

WESTERN CONNECTICUT STATE UNIVERSITY GUIDELINES AND PROCEDURES FOR INCIDENTS RELATED TO SEXUAL ASSAULT, SEXUAL HARASSMENT, STALKING AND INTIMATE PARTNER VIOLENCE

Introduction

Western Connecticut State University (WCSU) asserts that all students have the right to be free from interpersonal violence such as sexual assault, sexual harassment, stalking, and intimate partner violence. WCSU prohibits any student from infringing upon these rights within our campus community. A set of guidelines and procedures have been designed to provide students important information regarding the systems that are in place at WCSU to support any student whose rights have been violated. The university will take prompt action based on violations of the Student Code of Conduct while simultaneously supporting students who also wish to pursue formal legal action for crimes that may have been committed.

These guidelines and procedures have been developed to comply with Connecticut Public Act 14-11, effective July 1, 2014. This legislation requires universities to adopt and disclose policies related to sexual assault on campuses. These guidelines must include the following:

- Information about on and off campus reporting procedures
- Details about where students can receive support and services
- Summaries of the institution's disciplinary procedures (Student Code of Conduct)
- Assistance for students who wish to change their living arrangements, classes, or work schedule following an assault
- Plans for how the university will honor protective and/or restraining orders
- Training for all new students and employees within first academic year of their arrival to the university.
- Definitions

The Legislation requires colleges and universities to keep a victim's identity and personal information as private as possible if they report a sexual assault. In addition, universities must provide primary prevention and awareness education related to sexual assault, sexual harassment, stalking and intimate partner violence for all students.

Information about on and off campus reporting procedures

Campus Resource Team (CaRT)

To address issues of sexual assault, sexual harassment, stalking, dating or domestic violence, WCSU has created a Campus Resource Team (CaRT). This group includes staff representing the Counseling Center, Health Services, Drug/Alcohol Substance Abuse Programs, Judicial Affairs, Student Affairs, Campus Police, Housing & Residence Life, Title IX representative, faculty, students and the Women's Center; also services from the local community such as Danbury police or the prosecutor's office may be utilized. If a sexual assault, intimate partner violence, stalking or related incident is reported to a responsible employee, individuals from this group will be mobilized to provide support and information to students. The group will also meet at least once per semester to review guidelines and procedures along with any relevant legislation to improve the overall process of providing students services and support in these situations.

Reporting options

As a student, if you or another student you know has been a victim of sexual assault, stalking or intimate partner violence, whether on or off the campus, the following reporting options are available to you.

Students can contact for assistance any of the following individuals: the Dean of Students (203-837-8547), Director of the Counseling Center (203-837-8690), the Director of Housing/Residence Life (203-837-8736), the Director of Health Service (203-837-8589), the Title IX office (203-837-8277), the Director of Judicial Affairs (203-837-8770), the Coordinator of Substance Abuse Programs (203-837-8899), University Police (203-837-9300) and representatives from the Women's Center on two 24-hr confidential hotlines (Sexual Assault: 203-731-5204 or Domestic Violence: 203-731-5206) for support and/or guidance in the event of a sexual assault.

Should an incident occur either **on or off campus**, students are encouraged to contact University Police at 911 (or 203-837-9300) or call University Police directly from any of the campus "Blue Phones" located on Midtown and Westside. University police will assist students, whether it is to pursue criminal prosecution and/or university discipline, or to obtain counseling and other support services. The police will assist students in a) getting immediate medical attention or counseling support, b) in the collection of evidence, and c) in apprehending a perpetrator. University Police are trained to handle these cases and will, by law, protect the confidentiality of any student victim reporting a sexual assault, intimate partner violence, and/or stalking. Their primary role is to protect students by conducting a complete investigation that may lead to the arrest and prosecution of the perpetrator.

