

# Goodwin University

## 2024-2025 Annual Security Report with Crime and Fire Statistics



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## **Chapter 1: Overview of Campus Safety and Security Reporting**

### **INTRODUCTION**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (34CFR668.46), also known as the “Clery Act,” is a federal law that requires colleges and universities to disclose information about crime on and around their campuses. The act is named in memory of Jeanne Clery, a 19-year-old Lehigh University freshman who was assaulted and murdered in her residence hall on April 5, 1986. This report has been prepared to meet the requirements of this act. This revised report replaces the previous version of the report which was dated 2023.

### **OVERVIEW**

Goodwin University’s Annual Security Report presents University policies (e.g. policies on alcohol and drug use, crime prevention, and the reporting of crimes) about campus security and statistics for the previous three years, and information about reported crimes and fires that occurred on campus, and on public property immediately adjacent to and accessible from the campus.

## **Chapter 2: Geography**

### **Statement re: On and off campus geographic areas**

The Clery Act requires a statement of policy concerning the monitoring and recording, through local Security and police agencies, of criminal activity in certain geographic locations associated with the institution. These locations include on campus; in or on a non-campus building or property; and on public property within or immediately adjacent to and accessible from the campus.

The University monitors and records information about criminal activity at these properties through both Goodwin University Campus Safety and Security Department and the Town of East Hartford Police Department.

### **University Security and Access**

Goodwin University is in the southwest corner of the Town of East Hartford. It is an open campus. Security Officers are deployed and stationed at all our Main University Student Buildings from 7 AM each morning until our classes end every night. This staffing occurs during the days that school is in session. Our Security Officers work 24 hours a day, 365 days a year.

Security Officers presently cover the following locations:

#### **The Student Buildings:** our Security Guards are located at:

- Main Campus - 211 Riverside Drive (Aka: One Riverside Drive)
- 403 Main Street - Dental Hygiene Program
- 2 King Court – LPN Program
- 417 Main Street – Funeral Services Program
- 3 Pent Road - Business and Manufacturing Programs

#### **The Administrative Office Buildings** located at:

- 211 Riverside Drive
- 247 Riverside Drive
- 417 Main Street

In addition, our Security staff covers the Goodwin University Magnet School Buildings.

#### **They are located at:**

- 9 Riverside Drive - **Connecticut River Academy High School**
- 3 Pent Road – Annex – **CTRA Manufacturing Annex**
- 3 Pent Road – **River Tech High School** (Freshmen Class as of August 2025)
- 167 & 195 Riverside Drive – **CTRA – Middle Grades Program**
- 29 & 95 Willow Brook St. - **Riverside Magnet School** - Pre-School to grade 5
- 2 Pent Road - **Pathways Technology High School**

Our Security also provided coverage for the first 6 months of 2024 at our Student Housing locations:

#### **Goodwin University Housing units are located on King Court in East Hartford:**

- 10 King Court
- 30 King Court

- 49 King Court
- 59 King Court

**Note: - As of the spring of 2024, Goodwin University no longer has any student housing locations on our campus.**

During normal business hours, the University buildings are open to students, employees, and visitors. All buildings are secured each night, and no one should be in the University buildings outside normal business hours. Individuals are allowed to gain access or are prevented from accessing buildings using facility keys and by electronic access control cards & fobs.

### **Security and Maintenance of Facilities**

Buildings, facilities, and landscaping are maintained to minimize hazardous conditions. The Goodwin Campus Safety and Security Department Officers regularly patrol the campus and report malfunctioning lights or other unsafe physical conditions to facilities management for correction. In addition, Goodwin invites reports of physical hazards or potential safety issues from all others.

The Goodwin University campus has fire detection systems directly connected to the Goodwin Security Main Desk. The Fire Alarm Systems also ring directly to the East Hartford Fire Department, via the East Hartford Public Safety Answering point in Town.

### **Law Enforcement and Jurisdiction**

The mission of the Goodwin Campus Safety and Security Department is to provide a safe and secure educational environment for the University's diverse and dynamic population. This is accomplished by providing professional private security service, active crime prevention and proactive patrol with fairness, responsiveness, integrity, and respect.

### **Investigations, Authority to Arrest, and Relationships**

The Goodwin Campus Safety and Security Department personnel are staffed by private security officers employed by SSC Inc. These officers enforce University policies and regulations. All officers enforce campus safety policies, traffic and parking regulations and respond to emergencies.

When on duty, Goodwin security personnel will respond to all complaints, emergencies, and criminal activity on campus. Assistance may be requested from the East Hartford Police Department and/or the Connecticut State Police.

Goodwin University security personnel have no powers of arrest but work closely with the Local, State and Federal Police & Security Agencies. Security Personnel have a strong working relationship with the Town of East Hartford Police and Fire Departments.

### **Monitoring and Reporting of Criminal Activity**

The Town of East Hartford Police Department will respond to complaints, emergencies, and criminal activity at Goodwin University when Goodwin Security personnel are on duty, off duty,

or when the Goodwin Safety and Security Department does not have adequate resources to respond to an incident and requests assistance from the East Hartford Police.

If minor offenses involving University rules and regulations are committed by a Goodwin student, Goodwin Security personnel may refer the individual to the Dean of Students for University disciplinary action.

Goodwin Security monitors and records all criminal activity reports and violations of rules and regulations via the daily crime log and reports from local police and internal reports from Campus Security Authorities, and the CARE Team.

The CARE Team is a multidisciplinary team set up to assist the Goodwin community to help and identify students in distress. This Student CARE Team responds to students (and their families, faculty, and staff) when concerns for a student's health, welfare, and safety are identified. This Team was previously known as the SBRT Student Behavior Response Team).

The Goodwin Threat Assessment Team (GTAT) is incorporated within the CARE Team and is activated when the circumstances and behavior rise to a dangerous level, or there is a concern of an imminent threat or harm.

### **Chapter 3: Crime Statistics: Classifying and Counting Clery Act Crimes**

#### **Classifying and Counting Clery Act Crime Statistics**

Collection of Statistics for this Annual Security Report:

The Clery Act requires reports from a wider geographic area (e.g., adjacent public property); from a broader scope of "reporters" (e.g., "campus security authorities"); for disciplinary referrals as well as arrests for drug, alcohol, and weapons violations; and for different crimes (e.g. weapons violations and hate crimes and forcible sexual assault vs. rape and attempted rape).

The Goodwin Safety and Security Department is responsible for collecting statistics, identifying reportable crimes, and reporting crimes to the East Hartford Police Department. The East Hartford Police gather and collate all the Crime statistics that occur in and around Goodwin University. The Police Department provides Goodwin University with relevant Crime and Arrest statistics required to be reported as part of this Clery Report.

#### **Definitions:**

##### **Campus Security Authorities**

The Clery Act defines a campus security authority as:

- A member of the Goodwin Safety and Security Department
- Any individual or individuals who have responsibility for campus security but who do not constitute the Goodwin Campus Safety and Security Department
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

- An institution official with significant responsibility for student and campus activities, including student discipline and campus judicial proceedings. (An official is defined as any person who has the authority and the duty to act or respond to issues on behalf of the institution.)

### **Types of Criminal Offenses:**

#### **1. Criminal Homicide:**

Murder and Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another.

Negligent Manslaughter: the killing of another person through gross negligence.

#### **2. Sexual Assault:**

**Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between people who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

- 3. Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force and/or by putting the victim in fear.
- 4. Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied using a weapon or by means likely to produce death or great bodily harm.
- 5. Burglary:** the unlawful entry of a structure to commit a felony or a theft.
- 6. Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
- 7. Arson:** Willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### **Arrest & Referrals for Disciplinary action:**

**Arrest** for *Clery Act* purposes is defined as persons processed by arrest, citation, or summons.

**Referrals:** The referral of any person to any campus official who initiates a disciplinary action of which a sanction record is kept, and which may result in the imposition of a sanction.

- 1. Weapons: Carrying, Possessing, etc.:** The violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

2. **Drug Law Violations:** The violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics-manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
3. **Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence or drunkenness.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such relationship shall be determined based on the reporting party's statement and with consideration of:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the people involved in the relationship.

**Domestic Violence:** A felony or misdemeanor crime of violence committed:

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

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

- **Course of conduct:** Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable person:** A reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress:** Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Hate Crimes:** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias.

**VAWA Offenses:** Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for *Clery Act* reporting purposes).

## **Chapter 4: Collecting Statistics: Authorities and Law Enforcement Agencies**

### **Reporting of Crimes**

The University encourages anyone who is the victim or witness of a crime to promptly report the incident to the police.

All crimes occurring on campus should be reported immediately to the Goodwin Campus Safety and Security Department. If you call the Goodwin Campus Safety and Security Department, please provide the following information:

- Your name
- Location of the incident you are reporting
- A description of the scene and suspects
- A description of any possible weapons
- A description of any vehicles involved in the incident, especially a license plate number

The University strongly encourages everyone to report any suspicious activity to the Campus Safety & Security Department at any time. Please remember that suspicion of a crime does not require proof. Crimes can be averted, and suspects are apprehended more quickly if suspicious activity is reported promptly. If someone's behavior or a situation is disturbing, threatening, or "out of the ordinary", call the Goodwin Campus Safety & Security Department immediately. The Security Officer will assess the situation and take any appropriate action.

We continually remind our students and staff of the phrase coined by Homeland Security Officials that **"if you see something, say something"** by contacting Campus Safety & Security or the East Hartford Police.

Crimes occurring off-campus should be reported immediately to the law enforcement agency having jurisdiction.

Goodwin University does not currently have any on or off campus officially recognized student organizations.

### **Contact Information:**

This is a list of personnel that should be notified to report an incident.

Security – Main Desk	5555 or 860.913.2100
Director of Campus Safety & Security	860.913.2023

Assistant Director of Campus Safety & Security	860.913.2312
Senior Vice President for Physical Facilities & IT	860.913.2037
Provost, Vice President for Academic Affairs	860.727.6991

Facilities Office	860.913.2031
Dean of Students	860.913.2043
Assistant Dean of Students	860.913.2149
Director of Title IX and Equity Compliance	860.727.6741
Title IX and Equity Coordinator	860.913.2207

**Emergency Reporting:**

**In an emergency:    Call 911**

East Hartford Police Department: 860.528.4401 (non-emergency)

The numbers for Goodwin University Campus Safety and Security are:

- Campus phone 2100
- Campus phone – calling for help – 5555 – this number activates a special ring and notifies multiple people of the internal call for assistance.
- Non-campus phone: 860.913.2100

If it is uncertain as to which number to call, and/or for all other incidents, please contact the East Hartford Police Department at its non-emergency direct line at **860.528.4401**.

Police dispatchers will ask you questions regarding the incident including what occurred, where the incident occurred, and/or any appropriate description of individuals responsible

Emergency towers are strategically located throughout the University campus. These blue light towers are directly connected to a communications center.

If there is a fire and no telephone is immediately available, activate one of the fire alarms located throughout the campus.

**Non-Emergencies:**

For non-emergency calls for assistance, call the Goodwin University Campus Safety & Security Department at 860-913-2100 (2100 or 5555 from campus phones).

The Goodwin Security Main Desk is in the lobby of the Main Campus at One Riverside Drive. There are also manned Security Desks located in the lobby of each building where Goodwin classes are held. These buildings include 403 Main Street, 3 Pent Road.

At 417 Main Street we now have a new Security Dispatch Center with a Security guard assigned there. From this location we can view all the security cameras campus wide and allow entry into various doors around campus remotely if authorized people need to get inside.

**Voluntary Reporting of Crimes:**

Victims or witnesses to a crime are encouraged to report what they know about a crime to the police. The Goodwin Safety and Security Department welcomes such information and, under some circumstances, will guarantee confidentiality. However, the University cannot guarantee confidentiality in all instances, particularly when that information pertains to an offense or an alleged offender that may affect the safety of others on campus or is mandated to be reported.

**Confidential Reporting of Crimes:**

A voluntary confidential reporting process is available by contacting the on-campus Counselor located at One Riverside Drive. The Counseling Services are now provided by one Goodwin University employed counselor. These services can be obtained through faculty, staff or self-referral.

Every referral remains confidential. More information about these services can be found on the Counseling website at <http://www.goodwin.edu/counseling>. Or by calling or call 860-913-2159, or 860-727-6925.

**Pastoral and Professional Counselors**

While Goodwin University does not currently offer Pastoral counseling, the University encourages victims of crime to seek this counseling when needed. As stated above professional counseling services can be found the Counseling Services website at <http://www.goodwin.edu/counseling> or call 860-913-2159, or 860-727-6925

## **Chapter 5: The Daily Crime Log**

The Goodwin University Campus Safety & Security Department maintains a Crime Log in the format that includes all the daily incident reports reported to the Campus Safety and Security Department. This log is available for public inspection at the Security Desk at the Main Campus.

Goodwin Campus Safety and Security Department monitors and records reports of criminal activity and violations of rules and regulations via use of the daily crime log and reports from the East Hartford Police Department. It also includes information from the CARE Team. The CARE Team is a multidisciplinary team set up to assist the Goodwin community to help and identify students in distress. It also includes internal reports from the Goodwin Threat Assessment Team as well as reports from Campus Security Authorities, staff and the administration.

