

Helping Victims/Survivors of Sexual Misconduct Protocol Manual



Dr. John W. Miller
CCSU President

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To report an incident

Office of Diversity and Equity (All complaints)

Rosa Rodríguez, Chief Diversity Officer and Title IX Coordinator
Davidson Hall, Rm. 104
860-832-1653

Office of Student Conduct (Complaints against students)

Christopher Dukes, Director
Willard Hall, Rm. 107
860-832-1667

University Police (All complaints)

860-832-2375

Human Resources (Complaints against employees)

Davidson Hall, Rm. 101
860-832-1756

Office of Student Affairs (Complaints against students)

Dr. Laura Tordenti, Vice President
Davidson Hall, Rm. 103
860-832-1605

If you want to speak with someone

Women's Center

Jacqueline Cobbina-Boivin, Coordinator
860-832-1655

Counseling and Wellness Center (confidential)

860-832-1945

Sexual Assault Crisis Services (confidential)

860-223-1787 (English)
888-568-8332 (Español)

Prudence Crandall Center for Domestic Violence (confidential)

888-774-2900 (24-hour hotline)

Central Connecticut State University is an equal opportunity educator and employer.

This document is available in alternative formats by calling the Office of Diversity and Equity at 860-832-1652.

This policy and protocol manual is provided to students and applicants for their general information and guidance only. It does not constitute a contract either express or implied, and is subject to revision at the University's discretion.



April 15, 2012

Dear University Community Members:

This University strives to provide a campus that is welcoming to all and a learning environment that is open, supportive, and safe. As a community, we will not tolerate discrimination, violence, or harassment. A key component in our efforts is a new sexual misconduct policy and protocol that spells out our response to reported incidents affecting our students, faculty, staff, and visitors.

To paraphrase the protocol, you will find that it provides information for those whose rights have been violated; presents guidance for the campus community on expectations we have for sexual communication, responsibility, and respect; and establishes procedures to ensure that each CCSU community member who reports or experiences a sexual assault receives care and accurate and complete information. I encourage all to read the protocol so that we can all support those who may need our help.

Acts of sexual misconduct threaten personal safety and violate the standards of conduct expected of community members. To prevent sexual assaults on the CCSU campus, we will continue to offer education and prevention programs for the campus community, and we will pursue all criminal and administrative remedies for complaints of sexual misconduct.

Sincerely,

A handwritten signature in black ink that reads "Jack Miller".

Dr. Jack W. Miller
CCSU President

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Introduction

The Central Connecticut State University (CCSU) Sexual Misconduct Policy and Protocol Manual:

- Provides recourse to those whose rights have been violated;
- Presents guidance for the campus community on expectations we have for sexual communication, sexual responsibility and sexual respect;
- Helps ensure that each CCSU community member who reports a sexual assault, or who is otherwise victimized by other forms of sexual violence, receives the same level of care and the same accurate and complete information;
- Provides students and employees of CCSU who report being the victim of sexual assault or violence:
 - Contact information for and, if requested, professional assistance in accessing and utilizing campus, local advocacy, counseling, health, mental health and legal assistance services;
 - Written information concerning the rights of such students and employees to:
 - Notify law enforcement of such assault or violence;
 - Receive assistance from campus authorities;
 - Obtain a protective order and/or apply for a restraining order.
- Informs students and employees of the available options for, and available assistance, from CCSU in changing academic, living, transportation or working situations in response to such assault or violence;
- Provides for the honoring of any lawful protective or temporary restraining orders;
- Provides the range of sanctions that may be imposed following the implementation of CCSU's disciplinary procedures in response to such assault or violence;
- Details the procedures that students and employees should follow after the commission of such violence, including:
 - Persons or agencies to contact; and,
 - Information regarding the importance of preserving physical evidence of such assault or violence.

I. BOR/CSCU Sexual Misconduct, Sexual Assault and Intimate Partner Violence Policy

Central Connecticut State University Statement

Central Connecticut State University (CCSU) will not tolerate sexual misconduct against students, staff, faculty, or visitors, whether it comes in the form of intimate partner violence, sexual assault, sexual exploitation or sexual harassment, as defined in the BOR policy. In an ongoing effort to prevent sexual misconduct and intimate partner violence on the CCSU campus, the University provides education and prevention programs for the CCSU community and pursues all criminal and administrative remedies for complaints of sexual misconduct.

CCSU is a community dependent upon trust and respect for its constituent members: students, faculty, staff and those visiting or under temporary contract. As noted in CCSU's Violence Free Campus Policy, members of the University community have the right to a safe and welcoming campus environment. Acts of sexual misconduct and intimate partner violence threaten personal safety and violate the standards of conduct expected of community members.

Individuals and Entities Affected by this Policy

This policy applies to anyone on the property of Central Connecticut State University, as well as anyone present at CCSU-sponsored programs or events. This policy extends to off-campus violations of both students and employees in limited circumstances as noted below:

- Students: "Off-campus misconduct may be subject to the jurisdiction of the University and addressed through its disciplinary procedures if one of the following conditions is met: (i) a student engages in prohibited conduct at an official University event, at a University-sanctioned event, or at an event sponsored by a recognized student organization; or (ii) a student engages in prohibited conduct under such circumstances that reasonable grounds exist for believing that the accused student poses a threat to the life, health or safety of any member of the University community or to the property of the University. "¹
- Employees: The decision of whether to investigate and discipline employees for off-campus misconduct will be made by the appropriate university administrator on a case-by-case basis in accordance with collective bargaining agreements, CSU/university policies, and state regulations.

Statement of Policy

The Board of Regents for Higher Education (BOR) in conjunction with the Connecticut State Colleges and Universities (CSCU) is committed to insuring that each member of every BOR governed college or university community has the opportunity to participate fully in the process of education and development. The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual misconduct and relationship violence. It is the intent of the BOR and each of its colleges or universities to provide safety, privacy and support to victims of sexual misconduct and relationship violence.

The BOR strongly encourages the reporting of sexual misconduct, including sexual harassment, sexual assault and intimate partner violence, as an effective means of taking action by reporting such acts to the appropriate officials and pursuing criminal or disciplinary remedies, or both. The only way that action can be taken against anyone who violates another in such a manner is through reporting. Each and every BOR governed college or university shall provide those who report sexual misconduct with many supportive options, including referral to agencies that provide medical attention, counseling, legal services, advocacy, referrals and general information regarding sexual assault. Each and every BOR governed college or university will preserve the confidentiality of those who report sexual misconduct to the fullest extent possible and allowed by law. All BOR and CSCU employees,

¹ CCSU Student Code of Conduct, Part B

victim advocates or community victim advocates being consulted will make any limits of confidentiality clear before any disclosure of facts takes place.

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

Sexual misconduct, including sexual harassment, sexual assault, sexual exploitation and intimate partner violence, against anyone is unacceptable and is both a crime under State law and a violation of BOR policies. The BOR and each of its governed colleges and universities are committed to providing an environment free of personal offenses. Consensual sexual relationships between staff, faculty and students are discouraged pursuant to BOR policy.

Mandated Reporting

The BOR requires that a report be made to the Connecticut Department of Children and Families whenever a person under eighteen (18) years of age may have been sexually assaulted. Further, pursuant to BOR Policy on Suspected Abuse or Neglect of a Child, any BOR or CSCU employee who has a reasonable cause to suspect or believe that a person under the age of 18 years has been abused or neglected, has been placed in imminent harm or has had a non-accidental injury is required by Board policy to report the incident as soon as practicable to their immediate supervisor as well. Employees are required to report possible sexual assault of persons 18 years old or older and those CSCU employees who qualify as Campus Security Authorities under the Jeanne Clery Act have a duty to report possible sexual assault regardless of the age of the reported victim.

Confidentiality

When a BOR governed college or university receives a report of sexual assault all reasonable steps will be taken by the appropriate CSCU officials to preserve the privacy of the reported victim while promptly investigating and responding to the report. While the institution will strive to maintain the confidentiality of the information reported, which information is subject to privacy requirements of the Family Education Rights Privacy Act (FERPA), the institution also must fulfill its duty to protect the campus community.

Confidential resources, such as off campus counseling and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center are bound by state statutes and professional ethics from disclosing information about reports without written releases. Information provided to a confidential resource by a victim of a sexual assault or the person reported to have been assaulted cannot be disclosed legally to any other person without consent, except under very limited circumstances, such as an imminent threat of danger to self or others or if the reported victim is a minor. Therefore, for those who wish to obtain the fullest legal protections and disclose in full confidentiality, she/he must speak with a confidential resource. Each BOR governed college or university will provide a list of such confidential resources in the College or University's geographic region to victims of assault as well as publish these resources on-line and in various publications.

Where it is deemed necessary for the institution to take steps to protect the safety of the reported victim and/or other members of the campus community, the institution will seek to act in a manner so as not to compromise the privacy or confidentiality of the reported victim of a sexual assault to the extent reasonably possible.

Rights of Those Who Report

Those who report any type of sexual misconduct, including sexual harassment, sexual assault or intimate Partner violence, to any BOR governed college or university employee will be informed in a timely manner of all their rights and options, including the necessary steps and potential outcomes of each option. When choosing a reporting resource the following information should be considered:

- All reports of sexual misconduct, including sexual harassment, sexual assault and intimate partner violence, will be treated seriously and with dignity by the institution.
- Referrals to off-campus counseling and medical services that are available immediately and confidential, whether or not those who report an assault feel ready to make any decisions about reporting the assault to police, the Dean of Students or the Campus's Title IX Coordinator.
- Those who have been assaulted have the right to take both legal action (criminal/civil action) and action against the individual allegedly responsible.
- Those who seek confidentiality may contact a clergy member(s) and/or the Sexual Assault Crisis Center of Connecticut – all of whom are bound by state statutes and professional ethics to maintain confidentiality without written releases.

Options for Changing Academic, Transportation and Working Arrangements

The colleges or universities will provide assistance to those involved in a report of sexual harassment, sexual assault or intimate partner violence, including but not limited to, reasonably available options for changing academic, campus transportation, housing or working situations as well as honoring lawful protective or temporary restraining orders. Each and every BOR governed college or university shall create and provide information specific to its campus detailing the procedures to follow after the commission of such violence, including people or agencies to contact for reporting purposes or to request assistance, and information on the importance of preserving physical evidence.

