



Title IX: Sexual Misconduct Policy

The University of Saint Joseph believes in the intrinsic value of all human beings. Moreover, it is committed to the full, peaceable participation of all of its members in the educational endeavor it fosters. The University is committed to maintaining a learning and living environment which is fair, respectful, and non-tolerant of any threats or acts of sexual harassment, sexual assault or sexual violence which are all a forms of sex discrimination that creates a hostile environment. A hostile environment occurs when the conduct interferes or limits a student's ability to participate in a school's program. The University has an obligation to consider the effects of off-campus conduct when evaluating whether there is a hostile environment in a University program or activity. The University will process all Title IX complaints regardless of where the conduct occurred. Any reports of such behavior or action should be made to the Title IX Coordinator or Deputy:

- Deborah Spencer, Title IX Coordinator 860.231.5390, Mercy Hall Human Resources office, dspencer@usj.edu or
- Paul Lombardo, Title IX Deputy 860.231.5396, McGovern Hall Public Safety office, plombardo@usj.edu or
- Jackie Piscitelli, Title IX Deputy 860.231.5423, Associate Athletic Director, O'Connell Center Room 146, jpiscitelli@usj.edu

Complaints regarding the university's handling of a title IX matter can also be sent to TitleIX@usj.edu or be made via the University's ethics line reporting at: <https://secure.ethicspoint.com/domain/media/en/gui/33024/index.html>.

Complaints can also made to the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th floor, 5 Post Office Square, Boston, MA 02109-3921, 617.289.0111, OCR.Boston@ed.gov.

A report of sexual harassment, assault, violence or stalking will be taken seriously, promptly investigated and addressed. While respecting the rights of all parties involved, the safety and well-being of the complainant and the campus community are the University's primary concern. Appropriate action will be taken to discipline an offending party. The University of Saint Joseph maintains an on record sexual misconduct policy, a commitment to investigation, support, and protection of any involved parties, annually published security reports, as well as prevention initiatives.

Definition of Terms

Sexual Misconduct is a broad term covering a range of behaviors including sexual assault, sexual harassment, intimate partner violence, stalking, voyeurism, sexual exploitation, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person. Sexual misconduct may involve nonconsensual sexual contact, but this is not a necessary component. All individuals are protected from sexual misconduct, and sexual misconduct is prohibited regardless of the harasser.

Sexual Assault/Sexual Violence is a sexual act committed or attempted against one's will. It includes a range of acts from unwelcome sexual touching to forced sexual intercourse.

Sexual assault refers to any sexual act without the explicit consent of the recipient.

Sexual exploitation is when an individual takes non-consensual or abusive sexual advantage of another for their own advantage or benefit or benefit or advantage of someone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offences. Examples include invasion of sexual privacy, non-consensual video or audio taping of sexual activity, engaging in voyeurism, exposing one's genitals and knowingly transmitting an STI or HIV to another individual.

Intimidation is implied threats or acts that cause an unreasonable fear of harm in another.

Economic abuse is withholding economic resources to intimidate, threaten, or cause the victim to remain in a relationship because of lack of access to finances. Examples include, but are not limited to, sabotaging employment opportunities and withholding money.

Emotional/Psychological Abuse is any behavior, verbal or non-verbal, that the respondent does to control the complainant and, or, damage the complainant's emotional well-being. Examples include, but are not limited to, name-calling, mocking, yelling or making humiliating remarks, monitoring phone calls, texts, or computer use.

Technological Abuse is the use of technology to control, harass, intimidate, or stalk another person. Examples include hacking or logging into a victim's email or other electronic accounts without permission, installing tracking devices on cellphone, manipulation through social media, violation of information privacy and sending insulting or threatening emails or messages.

Hazing is acts that are likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining or any other group-affiliation activity.

Sexual harassment is unwanted sexual attention of a persistent or offensive nature. Sexual harassment includes sexually oriented conduct that is sufficiently pervasive or severe to unreasonably interfere with a student's educational performance or create an intimidating, hostile or offensive environment.

Stalking involves any behaviors or activities occurring on more than one occasion that collectively instill fear in the complainant and/or threaten their safety, mental health, and/or physical health. Such behaviors or activities may include, but are not limited to non-consensual communications (face to face, telephone, e-mail), threatening or obscene gestures, surveillance, or showing up outside the targeted individual's classroom or workplace.

