

# Western Connecticut State University Interpersonal Violence Protocol: Guidelines for Action

## Introduction

Western Connecticut State University (WCSU) asserts that members of our community have the right to be free from interpersonal violence such as sexual assault, sexual harassment, stalking, and dating or domestic violence. WCSU prohibits any student, faculty or staff member from infringing upon these rights within our campus community. In turn, a set of procedures has been designed to provide information regarding the systems that are in place at WCSU to support any individual whose rights have been violated.

This protocol defines and coordinates the efforts of various campus departments in order to provide a caring and effective response to members of the WCSU community who have been victimized. This protocol is designed to provide options to all survivors, friends and family members of survivors, and the WCSU community at large.

An array of counseling, medical, police, disciplinary, and administrative services are immediately available to WCSU community members reporting all instances of interpersonal violence on campus. WCSU is committed to supporting informed choice among these services and insuring anonymity within the confines of legal requirements to report instances of violence on campus. **If confidentiality is a concern for you, you are encouraged to inquire about your rights in regard to confidentiality.**

### **If you or someone you know has been a victim of interpersonal violence, the following options are available to you:**

- What you choose to do is YOUR choice. Campus contacts can provide options. You decide what you need to feel safe, heal, and achieve a sense of justice. Proceed at your own pace, remembering that physical evidence collection and statute of limitations do present some time constraints.
- You can contact the University Police (911). The police will be able to assist you in getting medical attention or emotional support, in the collection of evidence, or in apprehending a perpetrator. University Police will be able to assist you in all areas, whether it is criminal prosecution, university discipline, or counseling services.

University Police are bound by law to protect the confidentiality of an assault victim. Their primary role is to protect you by conducting a complete investigation that may lead to the arrest and prosecution of the perpetrator. Please keep in mind timely collection of evidence from the crime scene may play an important role in a successful prosecution. Making a police report guarantees that evidence will never be destroyed.

- You (or someone helping you) can call the Women's Center of Greater Danbury on two 24-hour confidential hotlines: **Sexual Assault Hotline at (203) 731-5204** or **Domestic Violence Hotline at (203) 731-5206**. A trained sexual assault/domestic violence counselor can support you through phone counseling and/or in-person advocacy at the hospital or police station, including the university police station. They will also be able to put you in touch with counselors in the WestConn community if you decide to pursue long-term support. The Women's Center of Greater Danbury can also be reached at their campus location in Higgins Hall Annex 105-C at (203) 837-3939.

- If you have been physically or sexually assaulted, you have the option to go to the Danbury Hospital Emergency Room. At the hospital, you may consent to the following services: treatment for injuries, forensic evidence collection (rape kit), emergency contraception if pregnancy is a concern, and screening for STDs and date rape drugs. After being treated in the Emergency Room, you may receive follow-up care at the Health Service Office if needed.

While completing the rape kit does not involve reporting to the police unless you *choose* to report the rape, evidence collection is time-sensitive. The rape kit should be completed as soon as possible but no later than 72 hours after the sexual assault has occurred at which time evidence will begin to deteriorate. If you choose this option, do not bathe, douche, eat or drink, brush your teeth, or change your clothing.

The rape kit will be held for 60 days and then destroyed if no police report is made. The statute of limitations to make a police report, however, is at least five years. The exam is directly paid for by the State and additional medical costs can be reimbursed through the Office of Victim's Services Victim's Compensation Program if a rape kit is completed or a police report is filed.

- Resident Assistants (RAs) and Resident Directors (RDs) at WCSU are trained in procedures to assist residential students who report incidents of interpersonal violence. Resident Assistants (or Student Managers in the summer) are on duty every night in open buildings. A RD is on-call every night, 365 days a year. These staff members can help you through the process; however, they cannot provide you with the same confidentiality that the University Police, Counseling Center, or Women's Center of Greater Danbury can offer.