The Goodwin University incident crime log below is a sample of the information that is collected for reporting purposes:

<u>Log Number</u>	<u>Nature (Classification)</u>	<u>Date/Time Reported</u>	<u>General Location</u>	<u>General Note</u>	<u>Agencies notified?</u>
<b><u>2020-12</u></b>	Trespass	01/01/20	1 Riverside Drive	Nothing Found	None

The East Hartford Police crime log below is a sample of the information that is collected for reporting purposes:

<u>CALL DATE</u>	<u>BIAS CR</u>	<u>CASE NUMBER</u>	<u>DOMESTIC CODE</u>	<u>ARREST</u>	<u>STATUTE NUMBER</u>	<u>OCCURRED INCIDENT TYPE</u>	<u>ORIGINAL STREET</u>	<u>AREA</u>
<u>01/27/2020</u>	<u>No</u>	<u>2019000023</u>	<u>98</u>	<u>NOT A</u>	<u>Y</u>	<u>53A-125B</u>	<u>LARCENY</u>	<u>32</u>
	<u>Bias/Not</u>			<u>DOMESTI</u>				<u>GRAHAM</u>
	<u>Applicabl</u>			<u>C</u>				<u>RD</u>
	<u>e</u>							<u>QUALITY OF</u>
								<u>LIFE-</u>
								<u>SOUTHWEST</u>
								<u>CORNER</u>

One of the main purposes of these records is to ensure that all criminal offenses are reported during any single incident.

## **Chapter 6: Fire Safety and the Fire Log**

### **2024 Annual Goodwin Fire Safety Report**

The following is the Goodwin University Fire Safety Report for the calendar year 2024. This report is prepared in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act). This report includes the disclosure of certain University fire safety-related policies and procedures, as well as three years of fire statistics. The Clery Act requires the disclosure of statistics for reported fires in on-campus student housing facilities.

The Town of East Hartford has a full-time fire department dedicated to providing fire, rescue and EMS services 24 hours a day, seven days a week. Additional duties performed by fire personnel include inspections and fire prevention activities. Also incorporated within the fire department is the Office of the Fire Marshal and Building Inspector's. This office is responsible for code enforcement for all University buildings and construction projects. Goodwin University also has approximately 4 housing units located in King Court in East Hartford that house approximately 30 students per semester.

#### **Fire Reporting**

If a fire occurs in a Goodwin building or Goodwin housing, community members should immediately **call 911**. The East Hartford Fire Department will be dispatched. If a member of the Goodwin community finds evidence of a fire that has been extinguished, and the person is not sure whether Fire Department personnel have already responded, the community member should immediately notify Goodwin Campus Safety & Security at the non-emergency number 860-913-2100 to investigate and document the incident.

#### **On-campus Housing Fire Safety Systems**

All campus housing units have fire alarm systems. All campus housing units are equipped with smoke detector units which are tied to their own audible fire alarm. All systems meet or exceed the requirements of the East Hartford Fire Department. These systems are tested and inspected annually by the East Hartford Fire Marshall's office.

#### **Emergency Situations**

In all emergency situations, your first call should be to **911 for police, fire, and medical emergencies**.

Calls to Campus Safety & Security will also summon the appropriate emergency services but will cause a slight delay versus calling emergency personnel directly.

When you call 911 or Campus Security during an emergency, you must be prepared to provide:

**YOUR NAME, YOUR LOCATION and the DETAILS & CIRCUMSTANCES of your emergency.**

### Electrical Appliances

Heating, cooking, or air-conditioning equipment may not be used in the student housing units except as provided by Goodwin University. Keep in mind, if you choose to have electrical appliances they must be kept in the kitchen. For these appliances, you may need to use a UL approved surge protector and avoid plugging everything into one outlet. Overloading the outlets will cause a breaker to trip, and this is considered a fire hazard.

### Fire

Fire alarms and equipment are installed for your protection. Smoke detectors are located in each student housing unit and in other specified locations. Tampering with the fire devices (smoke detectors in the hallways and rooms, fire extinguishers, and fire alarm pull stations if present) will result in fines, repair costs, disciplinary proceedings and possible suspension from housing. You may be charged up to \$350 for covering or removing the smoke detector in your housing unit. Fire extinguishers are not to be removed from their casing unless there is a fire. Discharging a fire extinguisher when there is no fire is a crime and punishable by fines and disciplinary actions under the Student Code of Conduct.

### Fire and Evacuation

#### Do:

- **Call 911**
- Activate the nearest fire alarm if possible
- Keep room doors unlocked
- Always close the door behind you before exiting
- Walk quickly to the nearest accessible exit. Leave the building or housing unit
- Move away from the building to the designated area, or a safe distance away
- Report missing people (roommates, floor mates) immediately to Campus Security or the Dean of Students
- Remember **R.A.C.E.** – **R**emove yourself. **A**ctivate the Alarm. **C**onfine the fire (close the doors where the fire is located). **E**xtinguish only small fires, when in doubt just leave the area

#### Do Not:

- Try to fight a fire
- Use any electrically related equipment including elevators
- Return to the building until instructed to do so by authorized Emergency Personnel

### *In case of fire immediately outside the room you are occupying:*

#### Do:

- Leave the door shut
- Feel the door, and if it is hot or seeping smoke, block any cracks in the door
- Open windows a crack at the top and at the bottom
- Hang a sheet or other visible object from the window of the room to signal rescuers
- Lay face down on the floor to minimize smoke inhalation

**Do Not:**

- Jump out of a housing unit window unless there is no alternative

**Fire Precautions**

**Do:**

- Locate fire alarm pull station nearest your room (if applicable)
- Know emergency phone numbers. **Call 911 for ALL SUSPECTED FIRES**
- Keep any exit doors, hall doors and stairwell doors closed and free from any obstructions
- Know alternate escape routes from your room
- Use only fire-retardant materials and equipment and UL approved appliances
- Comply with proper usage of potentially hazardous items
- Realize that emergency lighting is designed for this purpose only and not for long-term use
- Place telephones and any wires on floor close to the wall
- Observe all other emergency considerations

**Do Not:**

- Tamper with fire alarms, smoke detectors or fire extinguishers
- Block hallways, stairs, stairwells, room doors or any other areas leading to exits
- Store items in stairwells, under stairs or in corridors
- Fight an electrical fire with water or a soda acid fire extinguisher
- Overload electrical circuits
- Leave microwave ovens being used unattended in the kitchen areas
- Smoke in buildings
- Dispose of cigarette materials in trash containers; use metal receptacles that are provided (if applicable)

Note: If shelter should be required, the Dean of Students will notify the student of any temporary living assignment

**Smoking**

It is illegal to smoke in any Goodwin University owned building. **SMOKING IS PROHIBITED IN ALL STUDENT HOUSING FACILITIES!** Smoking includes but is not limited to E-cigarettes, cigarettes, pipes, bongs and hookahs. If you smoke in a student housing unit, you may receive disciplinary action under the Student Code of Conduct.

**Fire Safety Equipment**

The intentional setting of fire, tampering with or misuse of fire safety equipment (including automatic door closures, smoke detectors, sprinkler heads, fire-alarm systems, fire-fighting equipment, or building security systems) is prohibited and illegal, including the covering or removal of smoke detectors.

### **Fire Log**

In accordance with the Clery Act, Goodwin Safety and Security maintains a fire log that provides a listing of all fires that have occurred in an on-campus student housing facility. This Log is available at the Goodwin University main desk for public inspection.

The Fire Log provides the following information:

- The nature of the fire
- The date the fire occurred
- The time of day the fire occurred
- The location of the fire

### **Emergency Response and Evacuation Procedures**

As required by federal and state law, Goodwin University has a comprehensive All Hazards Emergency Response Plan that details immediate response and evacuation procedures. The 2023 - All Hazards Emergency Response Plan includes incident response procedures, priorities, shelter in place and evacuation guidelines.

As part of the comprehensive Emergency Response Plan for the University, regularly scheduled drills, exercises, and follow-through activities are conducted annually.

As required by Federal law, the procedures to test emergency response and evacuation procedures will be tested annually and publicized to the Goodwin University community. These tests may be announced or unannounced.

Goodwin University Security Officers, East Hartford Firefighters, and Goodwin University supervisors are trained in the use of the National Incident Management System (NIMS) which includes the Incident Command System (ICS).

Each semester evacuation drills are coordinated by the Goodwin University Campus Safety & Security staff in collaboration with University Student Affairs Staff to ensure emergency response and evacuation procedures are tested at least twice per year.

### **Evacuation Procedures for Housing**

The following evacuation procedures are distributed and reviewed by the Housing Coordinator with all occupants of each housing unit:

Upon hearing the sounding of fire alarm horns or seeing visual fire alarm strobes all residents and guests must **immediately** evacuate the building.

Procedures to follow if smoke detector activation occurs in your room only:  
(No other alarms sounding throughout the building.)

If activation occurs and fire, smoke and/or a burning odor IS present:

1. Leave the room and close the door behind you.
2. Pull the Fire Alarm Pull Box located at the building exits (if applicable).
3. Evacuate the building.
4. Call 911 to report the fire, or possible fire.
5. Be prepared to give your location, name, and phone number if possible.

If an activation occurs and there is NO evidence of any fire, smoke and/or a burning odor.

1. Leave the room and close the door behind you.
2. Call 911 from a safe location to report and then meet the responding Fire Department in a safe location outside of your room. Note: The Fire Department responds when notified to all fire alarms including single smoke detector activation in a room whether or not the building fire alarm system is activated.

***If you subsequently discover evidence of fire, smoke and/or burning odor, follow above steps pertaining to evacuation upon detection of fire, smoke and or burning odor.***

### **Emergency Evacuation for Students and Employees in Case of Fire**

#### **When exiting your room and the building:**

1. If you are not in immediate danger of smoke or fire, make sure that you quickly dress appropriately for weather conditions (i.e. coat, shoes, etc.).
2. If you are not in immediate danger from smoke or fire, make sure to close and lock all doors and bring your room key and ID card with you.
3. Evacuate the building. If you are unable to evacuate, call 911 and give your name, location and phone number.

#### **Once safely outside the building:**

1. Move away from building and immediately report to the designated assembly area to check in with residential life staff. This area is presently in the parking lot of 2 King Court, which is also home to the Histology Building should shelter be needed.
2. Stay clear of all emergency vehicles. Do not stand in roadway/walkway. Do not block emergency vehicles from getting through.
3. Do not re-enter the building until you are instructed to do so by an emergency responder or Residential Life staff.

Report any vandalized or disconnected smoke detectors to the Housing Coordinator or Resident Director immediately. If one is found during a Fire, Health and Safety Inspection, a work order will be submitted to correct the problem and disciplinary action may result.

### **What to Do in Case of a Fire:**

**UPON HEARING THE SOUNDING OF AN ALARM: All residents and guests must immediately evacuate the building.**

**WHEN EXITING YOUR ROOM AND THE BUILDING:**

1. Feel the door handle with the back of your hand, if door handle is not hot, open cautiously.
2. Check for smoke or fire before going out.
3. Make sure that you are dressed appropriately for weather conditions (i.e. coat, shoes).
4. Close and lock all doors. Bring your room key and ID card with you.
5. Walk quickly to the nearest marked exit.
6. Use the stairs. **NEVER USE ELEVATORS DURING AN EMERGENCY EVACUATION.**
7. Carry a towel with you to cover your face.
8. Stay low to the ground, below smoke. Crawl if necessary.

**IF YOUR DOOR IS TOO HOT or IF THERE IS HEAVY SMOKE:**

1. Do not open your door.
2. Wedge cloth around the door cracks and remain in the room.
3. Call 911.
4. Open the window wide enough to attract the attention of fire officials and await rescue.

**ONCE OUTSIDE OF THE BUILDING:**

1. Move away from the building and immediately report to the designated assembly area to check in with Residential Life staff.
2. Stay clear of all emergency vehicles – do not stand in roadway/walkway and block emergency vehicles from getting through.
3. Do not reenter the building until you are instructed to do so by an emergency responder or Residential Life staff.

**Means of Egress**

It is important that in case of fire or emergencies, residents have a clear path from their room to outside of the building. Housing room doors must not be blocked with furniture or other items that will not allow for at least 30 inches of clearance.

Furniture, bicycles or other items are not to be stored in corridors, stairwells, lounges or lobbies as these areas are typically the way out of a building in emergency situations.

**The Fire Log**

The Goodwin University Campus Safety & Security Department maintains a Fire Log that lists fire incidents reported to the East Hartford Fire Department. This log is available for public inspection at the Security Desk at the Main Campus.

Goodwin University Campus Safety & Security Department monitors and records reports of any on-campus housing fires via use of the fire log and reports from the East Hartford Fire Department and internal reports from Campus Security Authorities and staff and administration.