In regard to sexual assaults, it is important for students to realize that the timely collection of evidence from the crime scene may play an important role in a successful prosecution. Completing a police report guarantees that evidence will be processed according to law. In the event of a sexual assault, the University Police will automatically contact the Women's Center to request the presence of a trained counselor at the scene. ***Although students are strongly encouraged by the university to work with the Women's Center in these situations, this is voluntary and students may ask police not to engage a representative from the Center.***

Students should be aware that the Women's Center also has an office on campus with a representative who works closely with the WCSU Campus Resource Team (CaRT). This partnership has made it possible for students to receive assistance, guidance and support from the Women's Center after a sexual assault, intimate partner violence, or stalking has been reported. The Women's Center on-campus representative is located in Higgins Hall Annex 105-C and can be reached at 203- 837-3939 or at their community office at 203- 731-5200.

The Women's Center, The Counseling Center and University Health Services are bound by law to protect the confidentiality of an assaulted victim. A trained counselor/advocate from the Women's Center can provide students with critical support through phone counseling and/or in-person advocacy at the hospital or police station. The Center can also put students in touch with appropriate staff on campus if longer-term support is desired.

Students living on campus should be aware that Resident Directors (RDs) and Resident Assistants (RAs) at WCSU are trained in procedures to assist residential students who report incidents of sexual assault, sexual harassment, intimate partner violence, and/or stalking. Resident Assistants (or Student Managers in the summer) are on duty every night in residence halls. One RD is on-call every night, 365 days a year. These staff members are considered "responsible employees" which means that they are required to report these incidents. Although these staff members can help you through the process, they cannot provide

students with the same level of support that the University Police, Counseling Center, Health Service, or Women's Center can offer.

Individuals from the departments noted above, upon being contacted by a student in need, may typically mobilize the WCSU Campus Resource Team (CaRT) to begin the process of identifying and providing immediate assistance to students. The services and support students receive after a sexual assault, sexual harassment, intimate partner violence, and/or stalking is varied and will, to some extent, depend on the kind of assistance requested by the student. WCSU is dedicated to protecting the privacy of students and offering them the full range of support and help necessary to continue their studies.

Incidents of sexual assault

If a student has been physically or sexually assaulted, on or off campus, one option is to go directly to the Danbury Hospital Emergency Room for treatment. At the hospital, you may consent to the following services: a) treatment for injuries; b) forensic evidence collection (forensic evidence kit); c) emergency contraception if pregnancy is a concern; and d) screening for STDs and date rape drugs. After being treated in the Emergency Room, students may receive follow-up care at the WCSU Health Service office, located in Litchfield Hall or per the direction of the Emergency Room.

Although completing the forensic evidence kit does not automatically involve the police unless you choose to report the rape, students should be aware that the collection of this evidence is time-sensitive. The forensic evidence kit should be completed as soon as possible **but no later than 5 days 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 forensic evidence 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. Students should note that the forensic evidence kit exam is paid for directly by the State, and additional medical costs can be reimbursed through the Office of Victim's Services Victim's Compensation Program if a forensic evidence kit is completed or a police report is filed.

WCSU support services available to students

With the help of the Campus Resource Team (CaRT), there are a full range of services available to students after a sexual assault, intimate partner violence, and/or stalking. The University Counseling Center (203)837-8690, the Women's Center (203) 837-3939, University Health Service (203) 837-8594 and the Dean of Students offices (203) 837-8547 are available and students are strongly encouraged to take advantage of their services in these cases. Students' confidentiality will be strictly protected in accordance with the law, and students will be informed about off campus locations for assistance. During these events it is not unusual for students to feel fear, a sense of violation and relationship difficulties. As a result, the university will be particularly sensitive to meeting the needs of each individual. In doing so, we encourage individuals to come forward with reports about sexual violence. The University will not sanction a student who reveals a violation in good faith, such as underage drinking, in the process of reporting a sexual violence claim.

The Women's Center Campus Advocates serve as confidential advisors and are available to provide resources and support for victims of the above mentioned crimes. These advisors will assist a student with the reporting options, legal options, the coordination of support services and accommodations on and off campus.

