Student Code of Conduct.

Sexual assault under this policy is considered conduct "without consent" if no clear consent, verbal or nonverbal is given. In some situations, an individual's ability to freely consent is taken away by another person or circumstance. Examples of sexual assault under this policy include, but are not limited to the follow behaviors when consent is not present:

- Sexual intercourse (vaginal, anal, oral)
- Oral sex
- Rape or attempted rape
- Penetration of an orifice (anal, vaginal, oral) with penis, finger, or other object
- Unwanted touching of the genitals, buttocks, breast
- Coercion or force to make someone else touch one's genitals, buttocks, breast, or other body part
- Inducing consent through drugs or alcohol
- Engaging in sexual activity with a person who is unable to provide consent due to the influence of drugs, alcohol, mental or physical impairment or other condition

Consent defined. The University mandates that each participant obtains and gives consent in each instance of sexual activity. Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is important not to rely solely upon non-verbal communication because this can lead to miscommunication. Silence, in and of itself, cannot be interpreted as consent.

Consent is willful agreement and allows for withdrawal at any time without fear of humiliation or retaliation. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, it is essential that each participant stops and

clarifies, verbally, willingness to continue. Consent is an ongoing process in any sexual interaction. Consent may be withdrawn at any time during a sexual interaction. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should by itself be assumed to be an indicator of consent.

Sexual intimacy is permissible only if it is agreed upon by participants and that all activity is affirmatively consensual at all times.

- If physical force, coercion, intimidation, and/or threats are used, there is no consent.
- If the individual is mentally or physically incapacitated or impaired so that the victim cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes conditions due to alcohol or drug consumption, or being asleep or unconscious.
- Consent may not be inferred from silence, passivity or lack of resistance alone.
- Consent is not the absence of the word no. Failure to resist sexual advances, silence, and/or prior relationship does not constitute consent.
- If the individual has acted or spoken in a manner which expresses a lack of consent or a refusal to consent then there is no consent.
- A current or previous dating or sexual relationship is not sufficient to constitute consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent which is obtained through the use of fraud, force (actual or implied), threats, intimidation, or coercion is ineffective consent.
- Being intoxicated or high does not diminish one's responsibility to obtain consent and is never an excuse for sexual misconduct.
- In Connecticut, the age of consent is 16.

RESOURCES

A variety of support resources are available on campus and in the community to assist you in dealing with sexual violence. These resources are available whether you are a residential or commuter student and/or whether the incident occurred on campus or off campus.

Eastern and community partners provide a range of services, resources, and mechanisms for you. In all cases, you have the choice to begin with an exploratory conversation. Making contact does not obligate you to press charges. For support and information on your options, you are encouraged to contact any of the following:

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

Eastern Police: (860) 465-5310

Eastern Campus Resources, Monday-Friday, 8am-5pm,

- Eastern Women's Center: (860) 465-4314
- Eastern Counseling and Psychological Services: (860) 465-0181
- Eastern Health Services: (860) 465-5263
- Dean of Students: (860) 465-5244
- Campus Ministry: (860) 423-0856
- Office of the Vice President, Student Affairs: (860) 465-5247
- Office of Equity & Diversity: (860) 465-5791

- Office of Judicial Affairs: (860) 465-0063
- Office of Housing & Residential Life: (860) 465-5297

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

- Sexual Assault Crisis Center of Eastern Connecticut: (860) 456-2789 or 1-888-999-5545
- Windham Community Memorial Hospital Emergency Room: (860) 456-6715
- Suicide Prevention Lifeline: 1-800-273-TALK (8255)
- Your Resident Assistant and/or Hall Director

SEXUAL ASSAULT AWARENESS & EDUCATION

During new student orientation, and at planned sessions throughout the academic year, students are presented information designed to create student awareness communicating the prevalence of sexual assault and present tools for students to empower themselves to take a stand against sexual assault. Training is also planned for faculty, staff members, and administrators. Each entering student is given an emergency sexual assault notification card that explains available services for victims of sexual assault, as well as the immediate response role of Eastern Police.

CONCLUSION

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

*This policy defines victim as someone who indicates that s/he has been sexually assaulted.