Intimate Partner Violence is 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, stalking, or domestic/family violence. Intimate Partner Violence includes a pattern of verbal, emotional and/or physical behavior in an intimate relationship that is used to establish power and control over another person through fear and intimidation. A pattern of behavior is typically determined based on the repeated use of words and/or actions and inactions in order to demean, intimidate, and/or control another person.

Domestic Violence is a pattern of abusive behavior in any relationship that is used by one

partner to gain or maintain power and control of another, whether an intimate partner or non-intimate co-habitant. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. The state of Connecticut (P.A. 16-106) defines domestic/family violence as an event between family or household members that either cause physical injury, or creates fear that physical injury is about to happen. Family or household members include people who are related, people who are, or were, married, people who live together, people who have a child together, and people who are, or were recently, in a dating relationship.

Coercion is unreasonable pressure for sexual activity. Coercion is the use of emotional manipulation to persuade someone to do something they may not want to do such as being sexual or performing certain sexual acts. Being coerced into having sex or performing sexual acts is not consenting to having sex and is considered sexual misconduct.

Affirmative consent is an active, clear and voluntary agreement by a person to engage in sexual activity with another person. Silence, on its own, cannot be interpreted as consent. Neither relationship nor prior permission implies future consent. Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated due to alcohol, drugs, or some other condition. A person is mentally or physically incapacitated if they lack the ability to make or act on considered decisions to engage in sexual activities. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in such activity. It is the responsibility of each person to ensure that they have the affirmative consent of all persons engaged in sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.

Force may include, but is not limited to, the use or display of a weapon, physical immobilization, threats, intimidation or coercion. Another example of force is psychological pressuring, or any attempt to take advantage sexually of an individual under duress or incapable of making a decision on their own. This includes situations in which an individual is under the influence of alcohol, drugs, or otherwise physically incapacitated.

Bystander Intervention is defined by the state of Connecticut as the act of challenging the social norms that support, condone, or permit sexual assault, stalking, and intimate partner violence (P.A. 16-106). Students are encouraged to undertake bystander intervention actions when they are able to do so in a manner that is safe for all concerned. Examples of Bystander Intervention include: Asking if someone is alright; Distracting one or both people involved; Encouraging someone to seek help from appropriate resources, such as the Student Counseling Center.

Know Your Rights

An individual reporting an incident of sexual misconduct is considered the "complainant" and the individual who the incident is reported against is the "respondent". The University encourages complainant of sexual harassment, assault, violence or stalking to talk to somebody about what happened, so the complainant can get the support they need, and so the University can respond appropriately. Different employees on campus have different abilities to maintain a victim's confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."

- All other employees are required to report all the details of an incident (including the identities of both the complainant and respondent) to the Title IX coordinator. A report of these employees (called “responsible employees”) constitutes a report to the University, and generally obligates the College to investigate the incident and appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting a confidential disclosure options available to them, so they can make informed choices about where to turn, should they become a complainant of sexual violence. The University encourages the complainant to talk to someone identified in one or more of these groups regardless if the respondent is an employee, student, or a non-campus third party individual.

The Options

A. Privileged and Confidential Communications

Professional and Pastoral Counselors

Professional, licensed counselors and pastoral counselors (not including Campus Ministry employees) who provide mental-health counseling to members of the university community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a complainant’s permission.

A complainant who speaks to a professional counselor must understand that, if the complainant wants to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the respondent. Even so, these counselors will still assist the complainant in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A complainant, who, at first, requests confidentiality may later decide to file a complaint with the University or report the incident to local law enforcement, and thus have the incident fully investigated. The counselors will provide the complainant with assistance if the victim wishes to do so.

B. Reporting to “Responsible Employees”

A “responsible employee” is a University employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. When a complainant tells a responsible employee about an incident of sexual violence, the complainant has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the complainant in order for the University to determine what happened – including the name(s) of the complainant and respondent(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report. A responsible employee should not share information with law enforcement without the complainant’s consent, or unless the complainant has also reported the incident to law enforcement.

Before the complainant reveals any information to a responsible employee, the employee

should ensure that the complainant understands the employee's reporting obligations, and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources.

If the complainant wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the complainant that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Title IX Coordinator of the complainant's request for confidentiality. Responsible employees will not pressure a complainant to request confidentiality, but will honor and support the complainant's wishes, including for the University to fully investigate an incident. By the same token, responsible employees will not pressure a complainant to make a full report if the complainant is not ready to.

