



## CLERY ACT ANNUAL SECURITY REPORT (ASR) LANGUAGE TO COMPLY WITH VAWA § 304

The Clery Act, as amended by the Violence Against Women Act, requires Connecticut College (“the College”) to include in its Annual Security Report (“ASR”) statistics concerning sexual assault, dating violence, domestic violence, and stalking, as well as its policies and procedures for preventing and handling these crimes when they occur.

### STATISTICAL REPORTING UNDER THE CLERY ACT

In accordance with its Clery Act obligations, the College reports and discloses statistics concerning the number of below-listed crimes that occur annually:

- 1) On or within:
  - a. Buildings and property that are part of the College’s campus;
  - b. The College’s noncampus buildings and property, defined as
    - i. Any building or property owned or controlled by a student organization that is officially recognized by the College; or
    - ii. Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the College’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area as the College; or
  - c. Public property within or immediately adjacent to and accessible from campus; and
- 2) That are reported to local police agencies or to a campus security authority, as defined on pages 12-13 of the [Annual Security Report](#) (hereinafter referred to as ASR).

Reporting of statistics under the Clery Act uses federal offense definitions that allow comparability across campuses/locations, regardless of the state/location in which the campus is located. These definitions are as follows:

Sexual Assault, defined as:

- Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
- Fondling: The touching of the private body parts of another person (such as buttocks, groin, breasts, genitals) for the purpose of sexual gratification without consent, including instances where the Complainant is incapable of giving consent because of age or temporary or permanent mental or physical incapacity.



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- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Connecticut law.
- Statutory Rape: Nonforcible sexual intercourse with a minor who is (1) more than three years younger than the actor if the younger person is at least 13 but under age 16 or (2) with a minor under age 13 if the actor is more than two years older.

Dating Violence, defined as: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition –

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence, defined as: a felony or misdemeanor crime of violence committed –

- By a current or former spouse or intimate partner of the Complainant;
- By a person with whom the Complainant shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Connecticut;
- By any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Connecticut.

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

Stalking, defined as: engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition –

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.



- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

### Confidentiality in Clery Act Reporting

The statistics reported and disclosed pursuant to the College's reporting obligations will not include the personally identifying information of the victim or the person accused of committing the crime.

### **POLICY AGAINST DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING**

The College prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined above. Additionally, the [Interim Policy: Equal Opportunity, Harassment, and Nondiscrimination](#), prohibits other forms of sex and gender-based discrimination, harassment, and violence, which may also constitute crimes. For more information about the conduct prohibited by the Interim Policy: Equal Opportunity, Harassment and Nondiscrimination, see the Connecticut College website or CamelWeb. While College policy uses different standards and definitions than the Connecticut State criminal law, sex and gender-based incidents often overlap with the crimes of sexual assault, stalking, dating violence, and domestic violence. For more information about the Connecticut State criminal law definitions of sexual assault, stalking, dating violence, and domestic violence, see Appendix A.

### **CONSENT**

For purposes of the College's policy against dating violence, domestic violence, sexual assault, and stalking, the following definitions and understandings of consent shall apply.

Consent is:

- active
- knowing,
- voluntary, and
- clear permission
- by word or action
- to engage in mutually agreed upon sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has affirmatively consented before engaging in the specific sexual activity and that consent is sustained throughout the activity.



The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred.

A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately. If sexual activity occurs after consent has been withdrawn, there is no longer valid consent.

### What is not consent?

- Silence, passivity or the absence of resistance alone cannot be taken as consent.
- Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).
- A current or previous intimate relationship alone is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred.
- A person who is incapacitated (as discussed and defined below) cannot consent.
- Coerced sexual activity is not consensual (as discussed and defined below).
- A verbal “no” (no matter how indecisive) or resistance (no matter how minimal) constitutes a lack of consent. A forced sexual act is considered without consent except that where the act is explicitly consented to, as in the case of BDSM, it will not be considered a forced sexual act.
- A person cannot consent if they are under the age of 16 years. In Connecticut, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old may be a crime, as well as a violation of this policy, even if the minor wanted to engage in the act.