Students may wish to contact the University Office of Judicial Affairs after a sexual assault, intimate partner violence, and/or stalking to pursue **university disciplinary action**. Such complaints will be handled confidentially and promptly by the Director of Judicial Affairs. Disciplinary proceedings must be conducted by an official who has been trained in issues related to sexual 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 for support. These individuals, however, are not eligible to speak during the proceedings of any subsequent Hearing. A complete and detailed description of the judicial process may be found in the Student Code of Conduct, http://www.wcsu.edu/stuaffairs/PDFDOCS/Student_Code_of_Conduct.pdf

Both the complainant and the accused will be informed of the outcome of the disciplinary proceeding in writing, which means that the University must share certain conditions of the sanctions based on final determination with regard to the alleged violations. There is an appeal process that is also available to both the student and the accused after the sanctions have been rendered. Sanctions may include written warnings, probation, restitution, residence hall separation, suspension, or expulsion from the University. Students with questions about the university's judicial process should feel free to contact Mr. Charles Alexander, Director of Judicial Affairs, at (203) 837-8770.

Students also have the additional option of filing, simultaneously, a **criminal complaint** by reporting an assault to the University Police as follows:

Informal report: Students may informally report an incident of sexual assault, sexual harassment, intimate partner violence, and/or stalking to the University Police, who will inform students of their rights and options, and will guide them to victim services. The WCSU Police Department is located on Roberts Avenue on the Middtown campus. They may also be contacted at (203) 837-9300 24 hours a day and 7 days a week.

Criminal complaint: Students may make criminal complaints with the WCSU University Police Department. The Police will inform the students of their rights and options. University Police will conduct a confidential investigation and will keep the students apprised about any 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.

Anonymous Reporting: Any individual has the right to complete an Anonymous Interpersonal Violence Form which can be found on <http://www.wcsu.edu/stuaffairs/CaRT.asp>. This form does not include any personal identifying information (e.g., name, age, address). The purpose of this form is for statistical data collection, as well as to determine possible patterns that may exist. Even with anonymous reporting, the University may investigate an incident to determine if the community is in potential danger.

Note: *University employees are required to complete an Anonymous Interpersonal Report Form when made aware of an incident related to sexual assault, harassment, stalking and intimate partner violence.*

Assistance for students seeking to change their living arrangements, class schedules or on-campus work schedules

The university recognizes that students may want to change their on-campus living arrangements, class schedules and on-campus work arrangements as the result of a sexual assault, sexual harassment, intimate partner violence, and/or stalking. Students requesting these changes should contact the Dean of Students (Old Main, R. 306) who will work with them to make any appropriate change. Typically, the Director of Housing, the Academic Dean and the Financial Aid office will work with Student Affairs staff to

manage these changes. Students should not hesitate to make these requests, which will be addressed in a timely manner.

How the University honors protective, restraining and/or civil protection orders

A protective, restraining and/or civil protection order is typically ordered by a court, prohibiting someone from communicating with an alleged victim, from entering the victim's residence, workplace, school, or property and any place the victim may frequent. It is an attempt to protect a person from further harassment, service of process or discovery.

Western, when informed that an order has been issued, will take immediate steps to enforce the order as it relates to activities on the campus. It is important that students alert Western Police that such an order has been issued (providing the Police with a copy of the order is strongly encouraged) so that enforcement on campus, if required, can be followed. Typically, these orders will require the university to help students change class schedules, residence hall accommodations and other aspects of campus life. These orders of protection are taken seriously by Western and violators are subject to arrest and prosecution.

For more information about protective and/or restraining orders, students may contact The Women's Center on campus at (203-837-3939) or at their 24-hour hotline at (203-731-5206), the Dean of Students at (203) 837-8547 (Old Main Room 309) or University Police at (203)837-9300.

Terms, Usage and Standards

Consent must be affirmed and is equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. Consent may be revoked at any time during sexual activity by any person engaged in the activity.