Certain campus officials have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to the Director of Public Safety regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses given) for publication in the annual Campus Security Report.

This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the complainant and may be done anonymously.

Complainants of sexual misconduct should also be aware that University of Saint Joseph administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Reporting Procedures

Any member of the University of Saint Joseph Community who has experienced, witnessed as a bystander or learned about any sexual harassment, assault, domestic violence or stalking is encouraged on or off campus to contact the Title IX Coordinator/Deputy and/or Campus Safety. Reporting an act of sexual misconduct allows the institution to pursue safety and support for the complainant and the community. The complainant may request confidentiality, but should recognize this may limit the institution's ability to respond. Where the complainant provides consent, University personnel will strive to protect the privacy of any involved students during the reporting and investigation process. Where strict confidentiality is not possible, discernment and sensitivity will be used in sharing information on a need-to-know basis only.

If the appropriate personnel determines that it cannot maintain a complainant's confidentiality, the University will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

The safety and well-being of the complainant and the campus community are the institution's primary concern. It is the complainant's choice (if they are of legal age) whether to file a formal

complaint with local law enforcement and/or the University at any point in the informal process. If the complainant files a criminal complaint with a local law enforcement agency, the University will comply with law enforcement agency requests for cooperation. That such cooperation may require the University to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency gathers evidence. The University will then promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process. In addition the complainant may stop proceedings at any time.

In cases where University personnel have reason to believe an incident of sexual misconduct has occurred, the institution is legally obligated to investigate and respond. This may occur without the receipt of a formal complaint.

	Information and Support	Informal Remedies	Formal Resolution	Counseling Services	Confidentiality Level
Counseling And Wellness Center	*			*	Strictly Confidential
Health Services	*				Strictly Confidential
Public Safety	*	*	*		Confidential in accordance with state law
Dean of Students	*	*	*		Mostly Confidential
Title IX Coordinator/ Human Resources	*	*	*		Mostly Confidential

Anonymous Reporting

The University of Saint Joseph Public Safety Department recognizes the importance of allowing individuals reporting an incident to Public Safety to remain anonymous. The Public Safety Department utilizes an anonymous reporting tip line. The phone number for the **Anonymous Tip Line** is 860.231.5742 or x5742 from any campus phone. The **Anonymous Tip Line** voicemail will be reviewed by the Director of Public Safety. All calls will remain anonymous unless the caller states that they wish to be contacted. Reports may also be made via the University’s ethics line reporting at:

<https://secure.ethicspoint.com/domain/media/en/gui/33024/index.html>

Investigation Procedures

Upon receipt of a formal complaint, a timely investigation will be conducted. An investigation will begin within 10 procedural days of the received complaint, and may include, but is not limited to the following steps:

- Both complainant and respondent have equitable rights during the investigation (i.e. have the same opportunities to produce evidence or witness, afford similar and timely access to any documents and information used at a hearing, including the University’s Title IX investigative report).
- The complainant is not required to be present at the hearing as a prerequisite to proceed.
- Presumption of inadmissibility of evidence of the complainant’s past relationships with anyone other than the respondent.
- Both are entitled to be accompanied to any meeting 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 meetings as scheduled.

- Both complainant and respondent may not personally question or cross-examine each other during the hearing.
- Fact finding interview with the complainant (procedures will be based on the “preponderance of the evidence standard”).
- Interviews or written statements from witnesses.
- Interview with the respondent with opportunity to respond to all allegations.
- Written record of all interviews and pertinent information (confidentially maintained).
- Mediation is not an appropriate final decision in these cases.
- Notice of a student’s right to file a criminal complaint and a Title IX complaint simultaneously

University of Saint Joseph may take interim steps to ensure the safety and wellbeing of the complainant before the final outcome of the investigation. The complainant has the right to request that immediate interim steps be taken to include but not limited to a change in living arrangements or other modifications to avoid forced contact with the respondent. A respondent may be asked to change their work schedule, alter their academic schedule, withdraw from a class, be suspended or removed from campus housing and/or declared an unapproved guest on campus, pending the outcome of the investigation. Also, when deemed appropriate, the University can issue a no-contact letter between the parties involved.

Unapproved guests are subject to additional University disciplinary action or arrest if found on campus. The conclusion of the investigation can be expected within a timely manner not to exceed the legal standard and will be communicated in writing to the complainant and the respondent.

Incidents involving respondents who are nonmembers of the University community will be processed according to local and state laws.