### Effect of Coercion on Consent

Coerced sexual activity is not consensual. Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

### Effect of Incapacity on Consent

A person cannot consent if they are unable to understand what is happening, or are disoriented, helpless, asleep, or unconscious, for any reason, including the influence of alcohol



or other drugs, or a temporary or permanent physical or mental health condition. A person will be considered incapacitated if, by reason of the foregoing conditions, they are unable to make rational, reasonable decisions (e.g. to understand the “who, what, when, where, why, or how” of their sexual interaction). A person subject to involuntary physical restraint will also be considered incapacitated.

Incapacitation is determined through consideration of all relevant information about an individual’s state and is not synonymous with being intoxicated or drunk.

## **PREVENTION, EDUCATION, AND RESOURCES**

### *Prevention and Education*

Connecticut College offers a range of campaigns, strategies, and initiatives to promote awareness, education, risk reduction, and prevention in an effort to reduce the frequency of sex or gender-based discrimination, harassment, and violence amongst members of the campus community.

It is the policy of the College to offer programming to identify and prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults), and stalking each year.

Educational programs are offered to raise awareness for all incoming students and employees and are often conducted during new student and new employee orientation and throughout an incoming student’s first semester.

Programs and other campaigns offered throughout the year to all students and employees include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss institutional policies on sex or gender-based discrimination, harassment, and violence as well as the Connecticut definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity.

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety, and to help individuals and the College community address conditions that facilitate violence. The College offers programs to provide information on risk reduction that strive to empower individuals who experience these incidents, train participants to recognize warning signs, and how to avoid potential attacks, and do so without biased approaches. These programs and training, such as the Green Dot training, are offered by the Office of Sexual Violence Prevention and Advocacy. Programs are informed by evidence-based research and/or are assessed for their effectiveness.



Bystander intervention means safe and positive options that may be carried out by individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention is encouraged, and includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Some methods for bystander intervention are calling for help, using intervention-based apps, and/or creating distractions.

The College offers bystander empowerment training, which highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose and motivates them to intervene as stakeholders in the safety of the community when others might choose to be bystanders.

### Campus and Community Resources

The College shall provide written notification of existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for Complainants, both within College and outside in the community to victims of dating violence, domestic violence, sexual assault and stalking. These resources currently include:

- On-campus counseling, health, mental health, and intervention resources are available at the following:
  - Student Counseling Center (860-439-4587)
  - Student Health Services (860-439-2275)
  - College Chaplains (860-439-2450)
  - Campus Advocates:
    - Rachel Stewart, Director of Sexual Violence Prevention and Advocacy (860-439-2219/Cro 222);
    - Erin Duran, Director of Gender and Sexuality Programs (860-439-2238/LGBTQIA Center);
    - Angela Nzegwu, Director of Religious and Spiritual Programs (860-439-2450/Harkness Chapel)
- Off-campus resources that offer advocacy services and counseling:
  - [Safe Futures](#): 24/7 Confidential Hotline: 1-860-701-6000
  - [RAINN](#): 24/7 Confidential Hotline: 1-800-656-4673, 24/7 Confidential Online Hotline: <https://hotline.rainn.org/online>
  - [National Domestic Violence Hotline](#) : 24/7 Confidential Hotline: 1-800-799-7233
  - Online Hotline: <https://www.thehotline.org/what-is-live-chat/>
  - [CT Coalition Against Sexual Assault](#): 24/7 Confidential Hotline: 1-888-999-5545
  - [CT Coalition Against Domestic Violence](#): 24/7 Confidential Hotline: 1-888-774-2900



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## PROCEDURES FOR VICTIMS WHO EXPERIENCE DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

### Immediate Care and Preservation of Evidence

If you experience a crime of dating violence, domestic violence, sexual assault, or stalking, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact [Campus Safety](#) if you are on campus or call 911 if you are off campus.
2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to [Student Counseling Services](#), as well as to Rachel Stewart, Director of the Office of [Sexual Violence Prevention and Advocacy](#) for support and guidance. These are both confidential resources. After regular business hours, or in any situation where an individual wishes, local resources are also available and may be able to provide confidential assistance:

### [Safe Futures](#)

24/7 Confidential Hotline: 1-860-701-6000

### [Lawrence and Memorial Hospital](#)

(860) 442-0711 (ask for the Emergency Room)