The Goodwin University incident fire log below is a sample of the information that is collected for reporting purposes:

### Goodwin University Fire Log

DATE REPORTED	CASE #	NATURE OF FIRE	DATE AND TIME OF FIRE	LOCATION

**One of the main purposes of these records is to ensure that all fires are reported for safety reasons and then analyzed for cause and effect and future prevention.**

The East Hartford Fire Department call log below is a sample of the information that is collected for reporting purposes:

#### East Hartford Fire Department Incident List by Alarm Date/Time

Incident-	Exp#	Alarm Date	Alm Time	Location	Incident Type
18-0000001-000 01/01/2018 00:19:13 00056 KING CT /56 KING CT 321 EMS call, excluding vehicle					

**AS OF THE DATE OF THIS REPORT THERE HAVE BEEN NO REPORTABLE FIRES**

## **Chapter 7: Emergency Notification and Evacuations**

### **Campus Alerts and Timely Warnings:**

If a situation arises, either on or off campus, that, in the judgment of the Director of Campus Safety & Security, constitutes an ongoing or continuing threat, a campus-wide “timely warning” will be issued.

Depending upon the situation, the media used may include: “All Points” e-mail to faculty and staff; the Goodwin University and Goodwin Security websites ([www.Goodwin.edu](http://www.Goodwin.edu) and [www.goodwin.edu/campus-safety](http://www.goodwin.edu/campus-safety)) and activate the EverBridge Emergency Notification System and the Alertus Emergency Notification System, as well as notices on campus monitors; and in-person warnings from Security Personnel.

Anyone with information warranting a timely warning or campus alert should report the circumstances to Goodwin University Security by calling 860-913-2100 or in person at the Security Desk located in the Main Lobby of the Main Campus.

### **Emergency Notification Policy:**

If there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees, Goodwin University will issue an Emergency Notification without delay following the process outlined below. The Director of Campus Safety & Security or his designee will confirm there is a significant emergency or dangerous situation involving an immediate threat by making direct contact with the local police agency or persons or parties involved in the situation. This will aid in the decision of how much information to disseminate and who should be notified. Immediate notification to local police shall also be determined by the Director of Campus Safety & Security or his designee.

Goodwin University provides Emergency Notification services outside and inside the University community via the EverBridge Emergency Notification System. This system uses mobile smartphone and cell phone technology and capabilities to immediately send out SMS text messages to mobile devices. This also includes phone calls to registered cell phones along with e-mail notifications. The Emergency Notification will be made without delay and will be distributed by the Communication Department at Goodwin University.

#### **Process:**

- Campus Security will contact the Senior V.P of Physical Facilities, IT & Security and/or the Director of Campus Safety & Security who will determine if a significant or dangerous situation involving the immediate threat to health or safety of students/employees or community exists.
- The Senior V.P. of Physical Facilities, IT & Security and/or Director of Campus Safety & Security will determine which segment(s) of the University community or surrounding community will receive the notification.
- The Senior V.P. of Physical Facilities & IT and/or Director of Campus Safety & Security will work with Communications to develop the content of the notification, considering the safety of the community.

- Without delay the content of the notification will be reviewed and authorized by the Senior V.P. of Enrollment, Marketing and Communications before Communications disseminates to the appropriate segment(s) unless in the professional opinion of the responsible authorities, this notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

**Timely Warning Policy:**

A Timely Warning is provided to give students, faculty, and staff timely notification of crimes that may represent a serious or on-going threat to the campus community and to heighten safety awareness. The warning will also seek out information that may lead to the arrest and conviction of the offender when violent crimes against people or substantial crimes against property have been reported.

Timely warnings must be issued for any CLERY ACT crime that is reported to the local Police Agency and is considered by the University to represent a serious or continuing threat to the health or safety of students or employees.

Timely Warnings are created and distributed by the Director of Campus Safety & Security, the Senior Vice President for Facilities & Information Technology, or his/her designee with the assistance of the Communications Department. The Director of Campus Safety & Security or his designee will confirm there is an emergency or dangerous situation by making direct contact with the local police agency or people or parties involved in the situation.

The Communications Department is responsible for issuing a Timely Warning when a crime or health situation is reported to or brought to the attention of the Campus Security Officers or other campus security authorities and that crime represents a serious or on-going threat to the safety of members of the campus community. Information for Timely Warnings also may come from other law enforcement agencies. Every attempt will be made to distribute the Timely Warning promptly; however, the release of information is subject to the availability of accurate facts concerning the incident.

Timely Warnings will be distributed as quickly as possible to faculty, staff, and students. This distribution will occur throughout the campus, when necessary, via the EverBridge Emergency Notification System, the Goodwin University e-mail system and be provided to campus media, posted on the Goodwin University website, and if appropriate, posted in off-campus areas frequented by our students. These warnings will be distributed by the Communications Department at Goodwin University.

**Timely Warnings typically include the following information:**

1. A succinct statement of the incident.
2. Any connection to previous incidents.
3. Physical description and/or composite drawing of the suspect, if appropriate.
4. Date and time the Alert was released.

5. Other relevant and important information.
6. Appropriate safety tips.

**Updates of Contact information - Testing of the System:**

The Communications Department will update student/employee contact information for the purposes of Timely Warning and Emergency Notifications during the first week of each semester. This occurs at least 3 times each year. The Communications Department will email the Emergency Response Instructions and Timely Warning/Emergency Notification process, including the ability to confirm everyone's receipt of the emergency message information, in advance of the first test date. Testing will occur on a regular basis on Community Days with a select group of individuals to ensure the integrity of the system.

Notations of this testing are maintained within the EverBridge System and maintained by the Communications Department.

Annually each fall the Communication Department in conjunction with the Senior V.P. of Physical Facilities/IT and Security, and/or Director of Campus Safety & Security assesses and evaluates the processes stated above.

**Evacuation Procedure:**

**Goodwin University will use the Fire alarm system to initiate an emergency evacuation of all buildings.**

**Upon hearing the fire alarm sound in any building:**

- Faculty closes doors and windows.
- Lights/computers should be left as they are.
- Faculty and students exit through the nearest emergency exit. DO NOT use the elevators.

**The Main Campus:**

**On the second, third, fourth & fifth floors of Main Campus:**

- Classes in the southern section of the building should descend using the South Stairwell and exit through the emergency exit at the bottom of the stairs.
- Classes in the northern section of the building (closest to the University green) should descend using the North Stairwell and exit through the emergency exits at the bottom of the stairs.
- Classes in All other buildings should follow the designated evacuation routes posted on the wall by the door within each classroom.

**Any individual with limited mobility should be assisted by their teacher or other adults in their classroom in exiting the building or in getting to an area of refuge.**

- There is an emergency alert button at the stairwell on each floor that must be pressed to notify emergency personnel of the location of the person requiring assistance at the area of refuge.

- A faculty member should stay with any student who must remain in an Area of Refuge.
- Emergency personnel will check this area during an evacuation.
- Remain at that location until the “All Clear” or until assistance arrives.
- Upon exiting, the building classes move to the south side of the building and assemble in the parking lot.
- An administrator or security will notify all evacuated individuals when it is safe to return to the building.
- Be prepared to ADAPT as circumstances change.

**Goodwin University Housing units are located on King Court in East Hartford at:**

- 10 King Court
- 30 King Court
- 49 King Court
- 59 King Court

In the event of an emergency evacuation All housing residents should muster at designated Evacuation area, which is the 2 King Court parking lot.

**NOTE:** This area is located near 403 Main Street, the Goodwin University Dental Hygiene program building, should interior shelter be needed.

**NOTE:** As of January 1, 2025, there is no longer any Student Housing on the Goodwin University Campus.

## **Chapter 8: Campus Security Policies**

### **Policy Statement Addressing Security Awareness**

The Director of Campus Safety & Security briefs all new students regarding the Security procedures at Goodwin University via video during orientation. In addition, the Senior Director of Human Resources informs new employees of security and safety procedures at each new employee orientation. All students and employees are notified of our Emergency Procedures Guideline and Instructions posted in every classroom and/or hallway stating procedures for safety. Additionally, key departments receive active shooter/threat training on how best to prepare and respond to an active shooter or threat incident.

A link to items covered during all New Student Orientation is located on the Goodwin University web site: <http://www.goodwin.edu/orientation/resources-safety>

A campus safety Video has been produced for viewing by all students: The link to this video is: <http://www.goodwin.edu/campus-safety/>

### **Prevention and Security Awareness Programs**

We believe that crime prevention is everyone's responsibility, and that education is one of our more effective methods. Students are also encouraged to be responsible for their own safety and the safety of others. Information on safety and security is provided to students and employees regularly through posters, articles in campus publications and an emergency alert system that provides the entire campus with information in a timely manner about criminal activity or individuals who may be involved in suspicious activity.

Crime prevention tips are also listed on the Campus Safety website.

<http://www.goodwin.edu/campus-safety/resources> .

At numerous times during the school year the Department of Campus Safety and Security has Active Shooter and Personal Safety Classes with the various departments within the University. These sessions stress how to react to an active shooter situation as well as personal safety tips. Sessions then return to their working departments where active shooters scenarios are role played, and reactions are practiced.

The schedule and session notes were previously kept by the Program Director, Criminal Justice, Homeland Security. They will now be kept by the Director of Campus Safety & Security going forward.

### **Drug and Alcohol**

The Drug and Alcohol policy is stated in the University catalog as well as the Student Handbook, Student Housing Handbook, Faculty Handbook, and Staff Handbook [34 CFR 668.46(b)(8)]. It is also addressed in Goodwin University Policy and Procedure, Titled: Student Code of Conduct.

The manufacture, possession, distribution of illegal drugs or use of unauthorized alcohol is prohibited on campus. Any violation will warrant disciplinary actions up to and including dismissal and may result in local state, and/or federal criminal charges.

### **Possession, Use or Sale of Illegal Drugs**

The Drug and Alcohol policy is stated in the University catalog as well as the Student Handbook, Faculty Handbook, and Staff Handbook [34 CFR 668.46(b) (9)]. It is also addressed in the Goodwin University Policy and Procedure, Titled: Student Code of Conduct.

The manufacture, possession, distribution or use of illegal drugs is prohibited on campus. Any violation will warrant disciplinary actions up to and including dismissal and may result in local, state, and /or federal criminal charges.

**Violation of the Standards of Conduct:** Students found to have violated the Drug and Alcohol Policy Standards of Conduct are subject to disciplinary sanctions. These include being warned, put on probation, suspended, or dismissed at the discretion of the General Conduct Board. Students are reminded that felony convictions may lead to a loss of eligibility to be hired in their chosen field.

Employees found to have violated the Drug and Alcohol Policy Standards of Conduct are subject to disciplinary sanctions. These include being subject to a disciplinary letter, suspension from work, or termination of employment.

If a student is convicted locally or within the State of CT for the use, possession, manufacture, or distribution of illegal drugs or alcohol, while attending Goodwin University he/she will be terminated from Goodwin University and will be held liable for his/her financial obligations to the school.

If an employee is found guilty by a local or state enforcement agency, employment will be terminated until such time the employee has completed the penalties and has indicated his/her commitment to be rehabilitated.

**Legal Sanctions:** Students and employees are subject to disciplinary sanctions under Goodwin University's policies on drug and alcohol use, and subject to criminal penalties under both State and Federal law.

All drugs are controlled by Federal Law. (Most drug offenses are prosecuted under state law, which may be more severe.)

## **I. FEDERAL LAWS**

### **A. DRUGS**

#### **FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE**

##### **1. Penalty for Simple Possession (see 21 U.S.C. 844[A])**

- **FIRST CONVICTION:** Up to one-year imprisonment and fined at least \$1,000 but not more than \$100,000 or both.
- **AFTER 1 PRIOR DRUG CONVICTION:** At least 15 days in prison, not to exceed two years, and fined at least \$2,500 but not more than \$250,000 or both.

- AFTER 2 OR MORE PRIOR DRUG CONVICTIONS: At least 90 days in prison, not to exceed three years and fined at least \$5,000 but not more than \$250,000 or both.
- SPECIAL SENTENCING PROVISIONS FOR POSSESSION OF CRACK COCAINE: Mandatory at least five years in prison, not to exceed 20 years and fined up to \$250,000 or both, if:
  - a. First conviction and the amount of crack possessed exceeds five grams;
  - b. Second crack conviction and the amount of crack possessed exceeds three grams;
  - c. Third or subsequent crack conviction and the amount of crack possessed exceeds one gram.
- 2. Criminal Forfeitures (see 21 U.S.C. 853[a][2] and 881[a][7])  
Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment. (See special sentencing provisions regarding crack.)
- 3. Forfeitures (see 21 U.S.C. 881[a][4]) Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.
- 4. Civil Penalties for Possession of Small Amounts of Certain Controlled Substances (see 21 U.S.C. 844a) Civil fine up to \$10,000 (pending adoption of final regulations).
- 5. Denial of Federal Benefits to Drug Traffickers and Possessors (see 21 U.S.C. 853a) Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses up to one year for first offense, up to five years for second and subsequent offenses.
- 6. Firearm Forfeiture (see 18 U.S.C. 922[g]) Ineligible to receive or purchase a firearm.
- 7. Miscellaneous Revocation of Certain Federal Licenses and Benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

## 8. Federal Trafficking Penalties

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
Substance/Quantity		Penalty		
Any Amount Of Other Schedule I & II Substances		<b>First Offense:</b> Not more that 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid		<b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV) 1 Gram				
Any Amount Of Other Schedule III Drugs		<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Any Amount Of All Schedule V Drugs		<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<p><b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	<p><b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
Hashish More than 10 kilograms	
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants Hashish 10 kilograms or less Hashish Oil 1 kilogram or less	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>

Please visit Drug Enforcement Administration, U.S. Department of Justice. (2017). *Drugs of abuse: A DEA resource guide*. Retrieved from [https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf)

## II. CONNECTICUT STATE LAWS

### A. DRUGS

#### 1. Penalties for Illegal Manufacture, Distribution, Sale, Prescription, or Dispensing of Controlled Substances

**a.** Hallucinogenic or narcotic substances other than marijuana. First offense: Prison sentence not to exceed 15 years and/or fine not to exceed \$50,000. Second offense: Prison sentence not to exceed 30 years and/or fine not to exceed \$100,000.