Support Services Contact Information

It is BOR policy that whenever a college or university Title IX Coordinator or other employee receives a report that a student, faculty or staff member has been subjected to sexual misconduct, including sexual harassment, sexual assault or intimate partner violence, the Title IX Coordinator or other employee shall immediately provide the student, faculty or staff member with contact information for and, if requested, professional assistance in accessing and using campus, local advocacy, counseling, health, and mental health services. All CSCU campuses shall develop and distribute contact information for this purpose as well as provide such information on-line.

Right to Notify Law Enforcement & Seek Protective and Other Orders

Those who report being subjected to sexual misconduct, including harassment, sexual assault or intimate partner violence, shall be provided written information about her/his right to:

- notify law enforcement and receive assistance from campus authorities in making the notification; and,
- obtain a protective order, apply for a temporary restraining order or seek enforcement of an existing order. Such orders include:
 - standing criminal protective orders;
 - protective orders issued in cases of stalking, harassment, sexual assault, or risk of injury to or impairing the morals of a child;
 - temporary restraining orders or protective orders prohibiting the harassment of a witness;
 - relief from physical abuse by a family or household member or person in a dating relationship; and,
 - family violence protective orders.

Student Conduct Procedures

The **Student Code of Conduct** provides the procedures for the investigation, definitions of terms, and resolution of complaints regarding student conduct, including those involving sexual harassment, sexual assault and intimate partner violence.

The Title IX Coordinator can assist in explaining the student conduct process. The Student Code of Conduct provides an equal, fair, and timely process (informal administrative resolution or a formal adjudication) for complainants and accused students.

Reported victims of such assault or violence shall have the opportunity to request that disciplinary proceedings begin promptly and such disciplinary proceedings shall be conducted by an official trained in issues relating to sexual assault and intimate partner violence and shall use the preponderance of the evidence standard in making a determination concerning the alleged assault or violence. Both the reported victim of such assault or violence and the accused are entitled to be accompanied to any meeting or proceeding relating to the allegation of such assault or violence by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled, and each shall have the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding. Both the reported victim and accused are entitled to be informed in writing of the results of any disciplinary proceeding not later than one business day after the conclusion of such proceeding. Sanctions may range from a warning to expulsion, depending upon the behavior and its severity. To the extent permitted under state or federal law or as necessary for the disciplinary proceeding, the college or university shall not disclose the identity of the reporter or the accused.

Dissemination of this policy

Upon adoption by the Board all CSCU institutions shall, upon receipt, immediately post and maintain this policy at all times in an easily accessible manner on each institution's website. This Policy shall thereafter be annually provided to all Title IX Coordinators, campus law enforcement officers and security personnel, and other campus personnel. Further, this policy shall be presented at student orientation and at student awareness and prevention trainings, and made broadly available at each

campus. The Policy shall be expanded upon by each institution to provide resources and contact information specific to their institution and geographic area as set forth above.

Terms and Usage

Sexual misconduct may include engaging in one of more 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; submission to or rejection of such conduct by an individual is used as a basis for academic decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile or offensive educational 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 status is contingent upon toleration of or acquiescence in sexual advances.

(b) **Sexual assault** may include 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. Sexual assault is further defined sections 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the 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.

Consent is the equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. Consent cannot be assumed because there is no physical resistance or other negative response. A person who initially consents to sexual activity shall be deemed not to have consented to any such activity which occurs after that consent is withdrawn. A lack of consent may result from mental incapacity (e.g., ingestion of alcohol or drugs which significantly impair awareness or judgment) or physical incapacity (e.g., the person is unconscious or otherwise unable to communicate consent).

Intimate partner violence any physical or sexual harm against an individual by a current or former spouse of or person in a dating relationship with such individual that results from any action by such spouse or such person that may be classified as a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes, stalking under section 53a-181c, 53a-181d or 53a-181e of the general statutes, or domestic violence as designated under section 46b-38h of the general statutes. “The offenses that are designated as “domestic violence” are against family or household members or persons in dating relationships and include assaults, sexual assaults, stalking, and violations of protective or restraining orders issued by a Court. Stalking is one person's repetitive and willful following or lying in wait behavior towards another person that causes that other person to reasonably fear for his or her physical safety. Relationship violence may also include physical abuse, threat of abuse, and emotional abuse.

BOR Policy Approval 3/13/2014

To report an incident at CCSU

Office of Diversity and Equity (All complaints)

Rosa Rodríguez, Chief Diversity Officer and Title IX Coordinator
 Central Connecticut State University
 1615 Stanley St.
 New Britain, CT 06053
 Davidson Hall, Rm. 104
860-832-1653
 rosa.rodriguez@CCSU.edu

Office of Student Conduct (Complaints against students)

Christopher Dukes, Director
 Willard Hall, Rm. 107
860-832-1667

University Police (All criminal complaints except sexual harassment)

860-832-2375

Human Resources (Complaints against employees)

Lou Pisano, Chief Human Resources Officer
Davidson Hall, Rm. 101
860-832-1756

Office of Student Affairs (Complaints against students)

Dr. Laura Tordenti, Vice President for Student Affairs
Davidson Hall, Rm. 103
860-832-1605

If you want to speak with someone at CCSU

Women’s Center

Jacqueline Cobbina-Boivin
860-832-1655

Counseling and Wellness Center (Confidential)

860-832-1945

If you want to speak with a Community Partner

Sexual Assault Crisis Services (confidential)

860-223-1787 (English)
888-568-8332 (Español)

Prudence Crandall Center for Domestic Violence (confidential)

888-774-2900 (24-hour hotline)

To report an incident to an Outside Agency

An individual has the right to file his or her complaint of discrimination with any or all of the relevant agencies listed below. The individual can also simultaneously avail himself or herself of the University's Internal Discrimination Grievance Procedure.

1. The Connecticut Commission on Human Rights & Opportunities (All)

Capitol Region
999 Asylum Avenue
Hartford, CT 06105
Tel: (860) 566-7710

Eastern Region
100 Broadway
Norwich, CT 06360
Tel: (860) 886-5703

Southwest Region
1057 Broad Street
Bridgeport, CT 06604
(203) 579-6246

West Central Region
Rowland State Government Center
55 West Main Street, Suite 210
Waterbury, CT 06702-2004
(203) 805-6530

Complaints should be filed with the Commission on Human Rights and Opportunities no later than one hundred and eighty (180) days after the alleged act of employment discrimination occurred.

2. The Equal Employment Opportunities Commission (Employees)

John F. Kennedy Federal Office Building
Government Center, Room 475

Boston, MA 02203
Tel: 1-800-669-4000

Complaints should be filed with the Equal Employment Opportunities Commission no later than one hundred and eighty (180) days after the alleged act of employment discrimination occurred, except, that in a case when the aggrieved person has initially filed a complaint with the Commission on Human Rights and Opportunities, such complaint should be filed no later than three hundred (300) days after the alleged act of employment discrimination occurred.

3. State of Connecticut: Employee Grievance Procedure

Contact Human Resources Office or union representatives for Grievance forms and/or procedures.

4. U.S. Department of Education, Office for Civil Rights (Students)

33 Arch Street
Ninth Floor
Boston, MA 02110
Tel: (617) 289-0111
Fax: (617) 289-0150

Website Address for this Policy/Protocol

www.ccsu.edu/smp

Protocols

CCSU will not tolerate sexual misconduct of any kind against students, staff, faculty, or visitors to the university.

The University strongly encourages victims of all sexual assaults to pursue criminal and campus sanctions against perpetrators for their own protection and that of the entire campus community.

If you are a victim of sexual misconduct – particularly sexual assault - at CCSU, you are asked to seek any needed medical and counseling assistance and to report the incident to the CCSU Police or one of the many resources listed under *Contacts* to get assistance, to pursue criminal charges and/or to file a complaint with the University. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence, crisis counseling, and immediate police response.

The University will investigate all complaints of sexual misconduct and will take appropriate disciplinary action in each instance of proven misconduct. In cases reported to the CCSU Police, the police will fully investigate each incident, and initiate charges against suspects when there is probable cause to do so.

Contacts

A number of contacts are available for victim reporting, whether or not they wish to pursue action within the University or criminal justice systems, or whether they are unsure of this decision. In order to make informed choices you should be aware that these resources are differentiated by location, hours of availability, services, and confidentiality.

With regard to confidentiality, the University will make reasonable efforts to maintain the confidentiality of parties involved in sexual misconduct investigations. However, CCSU reserves the right to designate

which University officials have a need to know about individual conduct complaints. To help you decide from whom to seek assistance, CCSU describes two types of confidentiality regarding contacts as noted below:

- Limited confidential contacts are those reporting resources that:
 - Will guard your privacy to the extent permitted by the law;
 - Have an obligation to ensure notice to appropriate campus authorities so that the University may take necessary steps to protect the community as a whole and to consider and impose appropriate disciplinary measures;
 - Must share non-personally identifiable information with the police for statistical purposes to comply with federal law;
 - Must share enough information to allow officials to consider whether or not a “timely warning” is warranted to alert the campus to a serious and ongoing threat to their safety;
 - Must share enough information so that University officials may determine any need to undertake action;
 - To the extent possible, will limit communications to a finite group of people on a need-to-know basis; and
 - May have to disclose information upon request unless an exception applies under Connecticut’s Freedom of Information Act (FOIA).
- Privileged contacts are those reporting resources that:
 - Cannot disclose communications, without the reporter’s consent, to any other person, except under very limited circumstances such as an imminent threat of danger to self or others;
 - Offer you options and advice without any obligation to tell anyone, unless you want them to;
 - Will help you report incidents to the police or others who can take action against a perpetrator – with your permission;
 - Keep you in full control over what happens next; and
 - Permit you to seek assistance from them without starting a chain of events that takes things out of your control, or violates your privacy.