### [RAINN](#)

24/7 Confidential Hotline: 1-800-656-4673

24/7 Confidential Online Hotline: <https://hotline.rainn.org/online>

### [National Domestic Violence Hotline](#)

24/7 Confidential Hotline: 1-800-799-7233

Online Hotline: <https://www.thehotline.org/what-is-live-chat/>

### [CT Coalition Against Sexual Assault](#)

24/7 Confidential Hotline: 1-888-999-5545

### [CT Coalition Against Domestic Violence](#)

24/7 Confidential Hotline: 1-888-774-2900



4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. Student Health Services (during business hours), the director of sexual violence prevention and advocacy or the administrator on-call (after hours) can provide you with support and arrange for transportation to Lawrence and Memorial Hospital in New London. The hospital will arrange for a specific medical examination at no charge or can work with you to arrange state reimbursement.
  - To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
  - Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent items that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean **paper** bag or clean bed sheet to avoid contamination.
  - If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
  - Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
  - Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.
  - If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify Campus Police or the campus Title IX Coordinator so that those orders can be observed on campus.
5. Even after the immediate crisis has passed, consider seeking support from Student Counseling Services, the confidential advocates, and/or Safe Futures.
6. Contact the Associate Dean for Equity and Compliance Programs/Title IX Coordinator or



one of the deputy title IX coordinators if you need assistance with College concerns, such as contact-limitations orders or other supportive measures. The Coordinator, Deputies or Confidential Advocates will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. The College is able to offer reasonable academic supports, changes to living arrangements, transportation resources or modifications, safety escorts, contact-limitations orders, counseling services access, and other supports and resources as needed by a victim. The College is able to offer information about legal assistance, visa/immigration assistance, and student financial aid considerations for victims.

### Reporting to Law Enforcement

Complainants are encouraged to report all crimes to local law enforcement and/or campus safety officials. However, it is the policy of the College not to notify local/campus authorities when dating violence, domestic violence, sexual assault, or stalking occurs, unless a Complainant wishes to have the information shared or there is a health or safety emergency that requires disclosure.

Complainants have the option to notify law enforcement directly, to be assisted in doing so by campus authorities, or to decline to notify law enforcement. If requested, campus safety officials can facilitate reporting to campus or local law enforcement but will also respect a Complainant's request not to do so unless a health or safety emergency requires the sharing of information with law enforcement.

For more information about the College's relationship to state and local law enforcement, see ASR: Crime/Emergency Reporting and College Response (page 7). ([Annual Security Report & Crime Statistics](#)).

### Reporting to the College

In the event that the crimes of sexual assault, stalking, dating violence, or domestic violence do occur, Connecticut College takes the matter very seriously.

A student wishing to report an incident of sexual assault, stalking, dating violence, or domestic violence may do so by:

- 1) Filing a complaint with, or giving verbal notice to, the Title IX Coordinator, deputies or Officials with Authority (see contact information in [Interim Policy: Equal Opportunity, Harassment, and Nondiscrimination](#)). Such a report may be made at any time (including during non-business hours) by using the telephone number email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.



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- 2) Reporting online, using the reporting form posted at [Honor Code Violation Incident Reporting](#) or [Sexual Misconduct Anonymous Reporting](#)
- 3) Giving verbal or written notice of the incident to a campus security authority, as defined on Page 7 of the [ASR](#).

Upon receiving notice of an incident of sexual assault, stalking, dating violence, or domestic violence, the College will provide supportive measures to the complainant, which may include but are not limited to:

- Referral to counseling, medical, and/or other healthcare services;
- Referral to the Employee Assistance Program;
- Referral to community-based service providers;
- Visa and immigration assistance;
- Student financial aid counseling;
- Education to the community or community subgroup(s);
- Altering campus housing agreement(s);
- Altering work arrangements for employees or student-employees;
- Safety planning;
- Providing campus safety escorts;
- Providing transportation accommodations;
- Implementing contact limitations (no contact orders) between the parties;
- Academic support, extensions of deadlines, or other course/program-related adjustments;
- Timely warnings;
- Class schedule modifications, withdrawals, or leaves of absence;
- Increased security and monitoring of certain areas of the campus;
- Other actions deemed appropriate by the Title IX Coordinator.