Each subsequent offense: Prison sentence not to exceed 30 years and/or fine not to exceed \$250,000 (see Connecticut General Statutes 21–277).

**b.** Other controlled substances excluding marijuana. First offense: Prison sentence not to exceed seven (7) years and/or fine not to exceed \$25,000. Each subsequent offense: Prison sentence not to exceed 15 years and/or fine not to exceed \$100,000 (see Connecticut General Statutes 21–277).

- c.** Examples of such substances include, but are not limited to, mescaline, peyote, morphine, LSD, cocaine (including “crack”), opium, amphetamines, and heroin. For a complete definition of controlled, hallucinogenic, and narcotic substances, see Connecticut General Statutes 21a–240.
- 2.** Penalties for Illegal Manufacture, Distribution, Sale, Prescription or Administration by Nondrug-Dependent Person
  - a.** Minimum prison term of not less than five years and maximum term of life imprisonment for the manufacture, distribution, sale, or possession or transportation with the intent to sell of one ounce or more of heroin, methadone, or cocaine (including “crack”), or one-half gram more of cocaine in a freebase form, or five milligrams or more of LSD (see Connecticut General Statutes 21a–278).
  - b.** Minimum prison term of not less than five years for first offense, and for subsequent offenses, minimum prison term of not less than 10 years, for the manufacture, distribution, sale, or transportation or possession with the intent to sell any narcotic, hallucinogenic or amphetamine-type substance, or one kilogram or more of a cannabis-type substance (which includes marijuana) (see Connecticut General Statutes 21a-278).
- 3.** Penalties for Illegal Manufacture, Distribution, Sale, Prescription, or Administration Involving Minors (see Connecticut General Statutes 21a–278a)
  - a.** Mandatory two-year prison term for the distribution, sale, dispensing, offering, or giving of any controlled substance to another person who is under 18 years of age and who is at least two years younger than the person violating the statute.
  - b.** Mandatory three-year prison term for the manufacture, distribution, dispensing, sale, transportation or possession with intent to sell, offering or gift of any controlled substance on or within fifteen hundred feet of the real property comprising a public or private elementary school.
- 4.** Penalties for Possession (see Connecticut General Statutes 21a–279)
  - a.** Any person who possesses or has under his control any quantity of any narcotic controlled substance, except less than one-half ounce of cannabis type substance, for a first offense may be imprisoned not more than seven years and/or fined not more than \$50,000, and for a second offense, may be imprisoned not more than 15 years and/or fined not more than \$100,000.
  - b.** Any person who possesses or has under his control any quantity of a hallucinogenic substance other than marijuana or four ounces or more of a cannabis-type substance for a first offense, may be imprisoned not more than five years or be fined not more than two thousand dollars or be both fined and imprisoned, and for a subsequent offense may be imprisoned not more than ten years or be fined not more than five thousand dollars or be both fined and imprisoned.
  - c.** Any person who possesses or has under his control any quantity of any controlled substance other than a narcotic substance, or a hallucinogenic substance other than marijuana or who possesses or has under his control one-half ounce or more but less than four ounces of a cannabis-type substance, for a first offense, may be fined not more than one thousand dollars or be imprisoned not more than one year, or be both fined and imprisoned; and for a subsequent offense, may be fined not more than three

thousand dollars or be imprisoned not more than five years, or be both fined and imprisoned.

**d.** A variety of sentences are available under this statute depending on the substance possessed, its quantity, and the background of the offender.

**B. ALCOHOL:**

**1. Sale of Alcohol to Minors and Intoxicated Persons (see Connecticut General Statutes 30–86)**

**a.** Any permittee who sells or delivers alcoholic liquor to any minor, or to any intoxicated person, or to any habitual drunkard shall be fined not more than \$1,000 and/or imprisoned not more than one (1) year.

**b.** Any person who delivers or gives alcoholic liquor to any minor, except on the order of a practicing physician, shall be fined not more than \$1,500 and/or imprisoned not more than 18 months.

**2. Inducing Minors to Procure Liquor (see Connecticut General Statutes 30–87)**

**a.** Any person who induces any minor to procure alcoholic liquor from any person permitted to sell the same shall be fined not more than \$1,000 and/or imprisoned not more than one year.

**3. Misrepresentation of Age (see Connecticut General Statutes 30–88a)**

**a.** Any person who misrepresents his age or uses or exhibits for the purpose of procuring alcoholic liquor an operator's license belonging to any other person shall be fined not less than \$200 nor more than \$500 and/or imprisoned for not more than 30 days.

**4. Procuring Liquor by Persons Forbidden and Public Possession of Liquor by Minors (see Connecticut General Statutes 30-89)**

**a.** Any person to whom the sale of alcoholic liquor is by law forbidden who purchases or attempts to purchase such liquor or who makes any false statement for the purpose of procuring such liquor shall be fined not less than \$200 nor more than \$500.

**b.** Any minor who possesses any alcoholic liquor on any street or highway or in any public place or place open to the public, including a club that is open to the public, shall be fined not less than \$200 nor more than \$500.

**5. Dram Shop Act (see Connecticut General Statutes 30–102)**

**a.** If any person, by himself or his agent, sells any alcoholic liquor to any intoxicated person, and such purchaser, in consequence of such intoxication, thereafter, injures the person or property of another, such seller shall pay just damages to the person injured, up to the amount of \$20,000, or to persons injured in consequence of such intoxication up to an aggregate amount of \$50,000.

**6. Operating a Motor Vehicle While Under the Influence of Liquor or Drug or While Impaired by Liquor (see Connecticut General Statutes 14–227a)**

**a.** Any person who operates a motor vehicle while under the influence of intoxicating liquor or drug or both or who operates a motor vehicle while his ability to operate is impaired by the consumption of intoxicating liquor shall, for conviction of a first violation, be fined not less than \$500 and be imprisoned for not more than six months and shall have his operator's license suspended for one year.

**b.** This statute provides for greater penalties for subsequent offenses.

### III. LOCAL LAWS

#### A. ALCOHOL

1. Possession and Consumption of Alcoholic Liquor In, Within and Upon Public Areas, Public Highways, and Parking Areas (see Town of East Hartford Code of Ordinances Sec. 13-6.)
  - a. No person shall consume any alcoholic liquor or have in his possession any open container of alcoholic liquor, while upon or within the limits of any public highway, public area or parking area within the Town of East Hartford. The possession of an open container of alcoholic liquor or consumption therefrom by any person while in a motor vehicle parked within or upon parking areas of a public highway or sidewalk, or within or upon a public area, shall also be a violation hereof.
  - b. Any person violating this ordinance will receive a written warning for first offenses and then a pay fine for future offenses. Pay fines are \$99 for any violation of Town Ordinances.

Any questions concerning the legal sanctions under CT State law for unlawful use or distribution of illegal drugs or alcohol should be directed to the **State's Attorney's Office, 80 Washington Street, Hartford, CT 06106, 860-566-3190.**

Any questions concerning the legal sanctions under Federal Law for unlawful use or distribution of illegal drugs or alcohol should be directed to **U.S. Attorney's Office, 450 Main Street, Hartford, CT 06103, 860-947-1101.**

#### **Drug/Alcohol Abuse Programs**

**Students** seeking drug or alcohol counseling, treatment, or rehabilitation should speak to the on-campus Counselor located at One Riverside Drive. Students are strongly encouraged to make appointments in advance by phone or via email:

More information about these services can be found on the Counseling website at <http://www.goodwin.edu/counseling>. Or by calling or call 860-913-2159.

**Employees** seeking drug or alcohol counseling, treatment, or rehabilitation should speak to the Human Resources Department, where they will be connected to confidential services through the Employee Assistance Program (EAP).

For further information, contact Terry Antoine, Senior Director for Human Resources and Community Culture, Room 144-G, One Riverside Drive, East Hartford, CT 06118, 860-727-6938.

Each state has a single agency for the various drug abuse prevention, treatment, and rehabilitation programs. In Connecticut, this is the **Department of Mental Health and Addiction Services, 410 Capitol Avenue, PO Box 341431, Hartford, CT 06134, 860-418-7000.**

For additional treatment resources in Connecticut please see the following:

<https://ctaddictionmedicine.com/>

Awareness and prevention education related to drug and alcohol abuse occurs throughout the year as provided by the Student Affairs, and Goodwin University Counseling Services.

## **Chapter 9: Policies, Procedures and Programs: Dating Violence, Domestic Violence, Sexual Assault and Stalking**

### Policy on Discrimination, Harassment, Sexual Misconduct, and Retaliation

#### **I. Non-discrimination statement**

Goodwin University is an equal opportunity educator and employer, fully committed to the goal of providing equal opportunity and full participation in its educational programs, activities, and employment without discrimination because of race, color, religious creed, sex, age, national origin, political affiliation, marital status, veteran status, sexual orientation, gender identity or expression, disability, HIV/AIDS or other communicable disease status, or any other consideration not directly and substantively related to effective performance. This policy implements Federal and State laws, regulations, and executive orders.

The staff, faculty, student body, and administration of Goodwin University form a community and the University maintains that activities, programs, and everyday interactions are enriched by acceptance of one another in an environment of positive engagement and mutual respect. Acts of discrimination, intolerance, or harassment directed against individuals or specific groups of individuals will not be tolerated and will be dealt with according to employee and student grievance and disciplinary procedures.

To file a report, or for inquiries concerning Goodwin University's Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy, Title IX and the Rehabilitation Act of 1973, and the Americans with Disabilities Act, contact [titleixandequity@goodwin.edu](mailto:titleixandequity@goodwin.edu).

Any member of the campus community who acts to deny, deprive or limit the educational, employment, residential, or social access, benefits, or opportunities of any member of the campus community, including guests or visitors, based on their protected class, is subject to sanctions under this Policy. Upon notice, the University will appropriately address and remedy all allegations per the resolution procedures described herein. Vendors, guests, visitors, and other non-campus members who engage in discriminatory actions within Goodwin University programs, activities, or on Goodwin University property are not subject to the Grievance Processes under this Policy. However, they may be subject to actions that limit their access and involvement with Goodwin programs as the result of such misconduct.

The University is committed to stopping, preventing, and remedying discrimination, harassment, sexual misconduct, and retaliation and addressing any violations of this Policy. Accordingly, the University has created two grievance processes to accomplish this task; the **Title IX Grievance<sup>[2]</sup> Process** and the Discrimination, Harassment, Sexual Misconduct, and Retaliation (**DHSMR**) **Grievance Process**. The Title IX Grievance Process is designed to address conduct that falls under the Title IX Regulation's definition of sexual harassment. In contrast, the **DHSMR Grievance Process** provides a process for the resolution of all complaints of

violations of this Policy that fall outside Title IX covered conduct. For more on the Grievance Processes, see below.

## **II. Policy rationale**

The University adopts these policies and procedures in furtherance of:

- A. preventing, eliminating and addressing discrimination, harassment, sexual misconduct, retaliation, and other civil rights offenses.
- B. fostering a climate where all individuals are well-informed and supported in preventing and reporting discrimination, harassment, sexual misconduct, retaliation, and other civil rights offenses; and
- C. providing clear standards and a fair, prompt, and impartial process for all parties by which violations of this Policy will be addressed.

The University will take prompt and effective action to eliminate discrimination, harassment, sexual misconduct, retaliation, and other civil rights offenses; prevent their recurrence and remedy their effects.

## **III. Scope**

The purpose of this Policy is the prohibition of all forms of discrimination, including but not limited to: exclusion from, or limitation of equal access to, activities such as admission, athletics, or employment based on a protected status, and sex-based discrimination encompassing sexual harassment, sexual assault, stalking, sexual exploitation, dating or domestic violence, and other civil rights offenses. This Policy applies to all academic and administrative units of the University, and all members of the University community, including students, staff, faculty, visitors, contractors, applicants for admission to or employment with the University, and participants in the University's programs or activities. In accordance with federal, state, and local laws, the grievance process may differ depending on the type of discrimination alleged. See the grievance processes below for more information.