CONTACTS					
FOR ALL EMERGENCIES – DIAL 9 11					
	Location	Availability		Type of Communication (*See explanation above)	Services Provided
Reporting Office	On or Off Campus	24/7	Normal Business Hours Only		
CCSU Police	On	x		Limited Confidential	Emergency - Call 911. Special confidentiality rules apply regarding sexual assaults. See notes that follow. 860-832-2375
YWCA Sexual Assault Crisis Services	Both	x		Privileged	Licensed Support and Advocacy Services for Victims of Sexual Assault - Statewide 24 hour toll free hotlines--888-999-5545 (English) or 888-568-8332 (Spanish)
Hospital of Central Connecticut	Off	x		Privileged	Emergency care, including sexual trauma care. 860-224-5671
Women’s Center	On		x	Limited Confidential	Support, counseling and advocacy for victims. 860-832-1655
Student Wellness Services: Counseling & Health	On		x	Privileged	Licensed counselors available for students. 860-832-1945 Medical assistance and referral for students. 860-832-1925
Clergy	Both	Varies		Privileged	Discussions with clergy are protected whether or not the clergy are affiliated with CCSU, e.g., through the Campus Ministry (a student organization).
Residence Life Staff	On	x		Limited Confidential	Will contact the police and assist victims at residence halls.
Student Conduct Officer	On		x	Limited Confidential	Conducts investigations into violations of this policy regarding students and pursues disciplinary action against students who violate this policy. 860-832-1667
Human Resources	On		x	Limited Confidential	Conducts investigations into violations of this policy by employees and make recommendations for appropriate administrative action. 860-832-1760
Diversity & Equity	On		x	Limited Confidential	Conducts investigations regarding sexual harassment, including sexual assault. 860-832-1652
CCSU Faculty and Other Officials	On		x	Limited Confidential	All will attempt to assist victims to the best of their ability.
Prudence Crandall Center	Off	x		Privileged	Shelter, support, and advocacy to victims of domestic violence. 888-774-2900
Office of Victim’s Services	Off		x	Privileged	Information, advocacy, counseling referral, notification, and victim compensation. 800-822-8428

What to do if you are sexually assaulted or otherwise victimized by sexual misconduct

You may know exactly what you need and want done. However, for many people, the decision about what to do is a daunting one. CCSU understands that this is a very personal decision and we will support you in whatever choices you make. At the same time, we would be remiss if we did not offer our recommended actions for you to consider.

Go to a safe place.

- **Call 911 if you need medical attention** regardless of whether or not you intend to report the incident to the authorities. Preserve all physical evidence even if you are unsure about reporting to the police. Some evidence must be collected within 72 hours of the assault. If you decide to have the evidence collected, you will then have the option of using it. However, if it is not collected, you will lose the opportunity for its use should you later decide to pursue criminal charges against the perpetrator.
 - Do not brush your teeth, shower, douche or change clothes before seeing a doctor.
 - Do not straighten the scene of the assault. Do not disturb the crime scene—leave all sheets, towels, etc., that may bear evidence for the police to collect.
 - If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean **paper** grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). Place each item of clothing in a separate brown paper bag. **DO NOT USE PLASTIC BAGS.**
 - If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence. Ask the doctor to test your blood and urine if you think you were drugged. This will help ensure that valuable evidence is retained IF you choose to have the police investigate this crime now or later.
 - A sexual assault exam will provide you with treatment as well as the collection of evidence.
 - You will not be compelled to make a police complaint, but may do so if you want. The exam will help to keep that option open for you, should you decide later to exercise it.

Call the CCSU Police or Other Contacts (See “Contacts” Section Above)

You have the right to and are encouraged to report to the CCSU Police any incident involving sexual misconduct on campus, or the police department of jurisdiction for off-campus crimes. The CCSU Police will assist you in making contact with other police agencies when necessary. Taking this step preserves your rights and may prevent the victimization of others. However, the police will not compel you to participate in an investigation. Callers should call 911 for any emergency, or use one of the “Blue Light” telephones located throughout campus for immediate assistance. **For non-emergencies contact the police at 860-832-2375 (or extension 22375 from a campus telephone).**

If you do not want police involvement at this time, contact a rape crisis counselor, other caregiver, or another person you trust. (See Contacts) You may still involve the police, either now or later,

understanding that later involvement may rule out the collection of physical evidence and/or otherwise affect the outcome of an investigation.

- Contacting the police is recommended but not required. CCSU respects your right to make a choice that is best for you.
- You may change your mind later, although reporting sooner offers you the best opportunity for a successful outcome of the police investigation.
- Write down as many of the details of the assault as possible and save them. If you decide not to report the assault now, you may want the details later if you change your mind.
- Consider contacting a rape crisis counselor at the YWCA Sexual Assault Crisis Center (available around the clock), or the staff of:
 - CCSU Women’s Center, or
 - CCSU Counseling and Wellness Center, or
 - CCSU Health Services.
- At the very least, tell someone you trust. You do not have to go through this alone.
- You may also consider a lawsuit against a perpetrator (contact YOUR attorney for advice).

Report the Incident to University Officials

In addition to the police, CCSU encourages victims to report allegations of sexual misconduct to one of the three primary University Contacts listed below (or to any officer of the University) to initiate an internal University investigation:

- **Office of Diversity and Equity** (regardless of the status of the accused). See CCSU Procedures and Timetables for Processing of Discrimination and Sexual Harassment Complaints at <http://www.ccsu.edu/page.cfm?p=1497>. The ODE will :
 - Contact victim/survivor and assist in obtaining medical care if needed.
 - Encourage the victim/survivor to report the incident to the police, and assist in making the report if requested by the victim.
 - Allow the victim/survivor and the person accused to have a non-participating support person present for the interviews.
 - If the person accused is a student, the incident will be reported to the Office of Student Conduct for administering the Student Code of Conduct.
 - If the person accused is an employee, investigate and make recommendation for possible administrative action. In some cases human resources or the police may conduct the investigation.
- **Office of Student Conduct** (when the accused is a student). See Student Code of Conduct and Statement of Disciplinary Procedures at <http://www.ccsu.edu/page.cfm?p=4155>.
 - **Anonymous Reports.** Victims or others can make anonymous reports via one of the “Privileged Contacts” listed above who will provide assistance.

Other Important Information

See Appendix A for answers to a broad range of questions expanding on this information and covering the following topics:

- Initial Reporting Considerations and Medical Questions
- Police Investigations and Court Processes
- University Internal Investigations and Hearings
- Your Rights
- How to Reduce Risk

What the University will do if you report sexual misconduct

The University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect the rights and personal safety of the campus community. Such measures include, but are not limited to, the initiation of criminal and/or internal University investigations, interim suspension from campus pending a hearing/investigation, and the modification of living or work arrangements. As necessary, CCSU reserves the right to initiate a complaint, to serve as complainant, and to initiate University proceedings without a formal complaint by the victim of misconduct.

Police Investigation

The CCSU Police Department is authorized to investigate any violations of state or federal Law and/or University regulations on campus. Any student, faculty member, or employee of CCSU should directly report any potential criminal act or other emergency to any officer or representative of the Police Department. The police will:

- Make sure you are safe;
- Make sure you have had (or get) medical attention;
- Offer to contact an experienced sexual assault advocate to assist and advise you;
- Conduct a criminal investigation;
- File a report, even if you are uncertain about pursuing criminal charges;
- Advise you about options you have for assistance and/or to take action against the perpetrator;
- Assist you in contacting another police agency if the assault took place away from CCSU;
- Ask you to provide them with details of what happened; and
- File a summary report to enable the University to investigate policy violations.

University Investigations

Filing a complaint with the University is different from filing a complaint with the police. Apart from possibly being a crime, sexual misconduct is also a violation of CCSU policy and may also violate federal and state laws outlawing discrimination and sexual harassment, including sexual assault which is an extreme form of sexual harassment. Thus, the University has an obligation to investigate. And, when it is established that anyone's conduct violates this policy, serious sanctions will be used to help ensure that such actions are not repeated. Depending upon the offense, sanctions may include but are not limited to discipline under the Student Code of Conduct (up to and including expulsion), discipline for employees (up to and including termination), and the leveling of criminal charges. These actions may be taken regardless of whether the victim wants to prosecute and/or participate.

If a victim chooses to pursue University procedures against a perpetrator, s/he, as well as the accused, can expect that the University will provide appropriate due process throughout the internal University proceedings.

One aspect of the internal University procedures is that proving sexual misconduct may be less difficult than proving a criminal allegation in court. This is because criminal convictions require "proof beyond a reasonable doubt," i.e., a prosecutor must prove the case to the point that the jurors have no reasonable doubts in their minds that the defendant committed the crime. The University's internal investigative processes, on the other hand use the "preponderance of evidence" standard where the information indicates a 'more likely than not' probability that a person did that which is alleged.

Under both federal and state law, the University is required to take action regarding complaints of discrimination and sexual harassment, including sexual assault which is considered an extreme form of sexual harassment.

The Office of Diversity and Equity is charged with meeting this mandate, although victims may report such instances through the CCSU Police, Human Resources, or any officer of the University.

Victims may report allegations of sexual misconduct not only through the CCSU Police but also through any officer of the University or as noted below:

- Office of Diversity and Equity (regardless of the status of the accused)
- Office of Student Conduct (where the accused is a student)

Alerts (Timely Notifications)

Once a report of sexual misconduct is made, the University will take all reasonable and necessary steps to protect the campus and the victim. This may include alerting the campus to crimes that it determines pose a serious and ongoing threat to members of the campus community. In making such determinations, the University will consider the safety of students, faculty, and staff as well as the privacy interests of all persons involved in such incidents. Regardless of the action taken by the University, the name of any victim will not appear on these alerts.

Crime Reporting

In compliance with the Clery Act (Campus Crime Statistics Act), all employees of the University (excluding "Privileged Contacts") notified of a sexual assault are required to inform the CCSU Police of non-personally identifiable information for inclusion in campus crime statistics unless the matter has already been reported to the police.

Disciplinary Procedures Summary

Disciplinary procedures pertaining to sexual misconduct will vary depending upon the status of the accused (e.g., student versus employee) as well as the applicable collective bargaining agreements and/or personnel policy in the case of employees. Nevertheless, CCSU is committed to the following principles:

- Disciplinary proceedings shall begin promptly once an investigation is completed;
- Disciplinary proceedings shall be conducted by the appropriate University personnel;
- Both the accuser and the accused are entitled to:
 - Have the opportunity to present information and witnesses on their behalf during any disciplinary hearing.
 - Have the right to be accompanied to any meeting by an advisor of their choice.

University Sanctions

The University will not assume a person is in violation of University policy. In determining whether or not this policy has been violated, all available information will be considered as well as the concerns and rights of both the complainant and the person accused of sexual misconduct.

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose differing sanctions depending on the severity of the offense.

- **Everyone:** Any person found responsible for sexual misconduct that is a violation of the criminal statutes may be subject to a police investigation and, upon a finding of probable cause, arrest and prosecution. Any such investigation and any resulting finding by a court may be a consideration in any University proceeding, but shall not preclude the University from imposing sanctions for violations of University policy.
- **Students:** In addition to any criminal charges, any student found responsible for engaging in the prohibited conduct described herein will be subject to the disciplinary procedures and sanctions cited in the CSU Student Code of Conduct. Depending on the severity of the incident, and taking into account any previous campus conduct code violations, sanctions may include, "...but are not limited to, any of the following or any combination of the following: expulsion, suspension, disciplinary probation, disciplinary warning, residence hall separation, residence hall probation and residence hall warning."