Affirmative consent must be given by all parties before engaging in sexual activity. Affirmative consent means an active, unambiguous and voluntary agreement by a person to engage in sexual activity with another person.

Responsible employee –is any full- or part-time employee of the university. This may include faculty, coaches, administrators, custodians and maintainers, and others.

All responsible employees are expected to immediately provide compassionate support and appropriate information about available resources related to an interpersonal incident.

A responsible employee, once he or she is made aware of an incident of sexual assault, sexual harassment, stalking and/or intimate partner violence, must immediately report it to appropriate university officials (including the Title IX coordinator or other appropriate designee). This may result in an investigation that the university is obligated to pursue, and, as appropriate, end and remedy the harassment/misconduct.

Confidential employees includes mental-health counselors, pastoral counselors, psychologists, health center employees, or any other person with a professional license requiring confidentiality related to their university employment status including staff of the Women's Center.

The university will use the following accepted definitions of sexual assault, sexual harassment, stalking, dating/domestic violence to guide its work with students in these situations as defined in our Student Code of Conduct.

Sexual misconduct may include engaging in one or more 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 employment performance or creating an intimidating, hostile or offensive educational or work 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 or employment status is contingent upon toleration of or acquiescence in sexual advances.

(b) **Sexual assault** shall include but is not limited to a sexual act directed against another person when that person is not capable of giving consent, which shall mean the voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make a deliberate choice to do something proposed by another.

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. Consent cannot be assumed because there is no physical resistance or other negative response. A lack of consent may result from mental incapacity (e.g., ingestion of alcohol or drugs which impair awareness or judgment) or physical incapacity (e.g., the person is unconscious or otherwise unable to communicate consent).

Sexual assault is further defined in sections 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-73, 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 (such as letting your friends hide in the closet to watch you 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.

Intimate partner violence is defined as:

- 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, as defined in section 5 above; (2) sexual assault in a spousal or cohabiting relationship; (3) domestic violence; (4) sexual harassment, as defined in section 5 above or, (5) sexual exploitation, as defined in section 5 above.
- Physical abuse, which can include but is not limited to, slapping, pulling hair or punching.
- Threat of abuse, which can include 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, which can include 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.

Stalking, which is defined as repeatedly contacting another person when:

- a. The contacting person knows or should know that the contact is unwanted by the other person; and
- b. 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.

Family Violence Protective Order (section 46b-38c of the Connecticut General Statutes) is an order that is *issued at the time of arraignment during a criminal proceeding*. Usually these orders are recommended by either the family relations office or in some cases the state's attorney's office. These orders are usually in effect **from the date they are issued until the criminal case is sentenced and/or disposed of**. In some cases a protective order can be removed prior to the underlying case being settled.

Standing Criminal Restraining Order (section 53a-40e of the Connecticut General Statutes) is an order that is *issued usually at the end of a criminal case*. These are **lifetime orders** and remain in effect until further order of the court. This order type is generally issued when it is a more severe criminal case.

Ex Parte Restraining Order (section 46b-15 of the Connecticut General Statutes) is an order *issued by the family court when someone has completed the restraining order application*. Applications are given out at the clerk's office to people who come in for relief from abuse in family cases. The Judge reviews

the application and affidavit, and issues a **temporary** ex parte restraining order. A hearing date is scheduled, and the respondent must be notified. Generally speaking, this order is good for 14 days, or until the date of the hearing. (Hearings can be scheduled before the 14-day time limit).

Restraining Order After Hearing (section 46b-15 of the Connecticut General Statutes) is *issued after a hearing on an ex parte restraining order, or an Order for Hearing and Notice Summons*. Again, this order type is issued out of the family court. Generally speaking, it is effective for **6 months** from the date of the hearing. A victim/applicant can request that the restraining order after the hearing be extended when the 6 months is about to run out. They must file a motion to extend and the respondent must again get notice.