## **IV. Jurisdiction**

University Policies apply to conduct occurring on University premises, at University-sponsored activities, and to off campus conduct that adversely affects the University community and/or its objectives. Policies apply to all conduct by a student, even that occurring during an academic term when the student is not enrolled at the University. Moreover, the university retains jurisdiction to administer discipline with respect to any student conduct (occurring while the individual was a student) even if the student subsequently graduates, withdraws, takes leave, or is otherwise absent from the University, and the University does not learn of conduct until after the student leaves the University. The University may take any action it deems necessary to maintain a safe environment, and to protect its community and community members under all circumstances. The University may withhold the award of a degree and/or the privilege of participating in graduation(s) while a disciplinary action is pending. The University's jurisdiction over employees extends to any act committed within the workplace or which negatively impact students, other employees, or the working or educational environment.

The University Student Conduct Officer shall decide on a case-by-case basis, whether the University shall apply the Policies to student conduct occurring off campus. This determination is made at their sole discretion and/ or in consultation with the Title IX Compliance Officer or Deputy Title IX Compliance Officer, where appropriate.

Students who violate civil and/or criminal law also violate the University Policies, thereby subjecting them to University disciplinary action and, in some cases, arrest and/or legal proceedings through the legal system. The University may impose sanctions irrespective of civil and/or criminal determinations arising from the same incident. The University generally applies a different standard than the legal system as it seeks to maintain a safe, supportive and educationally conducive environment for all University community members regardless of the legal system's findings.

University proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. The University will not amend determinations or sanctions imposed under the Code when charges arising out of the same facts are dismissed, reduced, or resolved in favor of or against the defendant. When a student is charged with a violation of federal, state, or local law, the University will not offer or support special consideration based on student status. If the alleged offense is also being processed under the Code of Community Standards, the University may advise off-campus authorities of the relevant University Policies and related information. The University seeks to cooperate with law enforcement and other agencies where appropriate (e, g, violations of law occurring on campus and rehabilitation conditions imposed on student-defendants following a court determination, so long as those conditions do not conflict with University rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

The University will address notice and complaints to determine whether the alleged conduct occurred in the context of its employment or educational program or activity, has continuing effects on campus, occurred in an off campus sponsored program or activity, or affects a substantial University interest. A substantial University interest includes but is not limited to: actions that constitute a criminal offense as defined by law; situations in which it is determined that the Respondent poses an immediate threat to the physical health or safety of a member of the University community; and situations that are detrimental to the educational interests or mission of the University.

While the University may not control the websites, social media platforms, and other venues in which harassing communications are made, it will address and attempt to mitigate the effects of discriminatory, harassing, or retaliatory communications. Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexting,

revenge porn, breaches of privacy, or otherwise using the ease of transmission and anonymity of the Internet or other technology to harm another member of the University community.

#### **V. Revocation by Operation of Law**

If any portion of the Final Title IX Rule<sup>[3]</sup> is stayed or held invalid by a court of law, or if the Final Title IX Rule is withdrawn or modified not to require elements of this Policy, the invalidated portions will be revoked or modified as required, as of the publication date of the opinion or order. If the Title IX Grievance Process is revoked, any conduct covered under that Process will be investigated and adjudicated under the DHSMR Grievance Process, described below.

#### **VI. Définitions :**

For purposes of this Policy, words and phrases used in this Policy are listed below.

- o **Advisor:** a person chosen by a party or appointed by the University to accompany the party to meetings related to the resolution process, advise the party on the resolution process, and conduct cross-examination for the party at Title IX hearings, if any. The Advisor may also be an advocate chosen by the party to offer emotional support, information, and resources.
- o **Complainant:** an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- o **Confidential Resource:** an employee who is not an Official with Authority or a Mandated Reporter of notice of harassment, discrimination, and retaliation. Confidential Resources at the University are:
  - 1. Counseling Services, (Student)  
Goodwin University 1 Riverside Drive East Hartford, CT 06118  
Email: [counseling@goodwin.edu](mailto:counseling@goodwin.edu)  
<https://www.goodwin.edu/counseling/>
  - Connecticut Alliance to End Sexual Violence (Students, Faculty, and Staff)  
Phone: English: (888) 999-5545; Español: (888) 568-8332
- o **Day:** a calendar day
- o **Discrimination:** actions based on a protected class that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities.
- o **Discriminatory harassment:** unwelcome conduct by any member or group of the University community against a member of the University community based on that member's actual or perceived membership in a class protected by policy or law.
- o **Education program or activity:** locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also

includes any building owned or controlled by a student organization that is officially recognized by the University.

- o **Final Determination:** The decision-makers' written determination regarding responsibility based on a preponderance of the evidence. The determination shall include:
  1. An identification of allegations,
  2. A description of procedural steps,
  3. Findings of facts,
  4. An application of the Policy to the facts,
  5. A determination of responsibility and the decision-makers' rationale,
  6. Disciplinary sanctions and remedies, and
  7. Procedures and bases for appeal.
- o **Finding:** a conclusion by the preponderance of the evidence that the conduct did or did not occur as alleged.
- o **Formal Complaint:** a document filed by a Complainant<sup>[4]</sup> or signed by the Title IX and Equity Coordinator alleging harassment or discrimination based on a protected class against a Respondent or alleging retaliation for engaging in a protected activity against a Respondent and requesting that the University investigate the allegation.
- o **Formal Grievance Process:** A method of formal resolution designated by the University to address allegations of discrimination, harassment, sexual misconduct, and retaliation.
- o **Formal Title IX Grievance Process:** A method of formal resolution designated by the University to address conduct that falls within the policies included below and that complies with the requirements of 34 CFR §106.45.
- o **Grievance Process Pool:** A pool of internal and/or external investigators, decision-makers, appeal officers, and advisors, who may perform any or all of these roles (though not at the same time or with respect to the same case).
- o **Hearing Officer:** refers to a person who has decision-making and sanctioning authority within the University's Formal Grievance processes.
- o **Informal Resolution:** A process employed after the filing of a Formal Complaint with the written voluntary consent of the parties. An Informal Resolution does not involve a full investigation and adjudication of the complaint. This process may include mediation and other forms of alternative conflict resolution.
- o **Investigator:** the person charged by the University with: gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- o **Mandated Reporter:** an employee of the University who is obligated under this Policy to share knowledge, notice, and reports of discrimination, harassment,

sexual misconduct, and retaliation with the Title IX and Equity Coordinator [and their supervisor]. <sup>[5]</sup>

- o **Notice:** information received by the Title IX and Equity Coordinator or other Official with Authority of the alleged occurrence of discrimination, harassment, sexual misconduct, or retaliation.
- o **Official with Authority (OWA):** an employee of the University explicitly vested, under this Policy, with the responsibility to implement corrective measures for discrimination, harassment, sexual misconduct, or retaliation on behalf of the University.
- o **Parties:** the Complainant(s) and Respondent(s), collectively.
- o **Protected Class:** Individuals legally protected from discrimination due to their race, color, sex, pregnancy, religion, creed, ethnicity, national origin, disability, age, sexual orientation, gender identity, veteran or military status, predisposing genetic characteristics, domestic victim status or any other protected category under applicable local, state or federal law.
- o **Remedies:** post-determination actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore or preserve equal access to the University's educational program.
- o **Respondent:** an individual reported to be the perpetrator of conduct that could constitute discrimination, harassment, sexual misconduct, or retaliation.
- o **Resolution:** the result of an informal or formal grievance process.
- o **Sanction:** a consequence imposed by the University on a Respondent who is found to have violated this Policy.
- o **Sexual Harassment:** an umbrella category including, but not limited to, the offenses of sexual harassment, sexual assault, stalking, and dating violence, and domestic violence as defined by the U.S. Department of Education's Final Rule under Title IX of the Education Amendments of 1972.
- o **Title IX:** Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities that receive federal financial assistance.
- o **Title IX Coordinator:** an official designated by the University to ensure compliance with Title IX and the University's Title IX program. References to the Coordinator throughout this Policy may also encompass a designee of the Coordinator for specific tasks.
- o **Title IX Covered Conduct:** Discrimination and Sexual Harassment as defined in the U.S. Department of Education's Final Rule under Title IX of the Education Amendments of 1972<sup>[6]</sup>
- o **Title IX Team:** the Title IX and Equity Coordinator, deputy coordinators, Associate Director of Title IX and Equity Compliance, and any member of the Grievance Process Pool.

## **VII. Disability and Accommodation**

The University is committed to full compliance with the Americans with Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA protects individuals who have a record of a substantially limiting impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Director of Title IX and Equity Compliance, ([titleixandequity@goodwin.edu](mailto:titleixandequity@goodwin.edu)) has been designated as the University's ADA and 504 Coordinator and is responsible for responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations will be addressed under the DHSMR Grievance Process below.

### **A. Students with Disabilities**

The University is committed to providing qualified students with disabilities with reasonable accommodation and support needed to ensure equal access to the academic programs, facilities, and activities of the University.

All accommodation is made on an individualized basis. A student requesting any accommodation on the basis of a disability should contact Student AccessAbility Services with any questions or concerns at (860) 727-6718.

The Director of Student Accessibility Services reviews documentation provided by the student and, in consultation with the student, determines whether reasonable accommodation is appropriate for the student's particular needs and academic program(s).

### **B. Employees with Disabilities**

Pursuant to the ADA, The University will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the University.

An employee with a disability is responsible for submitting a request for accommodation, along with the necessary documentation, to the Human Resources Director. The Human Resources Director will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could

enable the employee to perform those duties. The Senior Director of Human Resources, Terry Antoine, may be reached via email at [tantoine@goodwin.edu](mailto:tantoine@goodwin.edu) or via phone at (860) 727-6938.

## **VIII. Prohibited Conduct**

The sections below describe specific forms of legally prohibited conduct that are also prohibited under University policy. When speech or conduct is protected by the First Amendment, it will not be considered a violation of University policy. Supportive measures will be offered to those impacted.

### **A. Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to an educational and employment environment free of discriminatory harassment. Discriminatory harassment, defined above, is prohibited by University policy. The University does not tolerate discriminatory harassment of any employee, student, visitor, or guest and will act to remedy all forms of harassment when reported.

When discriminatory harassment rises to the level of creating a hostile environment<sup>[7]</sup>, the University may impose sanctions on the Respondent through the application of the appropriate grievance process below.

The University reserves the right to address offensive conduct or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Such conduct may be addressed through respectful conversation, remedial actions, education, effective Alternate Resolution, or other Informal Resolution mechanisms. For assistance with Informal Resolution techniques and approaches, employees should contact the Director of Human Resources, and students should contact the Dean of Students.

### **B. Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Connecticut regard Sexual Harassment as an unlawful discriminatory practice. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

In this Policy, Sexual Harassment, as an umbrella category, includes Title IX Covered Sexual Harassment as defined by the Final Title IX Rule as well as Sexual Harassment that falls outside the Final Title IX Rule.

#### **1. Title IX Covered Sexual Harassment**

##### **a. Quid Pro Quo:**

1. an employee of the University,

2. conditions the provision of an aid, benefit, or service of the University,
3. on an individual's participation in unwelcome sexual conduct; and/or
- a. *Sexual Harassment*<sup>[8]</sup>:
  1. Unwelcome conduct,
  2. determined by a reasonable person,
  3. to be so severe, and
  4. pervasive, and,
  5. objectively offensive,
  6. that it effectively denies a person equal access to the University's education program or activity.
- a. *Sexual assault, defined as:*
  1. Sex Offenses, Forcible:
    1. Any sexual act directed against another person,
    2. without the consent of the Complainant,
    3. including instances in which the Complainant is incapable of giving consent.
  1. Forcible Rape:
    1. Penetration,
    2. no matter how slight,
      1. of the vagina or anus with any body part or object, or
    3. oral penetration by a sex organ of another person,
      1. without the consent of the Complainant.
  1. Forcible Sodomy:
    1. Oral or anal sexual intercourse with another person,
    2. forcibly,
      1. and/or against that person's will (non-consensually), or
    2. not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  1. Sexual Assault with an Object:
    1. The use of an object or instrument to penetrate,
    2. however slightly,

1. the genital or anal opening of the body of another person,
3. forcibly,
4. and/or against that person's will (non-consensually),
1. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

1. Forcible Fondling:

1. The touching of the private body parts of another person (buttocks, groin, breasts),
1. for the purpose of sexual gratification,
2. forcibly,
3. and/or against that person's will (non-consensually),
4. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

1. Sex Offenses, Non-forcible:

1. Incest:
  1. *Non-forcible sexual intercourse,*
  1. *between persons who are related to each other,*
  2. *within the degrees wherein marriage is prohibited by Connecticut law.*
2. Statutory Rape:
  1. *Non-forcible sexual intercourse,*
  3. *with a person who is under the statutory age of consent of 16.*

b. *Dating Violence, defined as:*

1. violence,
  2. on the basis of sex,
  3. committed by a person
  4. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
- The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of

relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

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

*c. Domestic Violence, defined as:*

1. Violence
2. On the basis of sex,
3. Committed by a current or former spouse or intimate partner of the Complainant,
4. By a person with whom the Complainant shares a child in common, or
5. By a person who is cohabitating with, or has cohabited with, the Complainant as a spouse or intimate partner, or
6. By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the state of Connecticut, or
7. By any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the state of Connecticut.