- **Employees:**

- Any employee who is convicted of a criminal offense related to this policy may face disciplinary action in accordance with applicable collective bargaining agreements and State statutes.
- Any employee who is found to have violated this policy may be subject to disciplinary action, up to and including dismissal, in accordance with applicable collective bargaining agreements and State statutes.

Victim Assistance

- **Students:** Apart from the victim services available to everyone, students have specific assistance options made available through this policy. For students, after an alleged sexual assault, the University will make every effort to assist students with requested changes in academic and living situations, if such changes are reasonably available. Accommodations may include:
 - Change of an on-campus student's housing to a different on-campus location;
 - Assistance from University support staff in completing the relocation;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options.
- **Employees:** If so requested by a victim of sexual assault and if such changes are reasonably available and contractually permissible, the Human Resources Department may consider requests for changes in working situations on a case-by-case basis.

What CCSU employees must do when someone reports sexual misconduct

Victims of sexual misconduct often turn first to a close friend, an acquaintance, or even a trusted faculty member or administrator for help and guidance. The reporting of sexual victimization is not only a very personal decision but one that can be fraught with conflicting emotions and a daunting array of important decisions. Thus, it is crucial for those so entrusted to offer victims support, guidance and advice that are both as accurate and as complete as possible. It is to this end that the University has developed these protocols.

For CCSU employees (faculty, staff, and administrators) who are sought out by a victim, these protocols provide guidance in assisting victims through a crisis. The issues surrounding sexual misconduct, and especially sexual assault, are complex, and, in some cases, time-sensitive. You are not expected to be an expert. The focus of these protocols, therefore, is to help you:

- Ensure that each victim of sexual misconduct is given consistent and adequate information regarding available services;

- Direct victims to those specially trained people who can provide them with the professional support they need;
- Reduce the number of times a victim has to recite the history of the assault;
- Allow the University to carry out its various mandates to support victims.

Sexual Assault and the other forms of sexual misconduct may violate both the law and University policy. It is essential that incidents of sexual misconduct be reported to University officials, and that all reports are treated seriously, consistent with this and any other University policies and procedures. The following protocol details procedures for all University employees to follow in responding to reports of rape, other forms of sexual assault, and other forms of sexual misconduct.

An Employee's Duty to Report

If a person discloses an incident that an employee reasonably believes meets the definition of sexual misconduct, the person to whom the report is made has an obligation to report the incident.

- Any faculty or staff member of CCSU (other than the CCSU Police²) who, in the context of their duties, receives a report accusing a student or employee of sexual misconduct must implement these protocols.
- Any student employee who, in the context of their duties, receives a report accusing a student or employee of sexual misconduct must immediately report the incident to a professional supervisor.
- Questions from the news media regarding specific incidents must be referred to the Office of Marketing and Communications (860-832-0065).
- Right to Contact Police: No one shall interfere with the right of a student or employee to file a complaint with the police concerning crimes committed at the University.³

Helping the Victim

If an incident involving sexual assault has been reported to you, be aware that talking about the violence can be very painful and scary. So if someone does disclose to you, make sure to thank the person for telling you. Let them know that what happened was not their fault, no matter what you may think. Sexual assault is never the survivor's fault! Remember to be sensitive, non-judgmental and supportive at all times.⁴

Although there is no "right" way to respond to a victim, you can:⁵

- Remind the victim that the assault was not her or his fault.
- Be supportive without overreacting. Victims may be sensitive to the reaction of others.

² The CCSU Police have specific procedures in keeping with their mandate to investigate allegations of criminal misconduct.

³ Connecticut General Statutes, Sec. 10a-55b

⁴ *Support for Survivors*. http://www.ywcanewbritain.org/images//SACS_Guide_for_Loved_Ones.pdf

⁵ OVS (Office of Victim Services) *Information for Victims of Sexual Assault and their Families*. State of Connecticut Judicial Branch www.jud.ct.gov/crimevictim JDP-VS-30 (Rev. 3/10). 4.

- Be sensitive to the fact that some sexual assault victims do not want to be touched (hugged, patted, etc.).
- Try not to be awkward or to show pity. The sexual assault experience is only one part of a person's life; it should not overshadow everything else.
- If asked, help the victim to make decisions (who to tell, whether to report the assault to the police, sexual assault crisis center, where to stay, etc.), without making decisions for the victim. It is important for the victim to have control over her or his life.
- Show interest but do not pry.
- Be helpful and supportive without being overly protective or attentive. Victims often want to be near others to feel safe and to keep busy, but they may not want to be the center of attention.

Talk about Confidentiality

Be up front with victims that you may not be able to guarantee them confidentiality. Unless you are a member of the clergy, a physician, or a licensed counselor, as a University employee you have obligations that may require that you share information with those with a need to know so that the University may carry out its obligations. In particular, you are required to:

- Share non-personally identifiable information with the police for statistical purposes to comply with federal law;
- Share enough information about an incident to allow officials to consider whether or not a "timely warning" is warranted to alert the campus to a serious and ongoing threat to their safety;
- Share enough information so that Student Conduct officials, Diversity and Equity, or Human Resources may determine any need to undertake action without the victim's permission, and/or
- If action is taken against a perpetrator, you may have to share some information with investigators, witnesses, and ultimately the accused.

Use the Checklist

The main options for victims (male and female), listed on the form (Appendix C), are to be reviewed with the victim. For each item, additional information is given in a question/answer format, so that victims have access to accurate information, which will allow them to make informed decisions. If, at any point you feel you cannot handle the situation, or you need assistance, contact either the YWCA Sexual Assault Crisis Service or the CCSU Police. Both are available around the clock and can provide assistance in making choices. **The CCSU Women's Center can also help in this regard and is available during the fall and spring semesters.**

Appendix A – Questions and Answers

Questions on reporting a sexual assault

1. *Do I have to go to the hospital?*

You are not required to seek medical attention. However, even if you do not want to report the crime or consider prosecution now, documenting injuries and collecting the evidence is important in case you change your mind later. Forensic examinations, which are done at hospitals, can greatly aid in the success of a later investigation and possible prosecution.

2. *Should I report the assault to the police?*

Yes, although it is your decision whether to do so or not. Police investigations are time-sensitive and the ability to catch and apprehend violators often depends upon prompt reporting. However, if you do not involve the police immediately there are steps you can and should take to preserve your options. Reporting to the police is discussed in more depth in subsequent questions and answers.

3. *What should I do if I am uncertain about what happened?*

If you believe that you have experienced non-consensual sexual contact, but are unsure of whether it was a violation of the University's Sexual Misconduct Policy or the law, the CCSU Police, Office of Diversity and Equity, the CCSU Women's Center, or the YWCA Sexual Assault Crisis Service are foremost among those who can help you to define and clarify the event(s), and advise you of your options.

4. *I want medical attention but I'm unsure about reporting this to the police. What should I do?*

These are separate considerations and the first priority is to get medical attention. If you believe you have been a victim of a sexual assault, you should go to the Hospital of Central Connecticut Emergency Room before washing yourself or your clothing. A victim advocate or police officer from the University can also accompany you to the hospital. You will not be compelled to make a police complaint, but may do so if you wish.

5. *How do I get to the hospital?*

If it's an emergency, call 911 and an ambulance will respond. Otherwise, a crisis counselor and/or a police officer can accompany you to the hospital.

6. *What will happen at the hospital?*

A sexual assault exam and evidence collection kit may be administered by a nurse or doctor at any hospital emergency department in the state. Patients are examined and treated for injuries and given antibiotics for sexually transmitted diseases (STDs). Women and adolescent girls, who are concerned about becoming pregnant as a result of the sexual assault, will be offered emergency contraception (EC). If taken within 24 hours of unprotected sex, EC is 95 percent effective.

Both the exam and evidence collection require a patient's consent. Because the evidence that is on a victim's body will deteriorate or become contaminated, evidence must be collected quickly after

the assault. In Connecticut, exams and evidence collection kits can be administered up to 72 hours after the assault. With consent to the exam and evidence collection, the nurse or doctor will collect samples (i.e., hair or semen) which might help the state's criminal case against the offender. The samples may be used as supportive physical evidence in court. The presence or absence of physical evidence does not prove whether a person has been sexually assaulted.⁶

7. *Should I have the evidence collected if I am not sure about reporting to the police?*

Preserving evidence preserves your options. It is important to have the collection of evidence completed as soon as possible after a sexual assault, even if you have not decided whether to report the assault to the police. Crucial evidence may be lost or destroyed as time passes. If you are unsure about reporting to the police, you may have the exam and evidence collection kit completed anonymously. The State of Connecticut, Department of Public Safety, Forensic Science Laboratory will hold the evidence collection kit for 60 days to allow you time to decide if you will report the crime to the police.⁷

8. *Who pays for the exam and evidence collection kit?*

You do not have to pay for the exam and evidence collection kit. The Judicial Branch, Office of Victim Services (OVS) reimburses hospitals for the sexual assault exam and the cost of completing the evidence collection kit. It is against state law for a victim to receive a bill for the sexual assault exam and evidence collection. [C.G.S. § 19a- 112a (e)]

The hospital may bill you for the costs of treatment for additional injuries (for example x-rays or stitches). The Office of Victim Services' Compensation Program may be able to help pay treatment related bills. If you have questions about a bill you received for the sexual assault exam and evidence collection, you may call OVS (1-888-286-7347 or 860-263-2761) or a sexual assault counselor/advocate.⁸

9. *Can I shower, change clothes or brush my teeth before going to the hospital?*

You should not do so, but if you did, don't feel as though you did something wrong. There are a number of other sources of evidence and techniques that can be used by law enforcement to develop the investigation.

10. *What if I already changed clothes?*

Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault. You should identify any evidence that may be available, (i.e., condoms, bedding, clothing, photographs, videotapes, vomit, etc.). It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if you are reluctant to involve the authorities, the evidence should be separated with minimal handling and stored in

⁶ Ibid., 6.

⁷ Ibid., 7.

⁸ Ibid., 9.

paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the forensic value of the evidence destroyed.

11. *If I am still wearing the clothes I was assaulted in, what should be done?*

You should take a change of clothing to the hospital. The forensic examiner will collect the clothing you were wearing at the time of the assault and it will be turned over to law enforcement. Clothing put on after a sexual assault is also very important. The clothing should be carefully impounded and depending on the circumstances of the assault, the clothing may later be examined by a forensic scientist for possible probative evidence.