If a complainant wishes to file a formal complaint to trigger the disciplinary process against the alleged perpetrator of an incident of sexual assault, domestic violence, dating violence, or stalking, the complainant may do so in accordance with the procedure set forth in the [Interim Policy: Equal Opportunity, Harassment, and Nondiscrimination](#).

Supportive measures will be available irrespective of whether a student chooses to file a formal complaint or make a report to law enforcement.

### Protective Orders

Protective orders, restraining orders, injunctions, or similar lawful orders may be obtained through the court system and can be enforced by the Connecticut College Campus Safety Office and law enforcement authorities. Individuals who have obtained a protective order are encouraged to provide a copy to the Campus Safety as soon as possible following the issuance



to ensure full enforcement.

For information regarding how to obtain a protection order, contact Campus Safety (860-439-2222).

### Confidential Resources

If a Complainant would like the details of an incident to remain confidential, the Complainant may speak with:

- Student counseling services staff (860-439-4587);
- Student health services staff (860-439-2275);
- Confidential Advocates
  - Rachel Stewart, Director of Sexual Violence Prevention and Advocacy (860-439-2219);
  - Erin Duran, Director of Gender and Sexuality Programs (860-439-2238);
  - Angela Nzegwu, Director of Religious and Spiritual Programs (860-439-2450)
  - Chaplains & Office of Religious and Spiritual Programs (860-439-2450);
  - Athletic Trainers (if licensed and privileged under state statute, and/or working under the supervision of a health professional);
  - Off campus (non-employees)
    - Licensed professional counselors and other medical providers;
    - Local rape crisis counselors;
    - Domestic violence resources;
    - Local or state assistance agencies;
    - Attorneys.

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/individual with a disability, or when required to disclose by law or court order. Campus counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

With the exception of professional and pastoral counselors, confidential resources who are Connecticut College employees will timely submit anonymous statistical information for Clery Act reporting purposes.



## **PROCEDURES FOR DISCIPLINARY ACTION IN CASES OF ALLEGED DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING**

In the event that a formal complaint is filed, the College will initiate the Investigatory and Disciplinary Process set forth in its [Interim Policy: Equal Opportunity, Harassment, and Nondiscrimination](#), and will be decided in accordance with the preponderance of evidence standard of proof.

Proceedings conducted in accordance with the [Interim Policy: Equal Opportunity, Harassment, and Nondiscrimination](#), will:

- Include a prompt, fair, and impartial process from the initial investigation to the final result. To ensure a prompt, fair and impartial process, the proceeding will be:
  - Completed within reasonably prompt timeframes as set forth in the Interim Policy: Equal Opportunity, Harassment, and Nondiscrimination;
  - Conducted in a manner that is consistent with the Interim Policy: Equal Opportunity, Harassment, and Nondiscrimination, including compliance with the notice procedures set forth therein; and
  - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
- Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
- Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
- Not limit the choice of advisor or present for either the accuser or the accused in any meeting or institutional disciplinary proceeding provided, however, that the College retains the right to establish restrictions regarding the extent to which the advisors may participate in the proceedings so long as such restrictions apply equally to both parties.

The accused and the accuser will receive simultaneous notice, in writing, of:

- The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
- The College's procedures for appeal;
- Any change to the result of the disciplinary proceeding; and
- When such a result becomes final.



## Sanctions

The following sanctions may be imposed upon students or organizations singly or in combination:

- *Disciplinary Warning* – A letter indicating that a student has been found responsible for a violation of the Honor Code and/or the Student Code of Conduct. This sanction indicates that if the student is again found in violation of the Honor Code and/or Student Code of Conduct, a sanction will likely be imposed that reflects a repeated violation.
- *Disciplinary Probation Level 1* – A status indicating that a student has been found responsible for a violation of the Honor Code and/or the Student Code of Conduct that reflects a more serious violation. This sanction will be in effect for a specified period of time and indicates that if the student is again found in violation of the Honor Code and/or Student Code of Conduct during the period of this status, a sanction of Disciplinary Probation Level 2 or greater will likely be necessitated.
- *Disciplinary Probation Level 2* – Formal notice that a student’s status at the College is in jeopardy as a result of one or more violations of the Honor Code and/or Student Code of Conduct. This sanction will be in effect for a specified period of time and indicates that if the student is found in violation of the Honor Code and/or Student Code of Conduct during the period of this status, the imposed sanction may include Loss of Housing, Suspension from the College, or Expulsion from the College. While on probation, a student will not be permitted to serve as a member of Student Government Association, an executive Board member of a student organization, or on any standing College committee. A student’s ability to participate in other college programs may also be limited by this status as determined by those offices (i.e. Study Away programs, CELS internships). When placed on this status, the Office of the Dean of the College and the student’s parent/guardian may be notified.
- *Suspension from the College* – Suspension from the College is a temporary dismissal from the College for a specified period of time. After this period is concluded, the student may resume his or her studies following an interview with the Dean of Students or their designee. A suspended student may not engage in College activities, use any College facilities, or be on College property without expressed permission from the Dean of Students or their designee. Financial reimbursement is made according to the refund schedule in the College Catalog. When suspended from the College, the student’s class dean, athletic coach, and parent/guardian may be notified. A suspended student does not have the opportunity to earn academic credit towards a Connecticut College degree unless granted permission by the Dean of Students.
- *Loss of Housing* – Dismissal from College owned housing for a specified period of time. Financial reimbursement is made according to the refund schedule in the College Catalog. During this period, a student is not eligible for summer housing. After this period is concluded, the student may request the Dean of Students or their designee to



re-evaluate the student's ability to return to the residence hall. Loss of housing may result in notification of the student's faculty and staff adviser, class dean, and parent/guardian.

- *Expulsion from the College* – Permanent dismissal from the College without the right to return. An expelled student no longer has the privileges of matriculated students and may not engage in College activities, use any College facilities, or be on College property. Financial reimbursement is made according to the refund schedule listed in the College Catalog. When expelled from the College, the student's parent/guardian may be notified as permitted by FERPA
- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including College registration) for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions in the Student Handbook as deemed appropriate.

The following sanctions may be imposed on an employee who has committed sexual assault, dating violence, domestic violence, or stalking:

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*

## **SEX OFFENDERS**

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, the College is providing a link to the Connecticut State Sex Offender Registry.

All sex offenders are required to register in the state of Connecticut and to provide notice of each institution of higher education in Connecticut at which the person is employed, carries out a vocation, or is a student. [State of Connecticut Sex Offender Registry](#).

In addition to the above notice to the State of Connecticut, all sex offenders are required to deliver written notice of their status as a sex offender to the College's Human Resources



Department no later than three (3) business days prior to their enrollment in, employment with, volunteering at, or residence in the College.

Such notification may be disseminated by the College to, and for the safety and well-being of, the College community, and may be considered by the College for enrollment and discipline purposes.

## **RECORDKEEPING AND PRIVACY**

With the exception of disclosures required under Title IX (detailed in the Interim Policy: Equal Opportunity, Harassment, and Nondiscrimination) and other legally required disclosures, Connecticut College records of investigations and resolutions are maintained confidentially in accordance with the institution's record retention policy for a minimum of seven years. Information is shared internally between administrators who "need to know" in order to complete their job duties.

When information must be shared to permit the investigation to move forward, the parties will be informed. Privacy of the records specific to the investigation is maintained in accordance with Connecticut law and the federal FERPA statute. Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of Complainant or information that could easily lead to a Complainant's identification.

Additionally, the College maintains as confidential the supportive measures afforded to a Complainant, except to the extent necessary to provide the supportive measures. Typically, if faculty members or administrators are asked to provide supportive measures for a specific student, they are told that such measures are necessary under Title IX or the Clery Act, but they are not given any details of the incident, or what kind of incident it is.

Irrespective of state law or public records access provisions, information about Complainants is maintained privately in accordance with Title IX and FERPA.

## **RETALIATION**

Both Title IX and the Clery Act provide protections for whistleblowers who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators.

The College does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of the campus Title IX Coordinator, Ebony Manning, Associate Dean for Equity and Compliance Programs and/or to officials of the U.S. Department of Education.



## APPENDIX A: Connecticut State Law Definitions

Much of the conduct described in the ASR may also constitute a criminal offense under Connecticut state criminal law. The following non-exhaustive list of definitions may be relevant to the conduct described herein.

### **Conn. Gen. Stat. § 53a-70: Sexual Assault in the first degree.**

A person is guilty of sexual assault in the first degree when such person

- 4) Compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or
- 5) Engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or
- 6) Commits sexual assault in the second degree as provided in section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or
- 7) Engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.