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

*d. Stalking, defined as:*

(1) engaging in a course of conduct, <sup>[9]</sup>

(2) on the basis of sex,

(3) directed at a specific person, that

(a) would cause a reasonable person<sup>[10]</sup> to fear for the person's safety, or

(b) the safety of others; or

(c) suffer substantial emotional distress. <sup>[11]</sup>

**1. Sexual Harassment Other than Title IX Covered Conduct**

The standard for evaluating an alleged violation of sexual harassment when the conduct falls outside of Title IX Covered Sexual Harassment will be as follows:

*a. Includes verbal or physical conduct,*

- b. of a sexual nature,*
- c. either Quid Pro Quo and Hostile Environment Harassment.*
  - 1. Quid Pro Quo Harassment
    - 1. harassment by a person who has power or authority over another,
    - 2. explicitly or implicitly request to submit to sexual conduct,
    - 3. submission to such conduct is made a term or condition of a person's academic standing or employment or receiving any other benefit or privilege to which the person is entitled.
  - 2. Hostile Environment Harassment
    - 1. unwelcome conduct,
    - 2. determined by a reasonable person,
    - 3. to be so severe, or
    - 4. pervasive, and
    - 5. objectively offensive,
    - 6. that it effectively denies a person equal access to the University's education program or activity.

## **2. Consensual Relationships between employees and students**

Consistent with the University's commitment to comply with the spirit of these laws, all employees must avoid and refrain from romantic or sexual relationships, even if consensual, with students whom they teach, advise or supervise (or whom they may teach or supervise in the future). The relationship between teacher, Advisor, or mentor and student must be protected from influences or activities that can interfere with learning and personal development. In addition to creating the potential for coercion, any such relationship jeopardizes the integrity of the educational process by creating an actual or potential conflict of interest and may impair the educational environment for other students. Employees or students with questions about this policy are advised to consult with the University's Title IX and Equity Coordinator.

## **II. Concepts and definitions applicable to Title IX and Non-Title IX covered conduct**

### **a. Force**

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

### **b. 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.

### **c. Consent**

Consent is:

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

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force,

violence, or even saying, “no” may be part of the kink and thus consensual, so the University’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to the Policy that assumes non-kink relationships as a default.

**d. Incapacitation**

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent. A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason. This policy covers a person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs.

**C. Other Civil Rights Offenses**

In addition to the Harassment described above, this Policy prohibits the following offenses when the conduct is based upon the Complainant’s actual or perceived membership in a protected class.<sup>[12]</sup> Alleged violations that fall under this section will be resolved under the University’s DHSMR Grievance Process, described below.

**1. Sexual Exploitation, defined as:**

Taking non-consensual or abusive sexual advantage of another for one’s own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:

- a. Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)*
- b. Invasion of sexual privacy*
- b. Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent, including the making or posting of revenge pornography*
- c. Prostituting another person*
- c. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection*
- d. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to*

- sexual activity or for the purpose of making that person vulnerable to non-consensual sexual activity*
  - e. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections*
  - f. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity*
  - d. Knowingly soliciting a minor for sexual activity*
  - e. Engaging in sex trafficking*
  - f. Creation, possession, or dissemination of child pornography*
- 2. Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- 3. Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- 4. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- 5. Hazing, defined as acts 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 (as defined further in the Hazing Policy);
- 6. Bullying, defined as:
  - a. Repeated and/or severe*
  - b. Aggressive behavior*
  - c. Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally*
  - ci. That is not speech or conduct otherwise protected by the First Amendment.*

Violation of any other University policies may constitute a Civil Rights Offense when the violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion or termination.

#### D. Retaliation

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

It is prohibited for any member of the University's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Acts of alleged retaliation should be reported immediately to the Title IX and Equity Coordinator and will be promptly investigated. The University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation.

## IX. Reporting, Responsibilities, and Options

### A. Filing a Complaint

1. Notice or complaints of discrimination, harassment, and retaliation may be made using any of the following options:
  - a. *File a complaint with, or give verbal notice to, the Title IX and Equity Coordinator, Deputy Title IX Coordinators, or Officials with Authority listed above. Such a report may be made by anyone at any time (including during non-business hours) by using the telephone number, email address, or by mail to the office address listed above.*
  - b. *Report online, using the reporting form linked [here](#). While anonymous reports are accepted, the University's ability to investigate or respond may be limited. Additionally, the University endeavors to provide supportive measures to Complainants and may be limited in its ability to do so when a report is anonymous. Finally, an anonymous report may result in an investigation that reveals the identity of the reporter.*

*Reporting carries no obligation to initiate a formal response. The University respects Complainants' requests to dismiss complaints where there is no compelling threat to health or safety. Barring a threat to health or safety, the Complainant maintains autonomy and should not fear a loss of privacy by making a report that allows the University to discuss and provide supportive measures.*

*Report to any non-confidential employee. All non-confidential employees are Mandated Reporters and required to report discrimination, harassment, or retaliation to the Title IX and Equity Coordinator.*

## 2. Formal Complaint

A Formal Complaint is a document that alleges a policy violation by a Respondent and requests that the University investigate the allegation(s). The document must be filed and signed by the Complainant or may be signed by the Title IX and Equity Coordinator. A Formal Complaint may be filed with the Title IX and Equity Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature.

If notice is submitted in a form that does not meet this standard, the Title IX and Equity Coordinator will contact the Complainant to ensure that it is filed correctly.

### *a. The Title IX Coordinator May Sign the Complaint*

*The Title IX Coordinator has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so and may sign a Formal Complaint to initiate a grievance process when there is a compelling risk to health or safety that requires the University to pursue formal action to protect the community. A compelling risk to health or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence.*

*The Title IX Coordinator does not become the Complainant when they execute a Formal Complaint. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.*

## 3. Promptness

The University will promptly address all allegations upon receipt of notice or Formal Complaint. Resolution of complaints will not exceed ninety (90) calendar days; however, the time frame may be extended for good cause, including, but not limited to, requests by external law enforcement to delay, unavailability of key witnesses, and University break periods. The Title IX

and Equity Coordinator will notify the Parties in writing of any extension, the reason for the extension, and an estimate of the additional time needed to resolve the matter.

#### 4. Privacy and Confidentiality

Every effort is made by the University to preserve the privacy of reports. The University will only share information related to allegations of prohibited conduct with University employees who require the information for the purpose of assessment, investigation, and resolution of the report.

The University may contact parents or guardians to inform them of situations in which there is a significant and articulable health or safety risk but will usually consult with the student first before doing so.

#### 5. Amnesty

The University encourages the reporting of misconduct and crimes and maintains a policy of offering parties and witnesses amnesty from minor policy violations related to the incident. Amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution. The University may, at its discretion, provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

#### 6. Time Limits on Reporting

There is no time limit on providing notice or complaints of discrimination, harassment, or retaliation to the Title IX and Equity Coordinator. If the Respondent is no longer subject to the University's jurisdiction or significant time has passed, the ability to investigate, respond, and provide remedies may be limited or impossible. The University will provide appropriate supportive measures.

#### 7. False Allegations

Deliberately false or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under University policy.

### B. Mandated Reporting<sup>[13]</sup>

All employees, except confidential employees, are deemed "Mandated Reporters." Mandated Reporters must notify the Title IX and Equity Coordinator immediately, of any knowledge they

have that a member of the community is experiencing discrimination, harassment, sexual misconduct, or retaliation when disclosures are made to them in their capacities as employees.

Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Title IX and Equity Coordinator.

Supportive measures may be offered as the result of such disclosures without formal University action.

Failure of a Mandated Reporter, to report an incident of harassment or discrimination of which they become aware is a violation of University policy and can be subject to disciplinary action.

Mandated Reporters are encouraged to report their own misconduct as well as misconduct perpetrated against them.

On campus, confidential resources, listed below, are not considered Mandated Reporters. They maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

Complainants who expect formal action in response to their allegations should report to any Mandated Reporter. The Mandated Reporter will immediately notify the Title IX and Equity Coordinator who will share resources, rights, and options.

Generally, disclosures in climate surveys and at campus events such as “Take Back the Night” marches, speak-outs, and Sexual Assault Awareness Month Programs do not provide notice that must be reported to the Title IX and Equity Coordinator by employees, unless the Complainant clearly indicates a desire to report or seeks a specific response from the University.

#### 1. Clery Reporting Obligations and Timely Warnings

The University has a duty to report various forms of sexual misconduct and gender-based violence in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). No personally identifiable information is disclosed, but statistical information, including date, location, and crime category, is disclosed as part of the University’s annual Campus Security Policy & Campus Crime Statistics Report.

Parties reporting sexual assault, domestic violence, dating violence, or stalking should be aware that under the Clery Act, the University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The University will 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 considering the potential danger.

### C. Confidential Resources

Confidential Resources are University employees who are not mandated to report notice of discrimination, harassment, sexual misconduct, and retaliation. Confidential resources maintain confidentiality when acting under the scope of their licensure, professional ethics, and professional credentials, except in extreme cases of immediate threat, danger, or abuse to a minor, elder, or individual with a disability, or when required to disclose by law or court order.

Confidential University employees will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

Confidential Resources at the University are:

Counseling Services, (Student)

Goodwin University 1 Riverside Drive East Hartford, CT 06118

Email - Phone: [counseling@goodwin.edu](mailto:counseling@goodwin.edu)

<https://www.goodwin.edu/counseling/>

- Connecticut Alliance to End Sexual Violence (Students, Faculty, and Staff)  
Phone: English: (888) 999-5545; Español: (888) 568-8332

### X. Non-Confidential Resources

- A. Complaints or notice of alleged policy violations, or inquiries about this Policy, may be made to:

Emily Cintorino

Title IX and Equity Coordinator

Office of Civil Rights Compliance/Human Resources and Community Culture

Goodwin University

Office: (860) 913-2207

Email: [titleixandequity@goodwin.edu](mailto:titleixandequity@goodwin.edu) or [cintorinoegoodwin.edu](mailto:cintorinoegoodwin.edu)

Website: <https://www.goodwin.edu/title-ix/>

Administrators in the following roles are Officials with Authority (OWA) to institute corrective measures on behalf of the University. In addition to the Title IX and Equity Coordinator and Deputies listed above, an OWA, and other members of the President's cabinet, may also accept notice or complaints of discrimination, harassment, sexual misconduct, and retaliation on behalf of the University:

- President, (860) 727-6761
- Director of Title IX and Equity Compliance and ADA/504 Coordinator (860) 727-6741
- Senior Vice President of Human Resources and Community Culture (860) 913-2262
- Senior Director of Human Resources, (860) 272-6938
- Case Manager/Housing/EOP Specialist, (860) 913-2268
- Director of Campus Safety & Security, (860) 913-2023
- Assistant Director of Campus Safety & Security, (860) 913-2312

#### B. Title IX and Equity Coordinator

The University's Title IX and Equity Coordinator oversees the University's Policy on Discrimination, Harassment, Sexual Misconduct, and Retaliation. The Title IX and Equity Coordinator have the primary responsibility for coordinating the University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent conduct prohibited under this Policy.

##### 1. Independence and Conflict-of-Interest

The Title IX and Equity Coordinator acts with independence and is free from bias and conflicts of interest. The Title IX and Equity Coordinator oversees the grievance processes under this Policy and manages the Title IX team. The Title IX team may include deputy Title IX Coordinators and members of the Title IX Grievance Process Pool, which comprises faculty and staff members who may be called upon to serve in the role of Advisors and Hearing Officers during grievance hearings. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants or Respondents, generally.

Concerns of bias, conflict of interest, or misconduct on the part of the Title IX and Equity Coordinator, should be directed to the Director of Title IX and Equity Compliance at [aminick@goodwin.edu](mailto:aminick@goodwin.edu). Concerns of bias, a potential conflict of interest, or misconduct by any other Title IX Team member should be raised with the Title IX and Equity Coordinator.

#### C. Supportive Measures

The University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged discrimination, harassment, sexual misconduct, or retaliation. Supportive measures are non-disciplinary, non-punitive, individualized services offered as appropriate and as reasonably available. They are without fee or charge to the parties and are provided to restore or preserve access to the University's education program or activity. Supportive measures are designed to protect the safety of the parties and the University's educational environment and to deter harassment, discrimination, and retaliation.

The Title IX and Equity Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint of discrimination, harassment, sexual misconduct, or retaliation. At the time that supportive measures are offered, the University will inform the Complainant, in writing, that the Complainant may file a Formal Complaint with the University either at that time or in the future if they have not done so already. The Title IX and Equity Coordinator works with the Complainant to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide supportive measures. The University will act to ensure as minimal an academic impact on the parties as possible. The University will implement measures in a way that does not unreasonably burden the other party.

Supportive Measures include, but are not limited to:

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

#### D. Emergency Removal

The University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX and Equity Coordinator in conjunction with the GTAT Team using its standard objective violence risk assessment procedures.

In all cases of emergency removal, the Respondent will be given notice including a written summary of the basis for the emergency removal and the opportunity to challenge the removal decision within three (3) days of that notice. In the event of a challenge to the removal decision, a meeting will be arranged by the Title IX and Equity Coordinator. The Respondent may be accompanied by an Advisor of their choice at this meeting, and a Complainant and their Advisor may be permitted to participate if the Title IX and Equity Coordinator determines it is equitable to do so. The purpose of this meeting is to allow the Respondent to show why the Respondent should not be removed; this meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. Meetings that are not requested within three (3) days of notice of removal are deemed waived. Beyond the opportunity to challenge the removal actions described here, there is no appeal process for emergency removal decisions.