12. *Will I need any follow-up medical care?*

The test you had in the hospital will only tell you if you were pregnant or had an STI before the assault. If you contracted anything from the offender, it will not show up until later. Even if you were given medication as a precaution, it is very important that you be re-tested in two weeks.

The discharge instruction sheet given to you when you were released from the health care facility contains very important information. You should bring that sheet with you to any follow-up appointments.

If you received hormone therapy to prevent pregnancy, you may have some nausea. If you were not given a prescription for anti-nausea medication and you need some, call the hospital where you were seen. (See discharge instructions for telephone number.)

It may take up to two weeks for your period to start. If it does not, or if you think you might be pregnant, you should have a blood test for pregnancy to be sure.⁹

13. *What about AIDS?*

Some people who have been sexually assaulted are concerned about HIV infection. HIV (Human Immunodeficiency Virus) is the virus that causes AIDS (Acquired Immune Deficiency Syndrome).

The risk of HIV infection from a onetime sexual assault is low. Whether the sexual assault happened recently or in the past, you should talk to a knowledgeable person for advice. A sexual assault counselor can provide support, information and can direct you to testing sites where you can receive free (or low cost) anonymous HIV testing and counseling. After discussing the matter with a counselor, you may want to be tested for HIV.

Because of the emotional trauma of the assault, it is better to wait at least 24 to 48 hours after the assault to have an HIV exam. A test given too soon after the assault will only reveal if you were infected *before* the assault. Waiting will give you a chance to talk to a counselor and to think about your choices in order to make the best decision for you.

⁹ Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations. *State of Connecticut Technical Guidelines for Health Care Response to Victims of Sexual Assault: (2010) 70.*

A test given shortly after the assault will only tell if you were infected before the assault. It may take up to 6 months to know if you have been infected as a result of the sexual assault. Therefore, it is recommended that you are retested again in 6 months.¹⁰

14. *Can the perpetrator be tested for HIV?*

Connecticut state law gives victims the right, in some cases, to ask for the accused to be tested for HIV. A sexual assault counselor/advocate or a court-based victim services advocate can provide you with more information. However, if you are concerned about HIV infection, you should be tested.¹¹

15. *What if I waited more than 72 hours to report the crime to anyone?*

You should still seek medical treatment for sexually transmitted infections and pregnancy. The victim's body and the forensic examination is only one source of evidence and a part of a comprehensive sexual assault investigation. Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault.

Friends and family should help the victim identify any evidence that may be available, including condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the evidence may be destroyed.

16. *How long will the exam take?*

While the entire process, obtaining the history, completing the paperwork, performing the examination and packaging the evidence, may take several hours, the examination itself should take less than an hour. There may also be some wait time, depending on how busy the medical facility is. The examination is very similar to a normal pelvic examination, with the exception that head and pubic hair may be snipped and sometimes plucked and injuries photographed. The examination is also available for male victims.

17. *Do I have to go through the investigation and/or forensic examination alone?*

No. You may have an advocate and/or support person present during the investigation, examination and court procedures. In some circumstances, the victim may want a friend to participate and that friend may be a witness. Witnesses are generally thought of as someone who saw the crime take place, but this is inaccurate. A witness is anyone who has any information about anything related to the crime. It is important for law enforcement to interview the witnesses separately to preserve their individual statements.

¹⁰ OVS. *Information*, 7.

¹¹ *Ibid.*, 8.

18. *Does the medical procedure obligate me to report to the police?*

No. Connecticut law does not require that an adult sexual assault victim report a sexual assault to the police.¹²

19. *Is the medical exam confidential?*

Yes. Medical personnel are not required to report sexual assaults to the police except in certain circumstances such as cases involving children, nursing home patients, the elderly, an adult with mental retardation, or where the victim also suffers a gunshot wound.¹³ However, it is important to understand that the forensic examination is only one part of a comprehensive sexual assault investigation. In addition to the potential for criminal prosecution, a thorough investigation can be used to assist student conduct officers in making important decisions and it can also be used in a civil case if the victim chooses to pursue that option.

20. *Can the hospital test for rape drugs (commonly called “date rape” drugs)?*

Testing for the presence of drugs commonly used to facilitate sexual assault can often be done up to 96 hours (four days) after the ingestion of most of these types of sedative or hallucinogenic drugs.

21. *What are “date-rape” drugs?*

Sexual assaults have long been linked to the abuse of substances, primarily alcohol, that may decrease inhibitions and render the user incapacitated. While the media has often focused on what are commonly referred to as “date rape drugs,” many drugs can be used to facilitate a sexual assault. The most common drug used in a drug-facilitated sexual assault is alcohol.

Date rape drugs are usually powerful sedatives or hallucinogenic drugs, such as Rohypnol (aka: rope, roaches, R2, Roofies), GHB, Burundanga, Ketomine, Scopolamine, etc. Rohypnol is a prescription sedative sold in Europe and South America, but illegal in the United States. GHB is a chemical compound often mixed by people who look up the recipe on the Internet, and buy the ingredients from supermarkets and hardware stores. Other rape drugs are of varying types, but all produce similar results: blackout or incapacitation for 2-8 hours. Drugs used in sexual assaults typically are distributed at raves, dance clubs, and bars, but they are increasingly being sold in schools, on college campuses, and at private parties. Some of these drugs are purchased on the Internet, while others, particularly prescription benzodiazepines are often found in homes. Law enforcement reporting indicates that these drugs are widely available in most urban areas and are becoming increasingly available in suburban and rural communities.

22. *How do I know if I have been the victim of a drug-facilitated sexual assault?*

If you are drinking, and you experience a “high” far beyond what would be normal for the amount of alcohol you consumed, you may have been drugged. Similarly, if all of a sudden you begin to get extremely dizzy, incoherent, or lose balance, equilibrium, sense of time, or place, you may have

¹² Ibid. 10.

¹³ Commission. *Technical*. 14.

been drugged. It is hard to know if you have been drugged because these drugs can be easily slipped into any drink, alcoholic or not. These drugs are mostly tasteless, odorless, and colorless, and will dissolve instantly. They take hold in about 15-25 minutes, and complete unconsciousness can result shortly thereafter. If your drink tastes slightly salty or metallic, this could be an indication of the presence of GHB. If your drink suddenly turns blue, this is a sure sign of Rohypnol, the latest version of which now is manufactured to change the color of the liquid it is dissolved in.

23. *How do they test for the presence of these drugs?*

When sexual assault victims delay reporting, most do so because they are ashamed and embarrassed. While such feelings are common for victims, they are being unfair to themselves. Their assailants should feel the shame and embarrassment, not them. In cases of drug-facilitated sexual assault, the delay is generally even longer because of the disorientation the victim suffered from the substance(s) ingested. If a person suspects she or he has been drugged and that person needs to urinate, she/he should be instructed to catch the urine in a clean jar with a lid. The sample should be refrigerated until it can be turned over to the police or medical personnel for the appropriate test depending on the reporting circumstances. The sample should be handled by as few people as possible in the transport and storage process.

Many times victims seek medical assistance because they believe they were drugged, not necessarily suspecting sexual assault. If a suspected crime is reported within 24 hours, both blood and urine should be collected. Urine is the best specimen for toxicology in cases of sexual assault. Not all hospitals have the ability to test at the low levels needed to detect many of the drugs commonly used to facilitate sexual assault. Samples taken and tested at a hospital are generally used for medical diagnosis and destroyed. If a victim suspects a crime was committed, make sure the hospital splits the sample whenever possible, preserving as much as possible for law enforcement.

Questions on police investigations and court procedures

24. *What happens after I report to the police?*

The police will listen to your explanation of what took place and will have to ask you some questions to establish exactly what crime occurred and who is responsible. Depending upon the circumstances, the first officer may only gather preliminary information and defer further questioning to a detective. Also, you may remember more details with the passage of time so the police may want to ask you additional questions in a day or two. At some point, you will be asked to provide a written statement in your own words and attest to its truthfulness. Depending upon the nature of the offense and the evidence, the police will develop their investigation. If a suspect is in custody, or the identity of the suspect is known and the elements of a crime exist, the investigation will most likely be referred to the prosecuting attorney. The prosecuting attorney will evaluate the police department's investigation including statements of victims, witnesses, and the suspect and any physical evidence associated with the case. If the prosecutor believes the case can be proven beyond a reasonable doubt, charges are filed. If the suspect is not in custody at the time

of the review, a warrant may be issued for the suspect's arrest or the prosecuting attorney may contact a defense attorney representing the suspect to facilitate surrender.

25. *Will I be required to take a polygraph test (lie detector)?*

No. The law prohibits police from requesting or requiring that a sexual assault victim submit to or take a polygraph test.¹⁴

26. *If I sign a sworn statement but my allegations cannot be proven will I be in trouble?*

No. Even if you made a mistake in your statement you would not be in trouble as long as you acted in good faith and provided information you believed to be true. The only time someone would be in trouble would be if he or she purposely made up a story that was intended to mislead the police.

27. *What happens if I report the crime to the police but I'm not certain about whether to have the person prosecuted?*

It is important to recognize that reporting a crime does not mean the victim must prosecute. A thorough investigation should be conducted before a victim is asked to make a decision about prosecution. Part of a thorough drug facilitated sexual assault investigation would include toxicology testing.

28. *Will the CCSU Police investigate even if the perpetrator is a faculty member, administrator, or athlete?*

Yes. While the CCSU Police are indeed employees of CCSU, they have legal and ethical obligations to follow the law and protect your rights as well as those of the alleged perpetrator irrespective of one's position or perceived status.

29. *Can criminal charges be filed even if I don't want them to be?*

Yes, in certain infrequent circumstances, a state's attorney could prosecute a case based upon statements provided by victim even when that victim does not want the case prosecuted. Victims are not parties to the prosecution. A sex crime is a crime against the state, and prosecution is done in the name of the state, not the victim. However, the most common practice (except cases of domestic violence and child abuse) is to honor the needs of the victim. If possible, it is important for you or your advocate to articulate that as a result of the trauma and the consequences of the sexual assault, you are unable to participate in the investigation and prosecution at the time, but that those circumstances could change.

30. *Does it matter when I file criminal charges?*

Prosecutions are most successful in cases where the victim reports the assault to the police as quickly as possible. There are statutes of limitations for certain crimes. The police can advise you.