- Based upon your request and to the extent it is possible at that time, the Housing & Residence Life Office will change your living situation following an incident of interpersonal violence. The Dean of Student Affairs, Walter Cramer, (203) 837-8547, can assist with changes in your academic situation if requested.

- The University Counseling Center, (203) 837-8690, the Women's Center of Greater Danbury, (203) 837-3939, and the Health Service Office, (203) 837-8594, are available for assistance with issues surrounding interpersonal violence. The Counseling Center staff and the Campus Advocate from the Women's Center can assist in helping you decide what you want to do and what sort of assistance you wish to avail yourself of,

either on-campus or elsewhere. They will also help you work through feelings that may surface well after the event, such as fear, a sense of violation, and/or relationship difficulties, amongst others.

- The University Disciplinary Action is always an option in instances of interpersonal violence. In these cases, both the accused student and the complainant are entitled to have an advisor or legal counsel present during the disciplinary proceeding, however, legal counsel is not allowed to speak during the proceedings. The complainant will be informed of the outcome of the disciplinary proceeding, which means that the University will share certain conditions of the sanctions of the final determination with regard to the alleged violations. Sanctions may include written warnings, probation, restitution, residence hall separation, suspension, or expulsion from the University. If you have questions regarding the judicial process, please contact Charles Alexander, University Judicial Officer, at (203) 837-8770. This notice does not constitute a violation of the Family Educational Rights and Privacy Act (20 USC 1232g).

## **WCSU Protocol Against Sexual Assault**

WCSU prohibits any member of the university community, male or female and regardless of sexual orientation or relationship, from sexually assaulting another employee, student, guests of members of the university community, or other person. This protocol is consistent with state and federal laws.

### **Definition of Sexual Assault**

The university community defines sexual assault as an act of VIOLENCE, POWER, and CONTROL in which one person forces or manipulates another person into unwanted sexual behavior. This includes:

- Exposure to inappropriate materials (pornographic pictures or videos, flashing, or exhibitionism)
- Sexual contact (unwanted touches; an unwarranted touch may be considered sexual contact no matter how slight it is)
- Sexual harassment
- Rape: Actual or attempted vaginal, oral, or anal penetration by an object, body part, or contact with ejaculated bodily fluid. Sexual assault can be perpetrated by a date, acquaintance, family member (incest/child sexual assault), co-habitant, spouse, or a professional (for example, a doctor, dentist, therapist, etc.)
- Sexual assault often includes stalking

Also prohibited is sexual contact with a person who is unable to consent. Consent is willingly agreeing to specific sexual behavior through words, actions, and gestures. Communication of consent can be both verbal and nonverbal (tone of voice, facial expression, body language, etc.). Because nonverbal communication can contradict verbal communication, the initiator of sexual behavior bears the full responsibility to clarify any confusion about consent. Consent can be withdrawn at any time and needs to be confirmed with every escalation of intimacy. **Being under the influence of**

**alcohol or drugs negates consent. Submission and silence are NOT consent.**

## **WCSU Protocol Against Sexual Harassment**

In keeping with efforts to establish an environment in which the dignity and worth of all members of the institutional community are respected, it is the protocol of Western Connecticut State University that sexual harassment of students and employees at WCSU is unacceptable conduct and will not be tolerated. Sexual harassment is regarded as discrimination on the basis of gender and, thus, is a violation of the Connecticut General Statutes, Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.

### **Definition of Sexual Harassment**

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- a) Submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment;
- b) Submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting the employee or student; or
- c) Such conduct has the purpose or effect of substantially interfering with an employee's or student's work performance or educational experience, or creates an intimidating, hostile, or offensive work or educational environment.

Sexual harassment may involve the behavior of a person of either gender against a person of the opposite or same sex when that behavior falls within the definition outlined. Additionally, unwanted physical contact with another person is a violation of the Connecticut General Statutes and may result in criminal prosecution.

Persons who feel that they have been sexually harassed under the above definition and wish further information and assistance in filing a complaint or wish to receive counseling may contact Carolyn Lanier, the Director of Multicultural Affairs and Affirmative Action, Old Main 101A, at (203) 837-8277.