The Title IX and Equity Coordinator or their designee, in consultation with GTAT team members, has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX and Equity Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily reassigning an employee with their consent, restricting a student's or employee's access to, or use of, facilities or equipment, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX and Equity Coordinator, alternative coursework options may be pursued to reduce negative academic impacts on the parties.

#### **X. PREVENTION AND AWARENESS OF SEXUAL ASSAULT, OTHER FORMS OF VIOLENCE AND**

All members of the University community play a role in fostering an environment free of unlawful discrimination. The University community is encouraged to take reasonable and

prudent actions to prevent and respond to sexual assault, intimate partner violence, and misconduct based upon gender, gender identity or expression, race, ethnicity, and other discriminatory bases.

The University engages in ongoing prevention and awareness campaigns for students, faculty, and staff. Educational programs and workshops to promote awareness about various types of sexual misconduct and related issues are coordinated by the Title IX and Equity Coordinator, the Dean of Students, and Human Resources. Programs include, but are not limited to, new student and employee courses on sexual assault prevention, bystander intervention, annual faculty and staff sexual harassment training, and campus-wide awareness events.

- XI. Concerns about the University's application of Title IX, Title VII, VAWA or other non-discrimination statutes may also be addressed to:

The Connecticut Commission on Human Rights and Opportunities (CT CHRO)  
450 Columbus Boulevard  
Hartford, CT 06103-1835  
Phone: 860-541-3400  
Connecticut Toll Free: 1-800-477-5737  
TDD: 860-541-3400  
Fax: 860-241-4869

The Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: (800) 669-4000  
Fax: (617) 565-3196  
TTY: (800) 669-6820

Web: <https://www.eeoc.gov/>

The Office for Civil Rights (OCR)

U.S. Department of Education  
8th Floor, Five Post Office Square  
Boston, MA 02109-3921  
Customer Service Hotline #: (617) 289-0111  
Fax: (617) 289-0150  
TDD: (800) 877-8339

Email: [ocr.boston@ed.gov](mailto:ocr.boston@ed.gov)

Web: <http://www.ed.gov/ocr>

## **Grievance Process for Violation of the University's Policy on Discrimination, Harassment, Sexual Misconduct, and Retaliation**

### **TITLE IX GRIEVANCE PROCESS**

**AND**

### **DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, AND RETALIATION (DHSMR) GRIEVANCE PROCESS**

#### **I. INTRODUCTION: THE UNIVERSITY'S TWO-PROCESS SYSTEM**

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against, based on sex, in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to access our educational programs and opportunities equally.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 (hereafter, the "Final Title IX Rule" or "Final Rule"), that:

- Defines the meaning of "sexual harassment"
- Addresses how this University must respond to reports of conduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this University must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.<sup>[14]</sup>

In recent years, "Title IX" cases have become a shorthand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Title IX Rule, the University must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. ***Only incidents that fall within the Final Title IX Rule's definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Process, defined below.***

The University remains committed to addressing any violations of its policies, even those that do not meet the narrow standards defined under the Final Title IX Rule. Accordingly, in addition to the **Title IX Grievance Process**, prescribed by the U.S. Department of Education, the University has provided a **Discrimination, Harassment, Sexual Misconduct, and Retaliation**

**(DHSMR) Grievance Process.** The **DHSMR Grievance Process** provides a process for the resolution of complaints of violations of the University's Policy on Discrimination, Harassment, Sexual Misconduct, and Retaliation that fall outside Title IX covered conduct.<sup>[15]</sup>

During the Title IX Grievance Process, the University retains the right to initiate a separate grievance proceeding, under its DHSMR Grievance Process, for misconduct that it discovers falls outside of Title IX covered conduct.

The elements established in the Title IX Grievance Process under the Final Rule do not affect and are not transferable to any other process of the University except as narrowly defined in this process. This process does not set a precedent for other policies or processes of the University and may not be cited for or against any right or aspect of any other policy or process.

#### Effective Date

The Title IX Grievance Process became effective on August 14, 2020, and applies to Formal Complaints brought on or after that date.

#### Non-Discrimination in Application

The requirements and protections of these processes apply equally regardless of sex, sexual orientation, gender identity, race, color, religion, disability, age, or other protected classes covered by federal or state law. Additionally, all requirements and protections are equitably provided to individuals regardless of status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the University's policy or process may contact the Department of Education's Office for Civil Rights at <https://ocrcas.ed.gov/contact-ocr>, the Equal Employment Opportunity Commission at <https://www.eeoc.gov/>, or the Connecticut Commission on Human Rights and Opportunities at <https://portal.ct.gov/CHRO>.

#### Unionized Employees

Unionized or other categorized employees will be subject to the terms of their respective collective bargaining agreements to the extent those agreements do not conflict with federal or state compliance obligations.

## II. TITLE IX GRIEVANCE PROCESS

### A. Filing a Formal Complaint

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded promptly, and no longer than ninety (90) calendar days after the filing of the Formal Complaint. The Process may be extended for a good reason,

including but not limited to the absence of a party, a party's Advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or an accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a Complainant must provide the Title IX and Equity Coordinator with a written, signed complaint describing the facts alleged. A Formal Complaint includes a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature.

Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of the University, including as an employee. For Complainants who do not meet these criteria, the University will utilize its DHSMR Grievance Process.

If a Complainant does not wish to make a Formal Complaint, the Title IX and Equity Coordinator may determine a Formal Complaint is necessary. The University will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the University's Policy or Process prevents a Complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

A Complainant who files a Formal Complaint may elect, at any time, to address the matter through the University's Informal Resolution Process, described below.

#### B. Multi-Party Situations

The University may consolidate Formal Complaints alleging Title IX Covered Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Title IX Covered Conduct arise out of the same facts or circumstances.

#### C. Threat Assessment

The Title IX and Equity Coordinator will consult, as appropriate, with Campus Security and other campus administrators and determine whether the report poses a threat to the Reporting Party

or the University community. Factors to be considered include, but are not limited to, whether alleged Prohibited Conduct included physical violence or threats of violence; whether any weapon or force was allegedly used or threatened; whether multiple Responding Parties were involved; whether Responding Party has a prior history of violent behavior; whether the Prohibited Conduct was facilitated by “date-rape” drugs or similar intoxicants, or allegedly occurred when Reporting Party was unconscious or physically helpless; whether Reporting Party is a minor under the age of 18; and whether any aggravating circumstances or indications of violent or predatory behavior were reported.

The Title IX and Equity Coordinator will retain documentation reflecting that the above threat assessment was completed. If the conclusion is that there is a minimal threat to the University community, the Title IX and Equity Coordinator may in their discretion respect a Reporting Party’s request for no action and will investigate only so far as necessary to determine appropriate remedies. However, if the Title IX and Equity Coordinator concludes that there is a substantial threat to the community, the University reserves the right to initiate this grievance process and file a Formal Complaint without a formal report or participation by a Complainant.

#### D. Determining Jurisdiction

This Process applies to conduct that occurs in locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the alleged prohibited conduct occurs, and in any building owned or controlled by a student organization that is officially recognized by the University.

The Title IX and Equity Coordinator will determine if the Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when the Title IX and Equity Coordinator determines that all the following elements are met:

- The conduct is alleged to have occurred on or after August 14, 2020.
- The conduct is alleged to have occurred in the United States.
- The conduct is alleged to have occurred in the University’s education program or activity.
- At the time of filing a Formal Complaint, the Reporting Party is participating in or attempting to participate in the University’s education program or activity; and
- The alleged conduct, if true, would constitute Title IX Covered Conduct as defined in this policy.

#### E. Allegations Potentially Falling Under Two Policies

If the alleged conduct, if true, includes conduct that would constitute Title IX Covered Conduct and conduct that would not constitute Title IX Covered Conduct, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

F. Mandatory Dismissal

If anyone of these elements is not met, the Title IX and Equity Coordinator will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy.<sup>[16]</sup> Each party may appeal this dismissal using the procedure outlined in “Appeals,” below.

G. Discretionary Dismissal

The Title IX Coordinator may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A Complainant notifies the Title IX and Equity Coordinator in writing that they would like to withdraw the Formal Complaint, or any allegations raised in the Formal Complaint;
- The Respondent is no longer enrolled or employed by the University; or,
- If specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

H. Notice of Dismissal

Upon reaching a decision that the Formal Complaint will be dismissed, the University will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint and the reason for the dismissal, simultaneously to the parties through their University email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

I. Informal Resolution

If an Informal Resolution, i.e., supportive and remedial response, is preferred, the Title IX and Equity Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Formal Resolution process is not initiated, though the Complainant can elect to initiate it later if desired.

The Title IX and Equity Coordinator assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available and may seek to determine if the Respondent is also willing to engage in Informal Resolution.

Statements made during the Informal Resolution process are not evidence; they are made for settlement purposes, not for the truth of the matter asserted. Therefore, if Informal Resolution fails, and the matter moves to Formal Resolution, such statements may not be raised and questions relating to these statements are not allowed.

#### J. Notice of Investigation and Allegations (NOIA)

The Title IX and Equity Coordinator will draft and provide the NOIA to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, but no more than ten (10) calendar days after the University receives a Formal Complaint of the allegations, barring extenuating circumstances.

The parties will be notified via their University email accounts. If a party is not a student or employee of the University, they will be notified by other reasonable means.

The University will provide sufficient time, no less than three (3) calendar days, for the parties to review the NOIA and prepare a response before any initial interview.

##### 1. Contents of Notice

The Notice of Allegations will include the following:

- Notice of the University's Title IX Grievance Process, including the Informal Resolution process and possible sanctions that may result.
- Notice of the allegations potentially constituting Title IX Covered Conduct, and sufficient details, known at the time the Notice is issued, such as the identities of the parties involved in the incident; the conduct allegedly constituting Title IX Covered Conduct; and the date and location of the alleged incident.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an Advisor of their choice, who may be, but is not required to be, an attorney, as required by the Final Title IX Rule.<sup>[17]</sup>

- A statement that before the conclusion of the investigation, the parties may inspect and review evidence as required by the Final Title IX Rule,<sup>[18]</sup> including:
  - Evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint,
  - Evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and
  - Evidence that both tend to prove or disprove the allegations, whether obtained from a party or other source.
- A statement about the University's policy on retaliation.
- A statement that the University prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- Details on the process for requesting disability accommodations during the interview process.
- A link to the University's Resources, Rights, and Options document.
- The name(s) of the Investigator(s) and the process for identifying any conflict of interest that the Investigator(s) may have, in advance of the interview process.
- An instruction to preserve any evidence that is related directly to the allegations.

#### 1. Ongoing Notice

If in the course of an investigation, cause arises for the University to investigate allegations about the Complainant or Respondent not included in the NOIA and that otherwise fall within the Title IX Grievance Process, the University will notify the parties whose identities are known of the additional allegations. Notification will be sent via the parties' University email accounts.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

#### K. Standard of Proof

The University uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of Formal Complaints covered under this Policy. This means that the investigation and hearing determine whether it is more likely than not that a violation of the Policy occurred.

#### L. Advisors

##### 1. Advisors and Their Role

The parties may have an Advisor of their choice present with them for all meetings and interviews during the grievance process. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors are required to follow the University's Rules of Decorum.

The Advisor may be a friend, mentor, family member, attorney<sup>[19]</sup>, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the campus community.<sup>[20]</sup>

For parties who are entitled to union representation, the University will allow the unionized employee to have their union representative serve as an Advisor during the grievance proceedings, if requested by the party, as well as an additional Advisor of their choice. To uphold the principles of equity, the other party, regardless of union membership, will also be permitted to have two Advisors. Witnesses are not permitted to have union representation or Advisors in grievance process interviews or meetings.

The University may permit parties to have more than one Advisor upon special request to the Title IX and Equity Coordinator. The decision to grant this request is at the sole discretion of the Title IX and Equity Coordinator and will be granted equitably to all parties.

The Title IX and Equity Coordinator will assign a trained Advisor from the Title IX Grievance Process Pool for any party who elects this option or does not have an Advisor. If the parties choose an Advisor from outside the pool, they should note that the Advisor may not be trained and familiar with the University's policies and procedures.

## 2. Advisors in Hearings and University-Appointed Advisors

Under the Final Title IX Rule, cross-examination is required during a live hearing and must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses.

If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination. A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor.

If the party's Advisor will not conduct cross-examination, the University will appoint an Advisor who will do so, regardless of the participation or non-participation of the Party in the hearing.

### 3. Scheduling Advisors

The University will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

The University will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by the University to avoid delay.

#### M. Notice of Meetings and Interviews

The University will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

#### N. Delays

Each party may request a one-time delay in the Grievance Process of up to five (5) days for good cause. The extension will be granted or denied in the sole judgment of the Title IX and Equity Coordinator provided that the requestor provides reasonable notice, and the delay does not overly inconvenience other parties.