### **Conn. Gen. Stat. § 53a-70a: Aggravated Sexual Assault in the first degree.**

A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in section 53a-70, and in the commission of such offense

- 1) Such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon,
- 2) With intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, such person causes such injury to such victim,
- 3) Under circumstances evincing an extreme indifference to human life such person recklessly engaged in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, or
- 4) Such person is aided by two or more other persons actually present.

### **Conn. Gen. Stat. § 53a-70b: Sexual assault in spousal or cohabiting relationship.**

a) For purposes of this section:

- 1) "Sexual intercourse" means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body; and



- 2) "Use of force" means: (A) Use of a dangerous instrument; or (B) use of actual physical force or violence or superior physical strength against the victim.
- b) No spouse or cohabitor shall compel the other spouse or cohabitor to engage in sexual intercourse by the use of force against such other spouse or cohabitor, or by the threat of the use of force against such other spouse or cohabitor which reasonably causes such other spouse or cohabitor to fear physical injury.

**Conn. Gen. Stat. § 53a-71: Sexual assault in the second degree.**

A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and:

- (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or
- (2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or
- (3) such other person is physically helpless; or
- (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or
- (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or
- (6) the actor is a psychotherapist and such other person is
  - (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session,
  - (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or
  - (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or
- (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or
- (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or
- (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and
  - (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or
  - (B) is under eighteen years of age; or



(10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age; or

(11) such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

**Conn. Gen. Stat. § 53a-72a: Sexual assault in the third degree.**

A person is guilty of sexual assault in the third degree when such person

(1) compels another person to submit to sexual contact

(A) by the use of force against such other person or a third person, or

(B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or

(2) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.

**Conn. Gen. Stat. § 53a-181c. Stalking in the first degree.**

A person is guilty of stalking in the first degree when such person commits stalking in the second degree as provided in section 53a-181d and (1) such person has previously been convicted of a violation of section 53a-181d, or (2) such conduct violates a court order in effect at the time of the offense, or (3) the other person is under sixteen years of age.

**Conn. Gen. Stat. § 53a-181d. Stalking in the second degree.**

(a) For the purposes of this section, "course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, including, but not limited to, electronic or social media, (1) follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communicates with or sends unwanted gifts to, a person, or (2) interferes with a person's property, and "emotional distress" means significant mental or psychological suffering or distress that may or may not require medical or other professional treatment or counseling.

(b) A person is guilty of stalking in the second degree when:

(1) Such person knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to

(A) fear for such person's physical safety or the physical safety of a third person, or

(B) suffer emotional distress; or

(2) Such person intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person that would cause a reasonable person to fear that



such person's employment, business or career is threatened, where:

- (A) such conduct consists of the actor telephoning to, appearing at or initiating communication or contact at such other person's place of employment or business, provided the actor was previously and clearly informed to cease such conduct, and
- (B) such conduct does not consist of constitutionally protected activity.

**Conn. Gen. Stat. § 53a-181e. Stalking in the third degree.**

A person is guilty of stalking in the third degree when such person recklessly causes another person to reasonably

- (1) fear for his or her physical safety, or
- (2) suffer emotional distress, as defined in section 53a-181d, by willfully and repeatedly following or lying in wait for such other person.

**Conn. Gen. Stat. § 53a-181f. Electronic stalking.**

A person is guilty of electronic stalking when such person recklessly causes another person to reasonably fear for his or her physical safety by willfully and repeatedly using a global positioning system or similar electronic monitoring system to remotely determine or track the position or movement of such other person.

**Conn. Gen. Stat. § 46b-38a. Family violence prevention and response: Definitions.**

- (1) "Family violence" means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening, between family or household members. Verbal abuse or argument does not constitute family violence unless there is present danger and the likelihood that physical danger will occur.

....

- (3) "Family violence crime" means a crime as defined in section 53a-24, other than a delinquent act, as defined in section 46b-120, which, in addition to its other elements, contains as an element thereof an act of family violence to a family or household member. "Family violence crime" does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse.

**Consent.**

Connecticut's penal code does not define "consent." However, Conn. Gen. Stat. § 10a-55m defines "affirmative consent" as "an active, clear, and voluntary agreement by a person to engage in sexual activity with another person."

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