## **WCSU Protocol Against Stalking**

WCSU prohibits any member of the university community, male or female and regardless of sexual orientation or relationship, from stalking another employee, student, guests of members of the university community, or other person. This protocol is consistent with state and federal laws.

### **Definition of Stalking**

Stalking is a common behavior in abusive relationships and is often a strategy of

rapists. Stalking, which is a crime, is legally defined as a pattern of “willful, repeated following or ‘lying in wait’ with the intent to make the victim fear for her/his safety.”

### **The most common forms of stalking behaviors reported are:**

- Being repeatedly telephoned, emailed, sent letters or ‘gifts’
- Having an offender waiting outside or inside places
- Being watched from afar and/or followed

If you are a victim, trust your instincts. Initially, stalking behavior can look like flirting but your gut instincts will sense that your boundaries are being violated. Start a diary detailing the stalking acts; this diary documents the pattern of the crime. Alert everyone around you about the stalker and formulate escape plans for all locations. Stalking can be reported to the police *before* actual physical harm occurs: the critical components of stalking are the stalker’s behaviors and the victim’s fear. The police, the Women’s Center Campus Advocate or Hotline, or the Counseling Center can help develop an extensive safety plan around the stalking. Additionally, the stalking, like sexual assault or domestic violence, has emotional and physical impacts that counseling can address.

The University Police are also available to provide safety escort services if you are uncomfortable on campus. To access these services, please call (203) 837-9300.

## **WCSU Protocol Against Dating/Domestic Violence**

WCSU prohibits any member of the university community, male or female and regardless of sexual orientation or relationship, from abusing another employee, student, guests of members of the university community, or other person when they are in a dating or household relationship (married, co-habiting [including roommates], have a child together, related by blood). This protocol is consistent with state and federal laws.

### **Definition of Dating/Domestic Violence**

Dating/domestic violence is a repeated pattern of acts of power and control using actual or threatened abuse (including emotional, verbal, economic, physical or sexual) so that one person’s needs are met while another’s needs and rights are ignored. The overriding attitude of an abuser is entitlement — the feeling that the abuser’s needs are more important than anyone else’s. The primary behavior of an abuser is control. Dating/domestic violence is not about anger management, conflict resolution, or substance abuse — although these problems may be used as excuses for unhealthy behavior. Dating violence is about entitlement and control.

Violent relationships are often volatile and dangerous. Therefore, it can be critically important for survivors of abusive relationships to create a safety plan in order to better insure their security. Safety planning can include asking the abuser to respect your needs, rights, opinions, etc. and asking the abuser to get counseling help. It is very

important for the survivor to assess whether it is safe to make these requests. Since abuse is about entitlement, asserting your rights may actually trigger abusive behaviors or your requests may be ignored. Remember, an abusive relationship is not about respect, equality, and empathy. Instead, it is about power and control.

## **Rights of Victims of Crime**

As a victim of crime, you are entitled to specific rights in accordance with the Constitution of the State of Connecticut Article XXIX – Rights of Victims of Crime. As a university, WCSU adheres to this constitutional mandate.

### **According to the Victim’s Rights Amendment, a victim has the right:**

1. To be treated with fairness and respect throughout the criminal justice process;
2. To timely disposition of the case following arrest of the accused, provided no right of the accused is abridged;
3. To be reasonably protected from the accused throughout the criminal justice process;
4. To notification of court proceedings;
5. To attend the trial and all other court proceedings the accused has the right to attend, unless such person is to testify and the court determines that such person’s testimony would be materially affected if such person hears other testimony;
6. To communicate with the prosecution;
7. To object to or support any plea agreement entered into by the accused and the prosecution and to make a statement to the court prior to the acceptance by the court of the plea of guilty or *nolo contendere* by the accused;
8. To make a statement to the court at sentencing;
9. To restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law; and
10. To information about the arrest, conviction, sentence, imprisonment, and release of the accused.