¹⁴ CGS § 54-86j

31. Will the offender be able to get out of jail after being arrested?

The offender may be released on bond after arrest while awaiting trial. If you are afraid, you should contact a sexual assault counselor to discuss your fears and options.¹⁵

32. How can I get legal advice?

If you do not already have representation by an attorney there are a number of online resources that can assist you. You may also want to try Statewide Legal Services at 1-800-453-3320 (provides brief advice and/or referral for representation).

33. Can I apply for a Restraining Order or Protective Order?

Yes. Both of these orders are issued by a judge and the best information on obtaining either of these may be found in a publication of the Connecticut Coalition Against Domestic Violence titled *A Guide to Connecticut's Family Violence Laws* and available online at:

<http://ctcadv.org/Portals/0/Uploads/Documents/Website%20CCADV%20Guide%20to%20Family%20Violence%20Law.pdf>

Protective Order

Protective orders may be issued by a criminal court judge against a person arrested for stalking or for a family violence crime. These orders may tell the arrested person "...not to hit you, and can also tell him not to harass you, contact you, contact your children, come to your home, come to your place of employment, any combination of these, or any other protection the judge thinks is appropriate."¹⁶

Restraining Order

A restraining order is made by a judge in the Family Court and may apply to persons in a dating relationship as well. The judge may order that your partner not to hurt or harass you, and may also direct your partner to leave your home and/or make an order regarding temporary custody of children.¹⁷

34. If I prosecute, how long will it take?

Investigations can sometimes take weeks or months to complete, depending on the specific facts of the case. Specifically, forensic evidence analysis, DNA and toxicology often take months to process and obtain results. Criminal prosecutions can take years to get from the filing of charges to the end of the final appeal. This is not meant to discourage, but to give a realistic perspective on the criminal justice system.

35. How much does it cost to prosecute?

Costs for criminal prosecution are paid for by the prosecuting attorney's office.

¹⁵ Commission. *Technical*. Page 71.

¹⁶ CCADV Guide to Connecticut's Family Violence Laws. (2007): 17.

¹⁷ *Ibid.*, 29.

36. *Are investigations and prosecutions confidential?*

Yes, up to a point. In sexual assault cases, the police are prohibited from releasing a victim's name to the public and will apply for arrest warrants using "Jane Doe" in lieu of the victim's name. However, people involved in the prosecution will know about it, as will witnesses.

37. *If the prosecution is successful, what will happen?*

Nationally, sentences for rape average 12 years, with 7-8 served, though other sexual assault convictions result in shorter sentences. Criminal convictions for sexual assault can result in fines, jail time, community service, probation and other punishments.

38. *What happens in the criminal justice process?*

You always have the right to ask questions about your case. If the offender is arrested, someone from the prosecutor's office (a prosecutor or an investigator) may contact you. You may also be contacted by a court-based victim services advocate who is available to assist you during the criminal justice proceedings. A sexual assault counselor/advocate can also support and help you through the criminal justice process.

If the offender is arrested, she/he may be released on bond/bail. If you are afraid, you can contact a sexual assault counselor/ advocate to discuss your fears and options. You may ask the prosecutor to request that the court issue a no contact order or protective order to prohibit the defendant from contacting you or your family, either directly or indirectly, while the case is pending.

If the offender contacts you in any way you can tell the police and the prosecutor. As a result of the contact, the offender's bond/bail may be increased, the offender's release on bond/ bail may be revoked or new charges may be brought against the offender. You may ask the prosecutor, sexual assault counselor/ advocate, or court-based victim services advocate, to explain these changes to you.

The defendant will be required to enter a plea. In most cases the plea is not guilty. This will protect the defendant's right to a trial, even if there is a plea agreement reached at a later time.

You may find the criminal justice system confusing. The following listing provides an overview of the various phases of the process:

1. **Arrest:** The accused is arrested (either by arrest warrant or without a warrant). The accused is told of the charges. Bond is set and a no contact order may be ordered if bond is posted. If the accused posts a bond, then she/he is released pending the next court date. Otherwise she/he will remain in jail until bond is posted or the court orders her/his release.
2. **Arraignment:** A public defender is appointed or the accused is given time to hire a private attorney. The amount of the bond may be argued for either a lower or higher amount. Depending on the charges, the case will be transferred to the Part A court (Judicial District court) or stay in the Part B court (Geographical Area court).

3. **Pre-Trial Hearings:** There will probably be several hearings over a period of time (could be one year or longer). The hearings involve conversations between the attorneys and sometimes the judge. The accused enters a plea, usually not guilty. A plea bargain may be negotiated at this stage.
4. **Plea Bargaining:** During the Pre-Trial Hearing phase, it is possible that prosecutors and defense attorneys will agree to a negotiated plea, or “plea bargain.” As noted by the State Victim Advocate:¹⁸

The plea bargaining process is extremely important for maintain the flow of criminal dockets and for reaching a resolution in a criminal matter that may otherwise be unpredictable if it were to go to trial. The advantage of the plea bargain process is a two-way street; the state is relieved from having to try the case, while gaining a conviction and the defendant agrees to plead to some reduced charges in exchange for a lesser penalty. Through pretrial negotiation stage between the state and defense, a mutually agreeable resolution is reached and this process resolves nearly 97% of all criminal matters in the state.

Once a plea bargain has been formally offered to a defendant, the court will consider statements from the state, the defendant and the victim prior to acceptance or rejection of the plea bargain. If the plea bargain is accepted by the court, the court will then “canvass” the defendant. The canvass is to ensure the defendant is aware and fully understands the terms and conditions of the plea bargain. Additionally, the canvass requires a finding by the court that the defendant understands the maximum penalty associated with each offense charged and the state’s burden to prove each offense charged. Ultimately, the court makes a finding that the defendant understands the plea bargain and that the plea cannot be withdrawn if the defendant changes his/her mind.

5. **Trial:** Trials are usually conducted in front of a jury. The selection of the jury could take several days. Each side presents witnesses and evidence and has the opportunity to question the witnesses for the other side. The victim may testify as a witness for the prosecution. The judge gives the jury instructions regarding the law. The jury deliberates and decides on a verdict. All jurors must agree on the decision. Possible outcomes include: guilty, not-guilty, or mistrial.
6. **Sentencing:** If the defendant is found guilty, sentencing will take place at a later date. The judge determines the sentence based on many factors, including the pre-sentence investigation (PSI) and information provided by the victim through the victim impact statement.
7. **Appeal:** The defendant can appeal the guilty verdict. The appellate court will affirm the sentence or order a new trial.¹⁹

¹⁸ Testimony of Michelle Cruz, Esq. 2010. <http://www.cga.ct.gov/2010/JUDdata/Tmy/2010HB-05524-R000319-Office%20of%20the%20Victim%20Advocate-Michelle%20Cruz-TMY.PDF>

¹⁹ OVS, Information, 11-14.

39. *When it comes to “plea bargaining” do victims have any say in the matter?*

Yes. Under Article XXIX of the Constitution of the State of Connecticut victims have a right 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.²⁰

40. *If I prosecute, do I have to be there?*

Normally, victims provide testimony as witnesses and provide the main evidence against the defendant. While most cases do not get to trial, if a case does go to trial, in almost every case a victim would be required to testify.

41. *Will this prosecution put me on trial?*

Sexual assault cases are undeniably difficult. The defendant’s attorneys may try to make it look like it was your fault, and may try to call your character into question. However, irrelevant evidence of a victim’s past sexual history is inadmissible in court.

42. *If the incident happened on campus, can I still prosecute?*

Yes, courts have jurisdiction over cases that occur on campus.

43. *If I prosecute, do I still have other options?*

Filing criminal charges does not preclude the filing of a campus complaint and/or civil suit(s). A campus complaint may include one or more of the following forms:

- An allegation against a student perpetrator made through the Office of Student Conduct;
- A filing of an allegation of sexual harassment or misconduct through the Office of Diversity and Equity or the Human Resources Department;

44. *Do I need my own lawyer for the criminal case?*

No. The State of Connecticut has lawyers, called state’s attorneys or prosecutors, who represent the state’s interest and handle the criminal case. They will need you as a witness for the state’s case against the accused. You may hire your own lawyer to represent your interests.²¹

45. *Do I need my own lawyer if I decide to sue the offender?*

You will need to hire a lawyer if you decide to file a lawsuit against the offender in civil court. A sexual assault counselor/ advocate can help you find a lawyer who specializes in helping victims in civil proceedings.²²

46. *What if the defendant’s lawyer or investigator contacts me?*

You do not have to talk to anyone about the incident unless you have been subpoenaed to appear in court. If you are subpoenaed, you are only required to talk about the incident in court.

²⁰ Ibid., 18.

²¹ Ibid., 14.

²² Ibid., 17.

Keep in mind that anyone working for the defendant is trying to get information for the defendant's benefit. You may decide that you do not want to speak with them or that you want the prosecutor to be present. You can always find out who wants to talk to you and who they are working for before you decide whether or not to speak to that person. If you have any questions, you can contact the prosecutor, court-based victim services advocate, or sexual assault counselor/advocate.²³

47. *What role will I play in the criminal justice process?*

During the criminal justice proceedings, your information will help the prosecutor weigh the strengths and weaknesses of the case in order to seek the appropriate charges.

- Your testimony about what happened will help the jury decide whether to convict the defendant.
- Your victim impact statement will help the judge to decide a proper punishment for the defendant.
- You can provide information to the preparer of the pre-sentence investigation that will be given to the judge.
- Your victim impact statement will help the Board of Pardons and Paroles decide whether to grant the convicted offender's request for early release.

When the offender is placed on probation, information you provide to the probation officer will assist in the development of an appropriate supervision plan.²⁴

Questions on University internal investigations & hearings

48. *What is the difference between a police investigation and a University internal investigation?*

The main difference is that it is more difficult to prove criminal misconduct through a police investigation than it is to prove misconduct through an administrative process. For the police to make an arrest they need "probable cause" or reason to believe that a crime has been committed and the accused is the person who committed the crime. They have an even heavier burden in obtaining a conviction—"proof beyond a reasonable doubt." However, internal University investigations deal with violations of policy and the standard of proof is lower than that needed for conviction of a crime. In internal University investigations, it must be shown that a policy violation occurred and that there is a 'more likely than not' probability that the accused person did that which is alleged.

49. *Does the complaint remain confidential?*

To the extent permitted by law, the privacy of all parties to a complaint of sexual misconduct will be preserved, except insofar as it interferes with the University's obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled

²³ Ibid., 14.