Civil Protection Order (section 46b-16a of the Connecticut General Statutes) is an order that is *issued following an application, accompanied by an affidavit made by the applicant under oath that includes a statement of the specific facts concerning being a victim of sexual abuse, sexual assault, or stalking*, provided the victim has not already obtained any other order of protection arising from the abuse, assault, or stalking. The court will review the application and determine a court date, and will notify the accused of the date for the hearing. If the court determines there is reason to believe imminent danger exists it may, at its discretion, issue an ex parte order as well. Generally, orders will be in effect for **one year** from the date of the hearing. Applicants may request that a copy of the order be sent to the University Police or the president of the University.

**** NOTE:**

If you are a victim, trust your instincts. Initially, stalking behavior can look like flirting but students will sense that boundaries are being violated. In this case, students are advised to keep written records that detail the stalking acts. This written documentation records the pattern of the crime. Students should alert those around you about the stalker and formulate escape plans for all locations. Stalking should 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's campus advocate or hotline, or the Western Counseling Center can help students develop a safety plan around the stalking. Stalking, like sexual assault or domestic violence, has emotional and physical impacts that counseling can address.

Western's University Police are available to provide safety escort services if students are uncomfortable on campus. To access these services, please call (203) 837-9300.

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 ensure 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.

Victim's Bill of Rights

Victims of sexual violence, sexual harassment, domestic violence, dating violence, and stalking are afforded rights by the federal government, the state, and this institution.

All students have the right to emotional and physical safety.

Federal Law entitles victims to the following rights:

- The accuser and the accused have the same opportunity to have others present throughout the disciplinary proceedings.
- Both parties shall be informed of the outcome of any disciplinary proceeding,
- Victims shall be informed of their options to notify law enforcement.
- Victims shall be notified of counseling services available on- and off-campus.
- Victims shall be notified of options for changing academic and living situations.

Western is committed to the following:

- The Connecticut State University System (CSUS) Student Code of Conduct outlines the campus disciplinary process. Students have the right to know the range of sanctions the institution can impose on the accused, which include: Warning; Written Reprimand; Probation; Loss of Privileges; Restitution; Discretionary Sanctions; Residence Hall Warning; Residence Hall Probation; Residence Hall Suspension; Suspension; Residence Hall Expulsion; and Expulsion. The full text of this can be found in the Student Handbook, published by the university, or at: <http://www.wcsu.edu/stuaffairs/PDFDOCS/Student%20Code%20of%20Conduct.pdf> .
- Victims have the right to know that any disclosure of sexual assault made to a university employee can result in a report as an annual crime statistic (with the victim's name withheld).
- Victims have a right to privacy and confidentiality. The university must have a waiver signed by the student in order to share information with any third party, including parents.

Additionally, the university is committed to ensuring that victims are afforded the following:

- The right to a victim advocate of their choosing. (For additional information and resources about victim advocacy, contact the Women's Center: (203) 837-3939
- In a campus disciplinary hearing, victims have a variety of options for how they offer their testimony, including phone conference, or private room. (For additional information, contact the Office of Judicial Affairs: (203) 837-8770.

Education for new students and new employees

All new students and employees will be required to complete primary prevention and awareness education related to sexual assault, sexual harassment, stalking and intimate partner violence. This must occur during the first academic year of these individuals' arrival. The primary prevention and awareness education will be available to the WSCU community on an on-going basis.

Campus Resource Team (CaRT) Contacts

Director of Counseling Center		(203) 837-8690
Women's Center	On-Campus Community Office (**ask for Campus Advocate)	(203) 837-3939 (203) 731-5200
University Police		(203) 837-9300
Director of University Health Service		(203) 837-8594
Director of Judicial Affairs		(203) 837-8770

Dean of Students	(203) 837-9700
Director of Residential Programs and Staff, Housing and Residence Life	(203) 837-8532
Coordinator of WCSU Substance Abuse Office (CHOICES)	(203) 837-8899
Coordinator of Title IX	(203) 837-8277