

Sexual Misconduct and Intimate Partner Violence Policy

Policy Statement

Central Connecticut State University (CCSU) will not tolerate sexual misconduct against students, staff, faculty, or visitors, whether it comes in the form of sexual assault, sexual exploitation or sexual harassment, as defined in this policy. CCSU will also not tolerate intimate partner violence among its students. 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.

Reason for the Policy

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.

Definitions

Consent.

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. A person forced to engage in sexual contact by force, threat of force, or coercion has not consented to contact. Lack of mutual consent is the crucial factor in

¹ CCSU Student Code of Conduct, Part B

any sexual assault. Consent CANNOT be given if a person's ability to resist or consent is substantially impaired because of a mental or physical condition. Examples of such mental or physical conditions include, but are not limited to: unconsciousness; physical force; substantial impairment because of a psychological health condition; substantial impairment because of voluntary intoxication; or substantial impairment because of the deceptive administration of any drug, intoxicant or controlled substance.

Intimate Partner Violence

Intimate partner violence means any physical or sexual harm against an individual by a current or former spouse 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.² 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.

Sexual Misconduct

Sexual misconduct refers to sexual assault, sexual exploitation and sexual harassment as described in this Policy.

Sexual Assault

Any non-consensual sexual contact³ with the victim's intimate parts⁴ whether by an acquaintance or by a stranger, is a sexual assault. Physical resistance need not occur to fulfill the definition of sexual assault. Consent can NEVER be given by anyone under the age of sixteen. Sexual assault includes, but is not limited to the following: Rape; acquaintance rape (e.g. friend, classmate, peer, co-worker, partner, etc.); incest; sexual assault with an object; forcible sodomy; forcible oral sex; and forcible fondling.

Sexual Exploitation

Sexual exploitation is also prohibited at CCSU. Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to: prostituting another person; non-consensual video or audio-taping of sexual activity; non-

³ Contact with the intimate parts of a person not married to the perpetrator for the purpose of sexual gratification of the perpetrator or for the purpose of degrading or humiliating the victim.

⁴ "Intimate parts" means the genital area or any substance emitted there from; groin, anus or any substance emitted there from; inner thighs; buttocks or breasts.

consensual sharing of obscene sexually explicit photographs or images by whatever means, electronically or otherwise (e.g., via the internet); going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); engaging in Peeping Tommerly; or, knowingly transmitting a sexually transmitted infection (STI) or HIV to another.

Sexual Harassment

CCSU's policy on sexual harassment defines sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, evaluation of a student's academic performance, or term or condition of participation in student activities or in other events or activities sanctioned by the university; or,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions or other decisions about participation in student activities or other events or activities sanctioned by the university; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance; or creating an intimidating, hostile, or offensive work or educational environment."

Responsibilities

CCSU Police

The CCSU Police have a responsibility to uphold and enforce the law even if the victim does not want to make a complaint and/or participate in the process. As a result, once a report is made to the police, they have a duty to investigate the matter to the extent possible. This does not mean that a victim will be forced to participate in either a police investigation or a criminal prosecution. In addition, the CCSU Police will notify appropriate campus officials such as Student Affairs, the Human Resources Department and the Office of Diversity and Equity.

Human Resources Department

Human Resources is the department responsible for carrying out investigations regarding allegations of employee misconduct that violate University and/or State policy and making recommendations for appropriate administrative action. If required, the accuser and the accused will be afforded due process rights.

Office of Diversity and Equity

One of the roles of the Chief Diversity Officer is to investigate complaints of discrimination and sexual misconduct when these complaints are brought to the attention of University officials. The Chief Diversity Officer serves as the Title IX coordinator. If the person accused is a student, the incident will be reported to the Office of Student Conduct that has the responsibility for administering the *Student Code of Conduct*.

Student Affairs

Student Affairs is responsible for the administration of the non-academic misconduct portion of the Student Code of Conduct as detailed in the Student Handbook. This responsibility includes the investigation of allegations of student misconduct that violates University policy, and taking appropriate administrative action. If required, the accuser and the accused will be afforded due process rights.

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- CCSU Procedures and Timetables for Processing of Discrimination, Harassment, Sexual Misconduct and Interpersonal Violence Complaints
 - Nondiscrimination in Education and Employment Policy
 - Consensual Relationship Policy
 - Sexual Harassment Policy
 - Student Code of Conduct and Statement of Disciplinary Procedures

Date of Adoption: October 25, 2011

Date Revised: August 6, 2012—added intimate partner violence.