Disciplinary Response

Where there is sufficient evidence to conclude that sexual misconduct has occurred, the resolution for a student respondent will include disciplinary action. This may include, but is not limited to:

- Written Apology
- Personal Accountability
- Issuance of a “No Contact Letter”
- Ban from Campus
- Counseling- a University Counselor staff member will administer counseling for a set amount of time. University Counselors may recommend additional counseling or testing if needed.
- Suspension
- Removal from campus housing, but not classes
- Voluntary Withdrawal from campus housing and classes
- Dismissal from campus housing and classes

Results of Disciplinary Procedures

Both the complainant and respondent will receive simultaneous written notification of the outcome of disciplinary hearing, sanctions (if imposed) and the institution’s appeal process. The University maintains records for seven years according to Clery requirements or a specific length of time based upon Connecticut law. The following records will be kept: informal and formal complaint, including individuals involved, investigative steps taken, documentation

received, individuals interviewed, decisions reached and reason(s) for the decision(s) reached.

Appeal Process

Both the complainant and respondent may request an appeal based upon the outcome of the disciplinary hearing. The appeal process can be concluded within a timely manner and not to exceed the legal standard. For additional information regarding the appeal process, please review the "**Student Appeals Board**" located within the "**Student Rights and Freedoms**" section of the student handbook.

Retaliation

The University of Saint Joseph strictly prohibits any form of retaliation against individuals who report sexual misconduct or assist in the investigation. Retaliation is any action that could be perceived as intimidation, hostility, harassment, retribution, threats, or violence in connection with the report or investigation of an incident of sexual misconduct. The University will respond to retaliation as a separate incident.

Care after a Sexual Assault

Individuals who have been sexually assaulted will be treated with dignity, respect and should immediately consider the following important steps:

1. Get away from the attacker to a safe place as fast as you can.
 - On-campus students should call their Resident Coordinators/Resident Assistant immediately or go directly to the nearest emergency room.
 - Off-campus students are encouraged to call a trusted friend or a member of Counseling and Wellness Center and/or Student Health Services.
 - If immediate medical attention is needed, call Campus Safety at 860.231.5222 and they will call 911.
2. Seek medical care due to possible exposure to health risks.

Resources for Medical Attention

Complainants of sexual assault should seek treatment from hospitals that participate in the SAFE program. The SAFE program is a complainant services program that provides participating hospitals with 24/7 access to Sexual Assault Nurse Examiner (SANE) who are sexual assault forensic examiners and use "rape kits" to collect forensic evidence. Participating hospitals in Connecticut include: Saint Francis Hospital, Hartford Hospital, The Hospital of Central Connecticut (New Britain campus), Manchester Hospital, Middlesex Hospital, and Windham Hospital.

You can take a support person with you to the hospital. Also a sexual assault complainant advocate from Connecticut Sexual Assault Crises Services (ConnSACS) can accompany you or meet you at the hospital. Call 24 hours a day 888.999.5545 to request an advocate. Hospitals can also call and request an advocate for you.

Students may also seek treatment from the USJ's Health Services located in the Little Red House on campus, however this office does not complete the sexual assault evidence collection kit. To contact USJ Health Services call 860.231.5530.

Importance of Preserving Evidence/Before You Arrive at the Hospital

Hospital staff will ask to collect evidence. Whether or not you decide to have evidence collected, it is important that you DO NOT do the following prior to arriving at the hospital: change clothes, shower or bathe, douche, drink, eat, smoke, brush your teeth, use the

bathroom unless absolutely necessary. Taking these precautions before the medical exam allows you to keep your legal options open as long as possible. These activities can destroy vital evidence. If you have not changed your clothes, bring a change of clothes with you. If you've changed your clothes since the assault, place the clothes you wore at the time of the attack in a paper bag (not plastic). Bring them with you to the emergency room. Let your nurse or doctor know you have them, and tell them if you have done anything else (washed, etc.) before you arrived

Resources for preventable sexually transmitted diseases

Burgdorf Health Center, Hartford STD Clinic,
Disease Prevention and Health Promotion
131 Coventry Street, 1st Floor
860.543.8820 (main)
860.722.6826 (Fax)
No appointment necessary. Fee for service.

- 3.** File a report with a Title IX coordinator, Campus Safety 860.231.5222 or West Hartford Police 860.523.5203.
- 4.** Speak with a counselor either on campus at the Counseling and Wellness Center located in the Little Red House and also by calling (Monday – Friday 8:30am-4:30pm at 860.231.5530) or at:

Connecticut Alliance to End Sexual Violence, Inc.