²⁴ Ibid., 15.

on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the complainant or the accused may lead to administrative action by the University. In all complaints of sexual misconduct, the complainant will be informed of the final outcome. In some instances, the University also may choose to make a brief announcement of the nature of the violation and the action taken, using no names. Certain University administrators are informed on a confidential basis (e.g., the President of the University, Vice President of the Student Affairs, Chief of Police). If you report an act of alleged sexual misconduct and there is evidence that a felony has occurred, the police will be notified. This does not mean charges will be automatically filed or that a victim must speak with the police. The University also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

50. *[For students] Will my parents be told?*

Not necessarily. CCSU's primary relationship is to the student and not to the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. University officials will directly inform parents when requested to do so by a student, in a life-threatening situation, or if an accused student has signed a consent form which allows such communication.

51. *Will I have to confront the perpetrator?*

Yes, if you file a formal complaint in a criminal court. At a University internal proceeding, the complainant is not required to participate in a hearing. The accused has the right to contest the information presented. See Question 58.

52. *Do I have to name the perpetrator?*

Yes, if you want formal disciplinary and/or criminal action to be taken against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint (but you should consult the complete information on confidentiality above to better understand the University's legal obligations depending on what information you share with different University officials).

53. *[For students] Will someone be sanctioned when reporting a sexual misconduct violation if he/she has illegally used drugs or alcohol?*

Not necessarily. The severity of the infraction will determine the nature of the University's response, but whenever possible the University will respond educationally rather than punitively to the illegal use of drugs and/or alcohol. The seriousness of sexual misconduct is a major concern and the University does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

54. *Will the use of drugs or alcohol affect the outcome of a sexual misconduct University investigation?*

The use of alcohol and/or drugs by either party will not diminish the responsibility of the accused. On the other hand, alcohol and/or drug use is likely to affect the complainant's memory and, therefore, may affect the outcome of the complaint. A person bringing complaints of sexual misconduct must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to prove his/her complaint. If the complainant does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the accused without further corroborating information.

55. *Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?*

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

56. *What do I do if I am accused of sexual misconduct?*

DO NOT contact the alleged victim.

[For students] You may immediately want to contact someone in the campus community who can act as your advisor. You may also contact the Office of the Vice President of Student Affairs, who can explain the University's procedures for dealing with sexual misconduct complaints. You may also want to talk to a confidential counselor at the University's Counseling and Wellness Center. You may also desire to speak with an attorney, particularly if you are facing criminal charges.

57. *[For students] What about changing residence hall rooms?*

If you want to move, you may request a room change. Room changes under these circumstances are considered promptly.

58. *[For students] Are there alternative testimony options for campus hearings?*

Yes. For sexual misconduct complaints and other complaints of a sensitive nature, whether the alleged victim is serving as the complainant or as a witness, the University will attempt to provide alternative testimony options, such as using a visual screen, and/or by permitting participation by telephone, videophone, audio tape, written statement or other means as determined by the Student Conduct Hearing Board to be appropriate. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the accused student.

59. *Will I be in trouble if my allegation cannot be proven?*

Reports made in good faith will not be regarded as "false" simply because the allegation could not be corroborated or proven. However, the University reserves the right to discipline members of the University community in proven cases of false complaints. Similarly, proven false reports to the police may result in a criminal prosecution.

60. *[For students] Is there any immunity for victims or “Good Samaritans”?*

Because the welfare of our community is of paramount importance, the University encourages the reporting of violations of this policy. At times, victims are hesitant to report to University officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. Similarly, persons on and off-campus may need assistance and CCSU encourages students and employees to offer help and assistance to others in need.

Again, and for the same reasons listed above, there may be hesitance to offer assistance to others for fear that they may get themselves in trouble. To encourage reporting, the University pursues a policy of offering victims of sexual misconduct, as well as those who offer help to others in need, limited immunity from being charged for policy violations related to the sexual misconduct incident. While violations cannot be completely overlooked, the University will provide educational options rather than punishment, in such cases. A Conduct Administrator may also decline to pursue or establish charges against a victim of sexual assault.

61. *Are notifications given to accusers and the accused of outcomes?*

The results of police investigations and court proceedings are generally available to victims.

In institutional disciplinary proceedings pertaining to this policy, both the accuser and accused are entitled to be informed in writing of the final results of any disciplinary proceedings after the conclusion of such proceeding.

62. *[For students] Are parents of students notified of outcomes?*

The University is committed to providing support to victims of sexual misconduct. Nevertheless, when there is a health or safety emergency the University may need to notify the parents, guardian, or partner of the individual involved in the matter. An emergency includes situations in which there is an articulable and significant threat to the health or safety of a person. In making this determination, the University will consider the wishes of those involved, as well as their personal safety, and the safety of the campus community. In addition, when the person sexually assaulted is under the age of 18 or under 21 and physically or mentally impaired, the law requires notice of the abuse to the appropriate social service agency or the police.

63. *What about retaliation or intimidation?*

CCSU will not tolerate retaliation and/or intimidation directed against persons who either bring forth complaints of sexual misconduct or are witnesses in any proceeding stemming from allegations of such sexual misconduct, whether such complaint is brought internally or with an external agency. Encouraging others to retaliate or intimidate also violates this policy. If the allegations of sexual misconduct are of a criminal nature, prosecution against those who engage in such retaliation and/or intimidation may result.

64. *What rights do I have as a “crime victim” in Connecticut?*²⁵

Under the Constitution of the State of Connecticut you have the right:

- To be treated with fairness and respect throughout the criminal justice process;
- To timely disposition of the case following arrest of the accused, provided no right of the accused is abridged;
- To be reasonably protected from the accused throughout the criminal justice process;
- To notification of court proceedings;
- 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;
- To communicate with the prosecution;
- 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;
- To make a statement to the court at sentencing;
- To restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law; and
- To information about the arrest, conviction, sentence, imprisonment and release of the accused.

Connecticut statutes also provide crime victims with the right:

- To have your conversation with a sexual assault counselor/advocate remain confidential and not used in court without your permission. [C.G.S. § 52-146k];
- Not to have your present or prior sexual conduct brought up during the trial unless the court, after a hearing, decides that it is strongly related to the trial. You may wish to speak with the prosecutor about this. [C.G.S § 54-86f];
- Not to have your address or telephone number disclosed in the courtroom during any proceeding in the prosecution of cases involving sexual assault, injury or risk of injury to a child, or impairing the morals of a child, providing the judge finds that they are not material to the proceeding. [C.G.S § 54-86d];
- To have your name and address in the court records remain confidential from people not involved in the case and released only by an order of the court. [C.G.S. § 54-86e] The accused will have access to this information through his or her attorney;

²⁵ OVS, *Information*, 18-22.

- To be informed of any court proceeding (arrest, arraignment and release on bond, entry of a plea, trial, or sentencing) by providing the prosecutor with a current mailing address and telephone number. [C.G.S. § 51-286e];
- To tell the judge how the crime affected you by presenting a victim impact statement. You may speak to the judge in court or you may give written comments to the prosecutor or court-based victim services advocate who will forward them to the judge. This statement can be made before the acceptance of a plea agreement and at a sentencing hearing. [C.G.S. § 54-91c];
- To notification when the accused applies for accelerated rehabilitation and an opportunity to tell the judge what you think about that. [C.G.S. § 54-56e];
- To be told when the criminal case has been dismissed. You can check with the court clerk about this. Your request must be made within two years of the dismissal. [C.G.S. § 54-142c];
- To notification when the inmate has applied to the Board of Pardons and Paroles, Department of Correction (DOC), sentencing judge or Sentence Review Division. You must file a request with OVS or DOC. The form may be obtained from a court-based victim services advocate, online at www.jud.ct.gov/crimevictim or by calling OVS or DOC. [C.G.S. §§ 54-228, 54-230];
- To appear before the Board of Pardons and Paroles or to give written comments as to whether the inmate should be released or if the inmate has to have any conditions related to the release. [C.G.S. § 54-126a];
- To notification when the inmate is released from DOC. You must file a request with OVS or DOC. [C.G.S. §§ 18-81e, 54-228 and 54-230];
- To appear under subpoena as a witness in any criminal proceeding without being fired, harassed, or otherwise retaliated against by your employer. [C.G.S. § 54-85b];
- To request that special considerations be taken during your child's testimony, in or out of court, if you are the parent of a sexual assault or abuse victim and your child was 12 years of age or younger at the time of the offense. [C.G.S. § 54-86g];
- To request the arrest of the offender, to request a protective order from the court, and to apply for a restraining order from the court in order to prevent further injury. A sexual assault counselor/advocate or court-based victim services advocate can explain these orders. [C.G.S. §§ 46b-15, 46b-38c].

65. *[For students] If I am a complainant or accuser what rights do I have in campus student conduct hearings?*

As a complainant or accuser you have the right:

- To protection under the applicable privacy laws (e.g. Family Education Rights and Privacy Act (FERPA) for students).
- To be informed of the University's policy;
- To have all informal proceedings arranged in a way that avoids having to be in the same room with the accused;

- For students, to participate or decline to participate in the University student conduct process;
- To refrain from making self-incriminating statements. However, the University will make a determination of responsibility with the information presented;
- To have the allegations investigated in a thorough and timely manner;
- To be informed of the final outcome and sanction of any student conduct process;
- The right to investigation and resolution of all credible complaints of sexual misconduct made in good faith to University administrators;
- The right to be treated with respect by University officials;
- The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during a student conduct hearing. The advocate/advisor may advise the accuser but may not participate in the hearing or address the Conduct Hearing Board. The right not to be discouraged by University officials from reporting an assault to both on-campus and off-campus authorities (See Student Code of Conduct);
- The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the victim so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right not to have any complaint of sexual assault mediated (as opposed to adjudicated);
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by campus law enforcement;
- The right to appeal the finding and sanction of the Student Conduct Hearing Body, in accordance with the standards for appeal established in CSU's Code of Conduct and Statement of Disciplinary Procedures;
- The right to review documentary evidence regarding the complaint, as provided for in the CCSU Student Code of Conduct subject to the confidentiality limitations imposed by state and federal law;
- The right to preservation of confidentiality, to the extent possible and allowed by law;
- The right to petition that any student conduct hearing officer be removed on the basis of demonstrated bias;
- The right to give testimony in a campus hearing by means other than being in the same room with the accused (closed circuit live audio/video is the recommended method);
- The right to present relevant witnesses to the Student Conduct Hearing Body;
- The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
- The right to be present for all testimony given and any documentation presented before the Student Conduct Hearing Body;

- The right to have University policies and procedures followed without material deviation;

For complete hearing procedures see CSU Student Code of Conduct and Statement of Disciplinary Procedures.

