

TITLE IX: GENDER-BASED AND SEXUAL MISCONDUCT POLICY

INTRODUCTION

Members of the College community, guests, and visitors have the right to be free from sexual violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Goodwin College believes in a zero tolerance policy for gender-based misconduct. When an allegation of misconduct is brought to an appropriate administrator's attention, and a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

TITLE IX COORDINATOR

The College's Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination and misconduct policy. The Coordinator reports directly to the Executive Vice President of the College, and is housed in the Administration department. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the College Title IX Coordinator:

Megan Monahan, Director of Compliance and Title IX Coordinator

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OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO PHYSICAL SEXUAL MISCONDUCT

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence—without actions demonstrating permission—cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercion happens when someone is pressured unreasonably for sex. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if s/he cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because s/he lacks the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes." Anything but a clear, knowing, and voluntary consent to any sexual activity is equivalent to a "No."

OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS

Goodwin College's strict policy is that administrators, staff, and faculty members must maintain professional boundaries in personal relations with other faculty members and students. Social meetings with students either individually or in a group are not permitted except for school-sponsored events. Connecting with students directly through social media websites, such as Facebook or Twitter, is also prohibited. Exceptions to this policy may be made for websites that are purely designed for professional networking, such as LinkedIn. Romantic relationships with students are strictly prohibited.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor. This will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

SEXUAL VIOLENCE RISK REDUCTION TIPS

Risk reduction tips can often take a victim-blaming tone, even unintentionally. Only those who commit sexual violence are responsible for those actions. We offer the tips below with no intention to victim-blame, with recognition that these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor "NO" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge 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.

- Give thought to sharing your intimate content, pictures, images, and videos with others, even those you may trust. If you do choose to share, clarify your expectations as to how or if those images may be used, shared, or disseminated.
- Take care of your friends and ask that they take care of you. Real friends will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give him/her a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- 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/or mentally able to consent. Your partner's consent should be affirmative and continuous. If there are any questions or ambiguity, then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension, and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or altered state, even if they willingly consumed alcohol or substances.
- Realize that your potential partner could feel intimidated or coerced by you. You may have a power advantage simply because of your gender or physical presence. Don't abuse that power.
- Do not share intimate content, pictures, images, and videos that are shared with you.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO

1. Sexual Harassment
2. Non-Consensual Sexual Contact (or attempts to commit same)
3. Non-Consensual Sexual Intercourse (or attempts to commit same)

4. Sexual Exploitation

SEXUAL HARASSMENT IS:

- unwelcome,
- sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the Title IX Coordinator. Remedies, education, and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment, and/or creates a hostile environment.

A HOSTILE ENVIRONMENT IS CREATED WHEN SEXUAL HARASSMENT IS:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
 - o unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational and/or employment program.

QUID PRO QUO HARASSMENT IS:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- By a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development, or performance.
- This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program.

Examples include: to attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual-based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence; stalking; gender-based bullying.

NON-CONSENSUAL SEXUAL CONTACT IS:

- any intentional sexual touching,
- however slight,
- with any object,
- by a man or a woman upon a man or a woman,
- that is without consent and/or by force.

SEXUAL CONTACT INCLUDES:

- Intentional contact with the breasts, buttock(s), groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

NON-CONSENSUAL SEXUAL INTERCOURSE IS:

- any sexual intercourse
- however slight,
- with any object,
- by a man or woman upon a man or a woman,
- that is without consent and/or by force.

INTERCOURSE INCLUDES:

- vaginal penetration by a penis, object, tongue, or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Sexual exploitation occurs when a student 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 one of other sexual misconduct offenses.

EXAMPLES OF SEXUAL EXPLOITATION INCLUDE, BUT ARE NOT LIMITED TO:

- invasion of sexual privacy;

- prostituting another student;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an STI or HIV to another student;
- exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- sexually-based stalking and/or bullying may also be forms of sexual exploitation

OTHER MISCONDUCT OFFENSES (WILL FALL UNDER TITLE IX WHEN GENDER-BASED)

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits, or opportunities on the basis of sex or gender;
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
5. Bullying, defined as
 - a. Repeated and/or severe
 - b. Aggressive behavior
 - c. Likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally
 - d. That is not speech or conduct otherwise protected by the 1st Amendment.
6. Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship to each other. Examples include:
 - a. A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.

- b. An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
 - c. A student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
 - d. Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.
7. Stalking
- a. Stalking 1:
 - i. A course of conduct
 - ii. Directed at a specific person
 - iii. On the basis of actual or perceived membership in a protected class
 - iv. That is unwelcome, AND
 - v. Would cause a reasonable person to feel fear
 - b. Stalking 2:
 - i. Repetitive and Menacing
 - ii. Pursuit, following, harassing and/or interfering with the peace and/or safety of another
8. Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

ADDITIONAL APPLICABLE DEFINITIONS

Consent is clear, knowing, and voluntary words or actions that give permission for specific sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.

Previous relationships or prior consent cannot imply consent to future sexual acts.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you. Okay, don't hit me, I'll do what you want.").

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.