96 Pitkin Street
East Hartford, CT 06108
info@endsexualviolencect.org

24-Hour Hot Line 888.999.5545

All services are FREE and CONFIDENTIAL and services provided include:

- Hotline Services 24 hours/day 7 days/week
- 24 hour crisis counseling
- Information & referral
- Advocacy for children and non-abusing parent
- Short-term counseling for complainants and their family and/or friends
- Support groups
- Community education programs dealing with sexual assault issues
- Community prevention programs dealing with safety concerns, etc.

Interval House

Our Services that are provided include:

- 24-hour Hotline
- Safety planning and domestic violence counseling
- Emergency shelter
- Support groups
- Court and legal advocacy
- Programs for children
- Community education and awareness

For more information call the 24-Hour Domestic Violence Hotline (860) 527-0550 **or** 1 (888) 774-2900 or go to intervalhousect.org.

Other Resources

Connecticut Coalition Against Domestic Violence

24-hour Statewide, Toll Free Domestic Violence Hotline 888.774.2900

For counseling services, support groups, emergency shelter and general support services, please call our 24-hour statewide, toll free domestic violence hotline at 888.774.2900 to be connected to the nearest domestic violence agency. An advocate can talk with you about your needs and help you identify shelters, programs, and other resources. All services are free and confidential. Located at 912 Silas Deane Highway, Lower Level, Wethersfield, CT 06109 Phone: 860.282.7899 | Toll free (CT only): 800.281.1481 or <http://www.ctcadv.org/>.

Office of Victim Services

The Office of Victim Services (OVS), Connecticut Judicial Branch, is the state's lead agency established to provide services to victims of violent crime. OVS contracts with non-profit and public organizations to provide services to crime victims. These services include, but are not limited to, information and referral, criminal justice support/advocacy, therapy, safety planning, group treatment/support, personal advocacy and assistance in filing applications for victim compensation. For more information, call 711 or 1.800.833.8134; go to 225 Spring Street, Fourth Floor, Wethersfield, Connecticut; or <http://www.jud.ct.gov/crimevictim/>.

Office of Victim Advocate

The Office of the Victim Advocate (OVA) is an independent state agency charged with the responsibility of protecting and enforcing the rights of crime victim's throughout the state of Connecticut. *The OVA monitor's services provided to crime victims by state agencies and private entities; receives and investigates victims' complaints regarding their treatment in the criminal justice process. They can intervene in court cases to advocate for a crime victim when their rights have been violated. They make recommendations to the legislature, criminal justice professionals, and victim service providers for changes in state policies and laws to benefit crime victims. They also provide public education and outreach regarding services available to victims of crime and their families. For more information call 860.550.6632 or Toll Free (CT) 1.888.771.3126, go to 505 Hudson Street, 5th floor, Hartford, Connecticut 06106, or email at ova.info@ct.gov*

<http://www.ct.gov/ova/site/default.asp>

Awareness and Education

The University of Saint Joseph recognizes that awareness and educational efforts are important steps in sexual assault prevention. The University commits to the following prevention initiatives:

- This and related policies are included in faculty, staff and student handbooks.
- New students receive information and training prior to the 15th of October through a mandatory on line program and during New Student Orientation.
- Current students are reminded during residence hall meetings each fall of the dangers and prevalence of sexual assault, domestic violence and stalking.
- Brochures and information on sexual assault are made available in key locations including the Student Health Services, Counseling and Wellness Center, Public Safety Office, Offices of all Title IX Coordinators and the Office of the Vice President/Dean of Students.
- Residence Life staff receives yearly training on responding to sexual assault.
- All first year students, student leaders, athletes, and CAE academic tutors receive by-stander training.
- All University employees including student employees receive regular training on being a responsible employee.
- Information is also located on the Title IX Sexual Misconduct tab on the MyUSJ webpage.
- The student peer health and wellness educators offer regular programming including passive and active information campaigns, tabling, activities and presentation on a variety

of topics including sexual assault, sexual harassment, stalking, intimate partner violence, bystander training, safe dating, self-defense and affirmative consent for the entire USJ community.

Additional Services

- Campus Safety provides escorts for any student crossing campus in the evening hours. Call 860.231.5222 to request this service.
- Emergency phones can be found throughout campus.

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