Questions on Reducing Risk

66. How can I reduce risk in an uncomfortable sexual situation?

- If you have limits, make them known before things go too far;
- Tell a sexual aggressor “NO” clearly and loudly, like you mean it;
- Try to extricate yourself from the physical presence of a sexual aggressor;
- Grab someone nearby and ask for help;
- Be responsible for your alcohol intake/drug use and realize that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity;
- Watch out for your friends and ask that they watch out for you. A real friend will get in your face if you are about to make a mistake. Respect them if they do;
- If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner.

67. How can I reduce my risk for being accused of sexual misconduct?

- DON'T MAKE ASSUMPTIONS
 - About consent,
 - About someone's sexual availability,
 - About whether they are attracted to you,
 - About how far you can go, or
 - About whether they are physically and mentally able to consent to you.
- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you;
- Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading him/her, or perhaps the person hasn't figured out how far she/he wants to go with you yet. You need to respect the timeline with which she/he is comfortable;
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves;
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power;
- Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior;

- Silence and passivity cannot be interpreted by you as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

Appendix B - Consent

Important Points Regarding Consent

- Consent is a must for every form of sexual activity every time. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- Obtaining consent is the responsibility of the party initiating the sexual contact.
- Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
- Silence, in and of itself, cannot be interpreted as consent.
- Consent can be given by word or action, but non-verbal consent is less clear than talking about what you want and what you don't.
- Consent may be withdrawn at any time.
- Previous relationships or consent cannot imply consent to future sexual acts.
- Consent is not valid if procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, 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.
- In order to give effective consent, one must be 16 years of age or older.
- Individuals who consent to sex must be able to understand what they are doing. If you have sexual intercourse or sexual contact with someone you know to be—or should know to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand who, what, when, where, why or how of their sexual interaction.
- This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called “date-rape” drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc., is prohibited, and administering one of these drugs to another student for the purpose of inducing incapacity is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>
- Use of alcohol or other drugs will never function to excuse behavior that violates this policy.

Appendix C - Staff/Faculty Member Sexual Misconduct Procedure Checklist

Employee Name: _____ Today's Date: _____

Employee Phone #: _____ Department: _____

Instructions: Complete this form based on direct discussions with the person reporting sexual misconduct offense. Initial each item in the protocol as you complete it. Immediately forward this checklist in a sealed envelope marked "Confidential" to the Office of Diversity and Equity. Alternately you may send the checklist to either:

- Student Affairs – if the victim is a student
- Office of Diversity & Equity or Human Resources – if the victim is an employee of the University

The following actions have been taken by the faculty or staff person. Please indicate with a ✓ .

- If the victim's physical safety is in jeopardy, call 911. If possible, find safe haven immediately until help can arrive.
- If the victim has been assaulted recently or has any injuries, immediately call the CCSU Police Department (911) for assistance. Because of the violent and invasive nature of some sexual misconduct, particularly sexual assault, it is important for victims to receive medical treatment, even if they are unsure about reporting the assault to the police. Medical treatment for a sexual assault victim may include a medical evidentiary exam, emergency contraception, pregnancy and STD testing, physical and psychosocial assessment and expert witness testimony for the court system. The police will not compel the victim to participate in an investigation, but will explain options.
- Explain the following:

Thank you for coming to talk to me about such a serious issue. I want you to know that we are going to do all we can to help you. I need to make clear that I am not someone who is able to maintain the confidentiality of what you share with me. *While we will make every effort to respect your wishes as far as how we respond to your report, if you desire a confidential conversation, I can take you to the CCSU Counseling and Wellness Center or help you to set up a meeting with them or the Sexual Assault Crisis Service.*

Nevertheless, if you speak with me I can and will protect your privacy to the extent possible. In particular I must:

- Share non-personally identifiable information with the police for statistical purposes to comply with federal law;
 - Share enough information about an incident to allow officials to consider whether or not a "timely warning" is warranted to alert the campus to a serious and ongoing threat to their safety;
 - Share enough information so that Student Affairs, the Office of Diversity and Equity, or the Human Resources Department may determine any need to undertake action without your permission.
 - If action is taken against the person whom you are accusing, as necessary, I may have to share some information with investigators, witnesses, and ultimately the accused.
- If the assault took place off-campus the CCSU Police are available to assist the victim in making contact with the appropriate police agency.

- If the victim is adamant about avoiding police involvement, or if the assault did not occur recently, encourage the victim to contact the YWCA Sexual Assault Crisis Service (SACS) (860-223-1787) for professional support and assistance.
- Offer to arrange transportation through University Police and if available, accompaniment by community advocate, to the hospital or Health Services. If the victim is reluctant, you may call this service for support in advising her or him. Similarly, you should also provide assistance in contacting the police and/or the other service providers such as the CCSU Women's Center (860-832-1655 during normal business hours).
- Inform the victim that she/he may choose to involve the police at a later time. However, a delay in police involvement may diminish the likelihood of a successful outcome for the investigation. The victim may discuss options with the police or the YWCA SACS without revealing his/her identity.
- Inform the victim that if the assault just occurred, and the victim decides to not involve the police or SACS, that in order to preserve evidence:
 - The victim should not wash, bathe, douche, or change clothes before medical treatment.
 - The scene of the assault, e.g. room or car, should not be straightened, cleaned or disturbed in any way.
- Because the victim has reported the incident to a University official (you), the matter will be investigated administratively even if it is not reported to the police. Only the police may conduct a criminal investigation, but the University will conduct an internal University investigation and take action regarding violations of this policy, either apart from, or in addition to, any criminal investigation conducted by the police.
- Offer to facilitate reporting to these entities and explain that the victim has the right to choose whether official complaints are filed or not, except in rare cases where there is a significant threat or risk to the University community. Those actions may include one or more of the following:
 - Investigation of misconduct of an employee by the Human Resources Department
 - Investigation of misconduct of a student through the Office of Student Conduct
 - Investigation of sexual harassment by the Office of Diversity and Equity (since the sexual misconduct may also constitute sexual harassment)
- Explain that if the police are not involved you still have an obligation to file a sexual misconduct report to other University officials and that they may inform the police of certain statistical information (without disclosing the victim's identity) to fulfill federal reporting mandates and/or allow the University to notify the community of any ongoing risk.
- Encourage the victim to consider taking advantage of counseling services available at the University Counseling and Wellness Center and offer to facilitate such a meeting. Also inform the victim of counseling options in the community.
- Give the victim a copy of the Sexual Misconduct Policy that contains additional information and contact numbers.

If the police are NOT contacted, fill out the following information on the incident based on the facts provided to you by the victim. If you do not have the information, leave it blank.

Today's Date: _____ Date of discussion with victim: _____

Victim's Name: _____

Victim's Age: _____ Sex: _____ (if student) Academic year/banner ID: _____

Role on campus: Student Faculty Staff

Victim's Contact Information:

Address: _____

Telephone: _____ Email: _____

Date of Incident: _____ Approx. Time of Incident: _____

If the alleged sexual misconduct occurred on campus, indicate generally where:

If the alleged sexual misconduct occurred off-campus, indicate generally where:

Describe the Incident:

- Sexual contact (fondling, kissing, petting, but not penetration) without consent
- Intercourse (oral, anal or vaginal penetration by penis or other object) without consent
- Other sexual misconduct – (describe): _____

Describe: _____

Name of alleged perpetrator: _____

Unknown: _____

If identity unknown, description:

Number of assailants: _____

Describe below:

Assailant 1:

Sex: ____ Race: _____ Age: ____ Height: ____ Weight: ____

- Student Faculty Staff No campus role Unknown
 Stranger Relative Friend Acquaintance Romantic partner

Assailant 2:

Sex: ____ Race: _____ Age: ____ Height: ____ Weight: ____

- Student Faculty Staff No campus role Unknown
 Stranger Relative Friend Acquaintance Romantic partner

Assailant 3:

Sex: ____ Race: _____ Age: ____ Height: ____ Weight: ____

- Student Faculty Staff No campus role Unknown
 Stranger Relative Friend Acquaintance Romantic partner

Describe the kind of pressure or force used by the assailant:

Verbal pressure or arguments: _____

Position of authority (boss, teacher, supervisor, etc.): _____

Threat of physical force (threatened to hit, hold, or otherwise injure): _____

Actually used physical force (hit, held down, twisted arm, etc): _____

Gave victim alcohol or drugs so victim was significantly incapacitated: _____

Weapon: _____
(Specify type of weapon)

Other (describe): _____

Other departments or agencies the victim reported this alleged sexual misconduct to:

- Counseling & Wellness Center
- Diversity & Equity Office**
- Faculty/Staff member _____
- Human Resources
- Office of Student Conduct**
- Police (CCSU)**
- Police (Name of Local Police Department): _____
- Residential Life: _____
- Student Affairs Office: _____
- University Health Services
- Women's Center
- Other: (describe) _____

Additional comments:

Acknowledgements

CCSU gratefully acknowledges that this policy is based upon the *Model Sexual Misconduct Policy* authored by Brett A. Sokolow, Esq., Managing Partner, NCHERM, 2010 as well as portions of the Case Western University policies and procedures related to sexual assault. Both NCHERM and Case Western have consented to our use of their material.

To build upon the framework created by the *Model Sexual Misconduct Policy*, this document also reflects previous work of CCSU faculty and staff to improve CCSU's response to sexual violence, in particular:

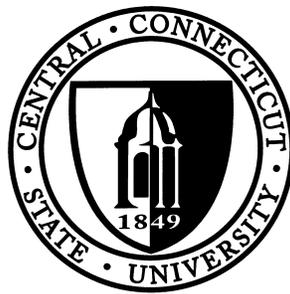
- *Taking Care: A Handbook of Protection against Sexual Assault*. A draft publication prepared by the Ruthe Boyea Women's Center
- The 2009 recommendations of the Sexual Assault Committee of the Committee on the Concerns of Women.

Lastly, CCSU has included information for victims borrowed liberally from a publication of the Office of Victim Services for the State of Connecticut Judicial Branch titled *Information for Victims of Sexual Assault and their Families*.

(www.jud.ct.gov/crimevictim/JDP-VS-30 Rev. 3/10)

***Special Thanks to the
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This information is provided by CCSU's Sexual Assault and Interpersonal Violence Resource Team.
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