NOTE: There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

In order to give effective consent, one must be of legal age.

Sexual activity with someone who one should know to be, or based on the circumstances should reasonably have known to be, mentally or physically incapacitated (by alcohol or other drug use, unconsciousness, or blackout) constitutes a violation of this policy.

Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).

This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. 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 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 as a defense for any behavior that violates this policy.

The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

SANCTION STATEMENT

Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*

Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.*

Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*

*The conduct body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless

compelling justification exists to do so.

To report violations of this policy contact Megan Monahan, Director of Compliance and Title IX Coordinator at (860) 727-6741.

SEXUAL MISCONDUCT CONFIDENTIALITY, PRIVACY, AND REPORTING POLICY

Institutions must clearly articulate who are “responsible employees” under Title IX for purposes of initiating notice and/or investigation, and those who have more discretion on how they act in response to notice of gender-based discrimination. Different people on campus have different reporting responsibilities and different abilities to maintain confidentiality, depending on their roles at the College and upon College policy.

When consulting campus resources, all parties should be aware of confidentiality, privacy, and mandatory reporting in order to make informed choices. On campus, some resources can offer you confidentiality, sharing options, and advice without any obligation to tell anyone unless you want them to. Other resources are expressly there for you to report crimes and policy violations, and they will take action when you report your victimization to them.

TO REPORT CONFIDENTIALLY :

If one desires that details of the incident be kept confidential, s/he should speak with the on-campus therapist, or off-campus rape crisis resources who can maintain confidentiality. The campus therapist is available to help you, free of charge, and can be seen on an emergency basis.

NON-CONFIDENTIAL REPORTING:

You are encouraged to speak to the Title IX Coordinator to make formal reports of incidents. Faculty and staff of Goodwin College are also “responsible employees.” Notice to them is official notice to the institution. You have the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, and the accused individual. Faculty and staff will keep your information private, but they are obligated to report instances of sexual misconduct to the Title IX Coordinator for investigation.

FEDERAL STATISTICAL REPORTING OBLIGATIONS:

Certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are 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. Mandated federal reporters include: campus law enforcement, local police, coaches, athletic directors, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities. 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 victim and may be done anonymously.

FEDERAL TIMELY WARNING REPORTING OBLIGATIONS:

Victims of sexual misconduct should also be aware that College 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 College will make every effort to ensure that a victim'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. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

POLICY PROVISIONS

a. Attempted violations

In most circumstances, the College will treat attempts to commit any of the violations listed in the Gender-based and Sexual Misconduct Policy as if those attempts had been completed.

b. False Reports

Goodwin College will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

c. Amnesty for Victims and Witnesses

The College community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, the College pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble. The College pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.

d. Parental Notification

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the College will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

MEDICAL TREATMENT FOR RESPONDING TO SEXUAL ASSAULT

If a student has been sexually assaulted, medical attention should be sought as soon as possible after the assault. The purpose is multifold:

- To treat physical injuries.
- To ascertain the risk of sexually transmitted diseases or pregnancy and intervene accordingly.
- To gather evidence that could aid prosecution.
- Evidence should be collected immediately. After the first 24 hours, the quality of evidence usually decreases, but can be collected up to 72 hours after the assault. This evidence collection can be performed at any of the area hospital emergency rooms:
 - o St. Francis (860-714-4001) and
 - o Hartford Hospital (860-524-2525).

A support person may be present during the exam.

*Note: If you seek treatment at a local hospital and police are contacted, this does not mean you have to proceed with criminal charges.

- Follow up with your gynecologist/physician.

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.

IMPORTANCE OF PRESERVING EVIDENCE

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
860.757.4830 or 860.757.4772
No appointment necessary. Fee for service.

Connecticut Sexual Assault Crisis Services, Inc.
96 Pitkin Street
East Hartford, CT 06108
info@connsacs.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 and more
- Community education programs dealing with sexual assault issues
- Community prevention programs dealing with safety concerns, etc.

AWARENESS AND EDUCATION

Goodwin College recognizes that awareness and educational efforts are important tools in sexual misconduct prevention. The College engages in the following prevention initiatives:

- This and related policies are included in faculty, staff, and student handbooks.
- Goodwin College, through its Student Services and Counseling Services, along with the Title IX

Coordinator, provides on-campus workshops that are designed to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses, including domestic violence, dating violence, and stalking.

- Goodwin College Student Services hosts self-defense seminars as well as sexual violence and dating/domestic violence workshops.
- The Title IX Coordinator speaks at each New Student Orientation about the sexual misconduct policy, examples of sexual misconduct, and how to file a complaint with the Title IX Coordinator. Further information is provided during "Welcome Week."
- Goodwin College has a strong relationship with CONNSACS and a campus advocate comes to campus every 7.5 weeks. She sets up tables, hands out information, and makes herself available to students. She is also present during Welcome Week each semester and at grad expo. She is also part of Goodwin College's Sexual Assault Response Team (SART).
- Brochures and information on sexual assault are made available in key locations including the Counseling and Wellness Center and the Office of the Dean of Students.
- Emergency phones can be found throughout campus.