Violations of these rights can be reported to the Office of the Victim Advocate of the State of Connecticut at (860) 550-6632 or toll free at (888) 771-3126. Nothing in this subsection or in any law enacted pursuant to this subsection shall be construed as creating a basis for vacating a conviction or ground for appellate relief in any criminal case.

## **On-Campus Judicial Options**

In addition to criminal/legal action, students can choose to pursue disciplinary action under WCSU’s Student Code of Conduct. The campus disciplinary system has a variety of sanctions available for these types of violations, up to and including suspension or expulsion from the CSU system.

In cases of interpersonal violence, both the complainant and the accused student are entitled to have an advisor or legal counsel present during the disciplinary proceeding; however, legal counsel is not allowed to speak at all during the proceedings. Additionally, both the complainant and the accused student must be informed of the outcome of any university disciplinary proceeding. Following a final determination of responsibility in the university's disciplinary proceeding regarding rape, acquaintance rape, or other sex offense, stalking, sexual harassment, dating or domestic violence, the university judicial officer or the University Judicial Board may impose any sanction or combination of sanctions, including expulsion, as authorized in the Student Code of Conduct and Statement of Judicial Procedures document for the academic year in question.

Students interested in submitting an incident report to be used in the campus disciplinary system regarding allegations of interpersonal violence are encouraged to contact Charles J. Alexander, University Judicial Officer, at (203) 837-8770 or Walter Cramer, Dean of Students Office, at (203) 837-9700 about available options. You can also print out an incident report form on-line through the [www.wcsu.edu](http://www.wcsu.edu) website; go to Student Affairs, then Judicial Affairs.

## **Reporting to the WCSU Police Department**

**Survivors of sexual assault, stalking, and dating or domestic violence may report an assault to the University Police as follows:**

***Informal Report:*** The victim may informally report the incident to the University Police. University Police will inform complainants of their rights and options, and will guide them to victim services. University Police offices are located on Roberts Avenue on the Midtown campus. They may also be contacted at (203) 837-9300, 24 hours a day and 7 days a week.

***Criminal Complaint:*** Complainants may make criminal complaints with the University Police. University Police will inform the complainant of her/his rights and options. University Police will conduct an investigation and will keep the complainant apprised about the decision 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.

**In an emergency situation immediately call the Police at 911 from any campus phone or activate the nearest "Blue Light" emergency phone.**

## **CARP: Campus Alliance for Response and Prevention of Interpersonal Violence**

The purpose of the Campus Alliance for Response and Prevention of Interpersonal Violence (CARP) is to assist the Western Connecticut State University community with a coordinated response to incidents of interpersonal violence on-campus and off-

campus. This includes sexual assault, sexual harassment, stalking, and dating or domestic violence.

All CARP members are trained to respond and support victims of interpersonal violence. University community members may contact any CARP representative listed below with questions or concerns around these issues.

**CARP Contacts:**

- Monica Sievel, Campus Advocate, the Women's Center of Greater Danbury (203) 837-3939
- Neil McLaughlin, Director of University Police (203) 837-9308
- Roger Connor, Lieutenant, University Police (203) 837-9301
- Susan Cizek, M.D., Director of Health Service (203) 837-8594
- Nancy Haensch, APRN, Health Service (203) 837-8594
- Dr. Michael Schwarzchild, Interim Director of the Counseling Center (203) 837-8690
- Charles Alexander, Director of Judicial Affairs (203) 837-8770
- Dr. Walter Bernstein, Vice President for Student Affairs (203) 837-8606
- Dr. Walter Cramer, Dean of Students (203) 837-9700
- Daryle Dennis, Assistant Dean of Students (203) 837-8549
- Ron Mason, Director of Housing and Residence Life (203) 837-8736
- Maribeth Griffin, Director of Residential Programs and Staff (203) 837-8532
- Sharon Guck, Coordinator of CHOICES (203) 837-8899