#### O. Investigation

##### 1. General Rules of Investigations

The Title IX and Equity Coordinator, Deputy Title IX Coordinators, or an Investigator designated by the Title IX and Equity Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute Title IX Covered Conduct after issuing the Notice of Allegations.

The University, and not the parties, has the burden of proof and the burden of gathering evidence<sup>[21]</sup>. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility.

The University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information.

The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses<sup>[22]</sup>, and inculpatory and exculpatory evidence,<sup>[23]</sup> as described below.

## 2. Relevant evidence and questions

“Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true. “Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Grievance Process:

- Evidence and questions about the Complainant’s sexual predisposition or prior sexual behavior unless:
  - They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
  - They concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
- Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent.<sup>[24]</sup>

## 3. Inspection and Review of Investigative Report and Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party an equal opportunity to meaningfully respond to the evidence prior to the conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

- a. Evidence that is relevant, even if that evidence does not end up being relied upon by the University in making a determination regarding responsibility.*
- b. inculpatory or exculpatory evidence that is directly related to the allegations, whether obtained from a party or other source.*

All parties must submit any evidence they would like the Investigator to consider during the course of the investigation prior to when the parties are scheduled to inspect and review evidence.<sup>[25]</sup>

#### *4. The Investigative Report*

*The Title IX and Equity Coordinator, Deputy Title IX Coordinators, or an Investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence and will provide that Report and evidence to the parties at least fifteen (15) calendar days prior the hearing for the parties' review and written response.*

*The purpose of the Investigative Report is to provide a fair summary of that evidence and not intended to catalog all evidence obtained by the Investigator.*

*Only relevant evidence (including both inculpatory and exculpatory – i.e., tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.*

*The Investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that are otherwise relevant.*

The University will provide a draft investigative report and all evidence, in the form of exhibits, via email, to the parties and their Advisors. The University is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining the format and any restrictions or limitations on access.

The parties will have ten (10) calendar days to inspect and review the draft Investigation Report and the evidence and submit a written response by email to the Investigator. The Investigator

will consider the parties' written responses before completing the Investigative Report. The University will provide copies of the parties' written responses to the Investigator to all parties and their Advisors if any.<sup>[26]</sup>

If there is no response within the 10-day period, the Investigator will immediately generate the final Investigative Report and evidence and distribute simultaneously, via email, to the parties. When the parties submit a written response to the Investigator, the Investigator has ten (10) calendar days after receipt of the responses to generate the Final Investigative Report. Alternatively, if necessary, the Investigator may provide the parties with written notice extending the investigation and explaining the reason for the extension.

Any evidence subject to inspection and review will be available at the hearing for purposes of cross-examination.

The parties and their Advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. Additionally, the parties and their Advisors agree not to photograph or otherwise copy the evidence.<sup>[27]</sup>

#### 5. Inclusion of Evidence Not Directly Related to the Allegations

Evidence obtained in the investigation that is determined in the reasoned judgment of the Investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their Advisors, if any.<sup>[28]</sup>

### P. Hearings

#### **General Rules of Hearings**

The University will not issue a disciplinary sanction arising from an allegation of Title IX Covered Conduct without holding a live hearing unless otherwise resolved through an Informal Resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. This technology will enable participants simultaneously to see and hear each other. At its discretion, the University may delay or adjourn a hearing based on technological errors, not within a party's control. The University reserves the right to have an attorney present at a hearing.

All proceedings will be recorded through audiovisual recording. That recording will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the parties and their Advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn.<sup>[29]</sup>

1. Notice of Hearing The Hearing Officer or Panel will send a Notice of Hearing to the Parties at least seven (7) calendar days before the scheduled hearing date. Accelerated hearing dates may be scheduled with the consent of the Parties, and Hearing Officer or Panel. The Notice once sent, is presumed to have been delivered.
2. Continuances or Granting Extensions  
The University may determine that multiple sessions or a continuance (i.e., a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.
3. Participants in the live hearing  
Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:
  - a. *Complainant and Respondent (The Parties)*
    1. The parties cannot waive the right to a live hearing.
    2. The University may still proceed with the live hearing in the absence of a party and may reach a determination of responsibility in their absence, including through any evidence gathered during the investigation.
    3. The University will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation.<sup>[30]</sup>

4. Any party may choose not to answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions. The parties shall be subject to the University's Rules of Decorum.

*b. The Hearing Officer or Panel*

1. One to three Hearing Officer (s) may preside over the hearings.
1. No Hearing Officer will also have served as the Title IX and Equity Coordinator, Title IX Investigator, or Advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
2. No Hearing Officer will have a conflict of interest or bias in favor of or against Complainants or Respondents generally or in favor of or against the parties to the particular case.
3. The Hearing Officers will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for Complainants, and any technology to be used at the hearing.
4. The parties will have an opportunity to raise any objections regarding a Hearing Officer's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

*c. Advisor of choice*

1. The parties have the right to select an Advisor of their choice, who may be, but does not have to be, an attorney.
2. The Advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.

3. In addition to selecting an Advisor to conduct cross-examination, the parties may select an Advisor who may accompany the parties to any meeting or hearing they are permitted to attend but may not speak for the party.
4. The parties are not permitted to conduct cross-examination themselves. Cross-examinations must be conducted by the Advisor. If a party does not select an Advisor, the University will select an Advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
5. The Advisor is not prohibited from having a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the parties to the particular case.
6. The Advisor is not prohibited from being a witness in the matter.
7. If a party does not attend the live hearing, the party's Advisor may appear and conduct cross-examination on their behalf.<sup>[31]</sup>
8. If neither a party nor their Advisor appears at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing party.<sup>[32]</sup>
9. Advisors shall be subject to the University's Rules of Decorum and may be removed upon violation of those Rules.

*d. Witnesses*

*Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation.<sup>[33]</sup>*

*Any witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.*

*Witnesses shall be subject to the University's Rules of Decorum.*

#### 4. Hearing Procedures

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- a. The Hearing Officer or Panel Chair will open and establish rules and expectations for the hearing.*
- b. The Parties will each be given the opportunity to provide opening statements.*
- c. The Hearing Officer or Panel will ask questions of the Parties and Witnesses.*
- d. Parties will be given the opportunity for live cross-examination after the Hearing Officer or Panel conduct their initial round of questioning; During the Parties' cross-examination, the Hearing Officer or Panel will have the authority to pause cross-examination at any time for the purposes of asking follow up questions; and to enforce the established rules of decorum.*
- e. Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Hearing Officer or Panel. A Party's waiver of cross-examination does not eliminate the ability of the Hearing Officer or Panel to use statements made by the Party.*

#### 5. Live Cross-Examination Procedure

Each party's Advisor will conduct live cross-examination of the other party(ies) and witnesses. During this live cross-examination, the Advisor will ask the other party(ies) and witnesses relevant questions and follow-up questions, including those challenging credibility. These questions will be asked directly, orally, and in real time.

Before any cross-examination question is answered, the Hearing Officer or Panel will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Hearing Officer or Panel, may be deemed irrelevant if they have been asked and answered.

#### 6. Review of Recording

The recording of the hearing will be available for review by the parties within five (5) calendar days, unless there are any extenuating circumstances.

7. General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Hearing Officer or Panel.

The Hearing Officer or Panel shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a Complainant, Respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

The Hearing Officer or Panel will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e., tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Final Title IX Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Title IX Rule requires that the University allow parties to call "expert witnesses"<sup>[34]</sup> for direct and cross-examination. The University does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Title IX Rule, the Hearing Officer or Panel will afford lower weight to non-factual testimony of the expert relative to fact witnesses. Any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross-examination and regardless of whether all parties present experts as witnesses.

The Final Title IX Rule requires that the University allow parties to call character witnesses to testify. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the Hearing Officer or Panel will afford very low weight to any non-factual character testimony of any witness.

The Final Title IX Rule requires that the University admit and allow testimony regarding polygraph tests (“lie detector tests”) and other procedures that are outside of standard use in academic and non-academic conduct processes. While testimony about them will be allowed and cross-examination, as required by the Final Title IX Rule, will be allowed, the Hearing Officer or Panel will afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness’ conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Hearing Officer or Panel may draw an adverse inference as to that party or witness’ credibility.

#### 8. Components of the Determination Regarding Responsibility

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their University email account, or other reasonable means as necessary. The Determination will include:

- a. Identification of the allegations potentially constituting Title IX Covered Conduct;*
- b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;*
- c. Findings of fact supporting the determination;*
- d. Conclusions regarding which section of the [Code of Conduct], if any, the Respondent has or has not violated.*
- e. For each allegation:*
  1. A statement of, and rationale for, a determination regarding responsibility;
  2. A statement of, and rationale for, any disciplinary sanctions the University imposes on the Respondent; and

3. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
4. The University's procedures and the permitted reasons for the Complainant and Respondent to appeal (described below in "Appeals").

f) A list of possible sanctions is available in Appendix A below.

#### Q. Failure to Complete Sanctions or to Comply with Remedies

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX and Equity Coordinator.

Failure to abide by the sanction(s) or action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s), including suspension, expulsion, or termination from the University and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX and Equity Coordinator.

#### a. Withdrawal or Resignation During the Grievance Process

Students: The University may place a hold, bar access to an official transcript, and/or prohibit graduation as necessary to permit the resolution process to be completed.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX and Equity Coordinator will reflect that status.

#### R. Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University within ten (10) calendar days of the completion of the hearing.

S. Finality

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

T. Appeals

Each party may appeal (1) the dismissal of a Formal Complaint or any included allegations and/or (2) a determination regarding responsibility. A party must submit their written appeal within five (5) calendar days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- i. Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the University’s own procedures);
- ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
- iii. The Title IX and Equity Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against Complainants or Respondents in general, that affected the outcome of the matter.

The submission of an appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the University will notify the other party in writing of the appeal as soon as practicable. The time for an appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than three (3) pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by Appeals Officers as follows:

- If the Respondent is a student: the Dean of Students, or their designee.
- If the Respondent is a faculty or staff member: The Provost, or their designee.

Appeals Officers will be free of conflict of interest and bias, and will not have served as Investigator, Title IX and Equity Coordinator, or Hearing Officer in the same matter.

The outcome of the appeal will be provided in writing simultaneously to both parties and include the rationale for the decision.

#### U. Confidentiality

The University will keep the following identities confidential except as permitted by the FERPA statute and regulations, the Final Title IX Rule, or as required by law:

- Any individual who has made a report or complaint of sex discrimination,
- Any individual who has made a report or filed a Formal Complaint of sexual harassment under this Policy, any Complainant,
- Any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and
- Any witness.

#### V. Retaliation

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or

circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Complaints alleging retaliation may be filed according to the DHSMR Grievance Process, described below.

### **DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, AND RETALIATION (DHSMR) GRIEVANCE PROCESS**

#### **A. Application of Process**

This Process is applicable to cases of discrimination, harassment, sexual misconduct or retaliation when the Title IX and Equity Coordinator determines that the Title IX Grievance Process above, is inapplicable because the alleged conduct falls outside of Title IX Covered Sexual Harassment, or when offenses subject to Title IX Grievance Process have been dismissed. The Title IX Grievance Process must be applied when applicable. This Process applies to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties.

#### **B. Initial Assessment**

Following receipt of any formal or informal notice of allegation of violation of the Policy, the Title IX and Equity Coordinator engages in an initial assessment, one (1) to five (5) calendar days in duration. The steps in an initial assessment may include:

1. The Title IX and Equity Coordinator reaches out to the Complainant to offer supportive measures.<sup>[35]</sup>
2. The Title IX and Equity Coordinator works with the Complainant to ensure they have an Advisor.
3. The Title IX and Equity Coordinator works with the Complainant to determine whether the Complainant prefers an Informal Resolution or Formal Administrative Resolution. The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX and Equity Coordinator. At any point during the initial assessment or formal investigation, if the Title IX and Equity Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

Based on the initial assessment, the University will initiate either the Informal Resolution Process or the Formal Administrative Resolution Process.

- a. *If an Informal Resolution, i.e., supportive and remedial response, is preferred, the Title IX and Equity Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Formal Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later if desired.*
- b. *The Title IX and Equity Coordinator assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.*
- c. *Statements made during the Informal Resolution process are not evidence; they are made for settlement purposes, not for the truth of the matter asserted. Therefore, if Informal Resolution fails, and the matter moves to Formal Administrative Resolution, such statements may not be raised and questions relating to these statements are not allowed.*
- d. *If Formal Administrative Resolution is preferred, the Title IX and Equity Coordinator initiates the investigation process and determines whether the scope of the investigation will address:*
  1. Incident, and/or
  2. A potential pattern of misconduct and/or
  3. A culture/climate issue.

#### C. Threat Assessment

The Title IX and Equity Coordinator will consult, as appropriate, with Campus Security and other campus administrators and determine whether the report poses a threat to the Reporting Party or the University community. Factors to be considered include, but are not limited to, whether alleged Prohibited Conduct included physical violence or threats of violence; whether any weapon or force was allegedly used or threatened; whether multiple Responding Parties were involved; whether Responding Party has a prior history of violent behavior; whether the Prohibited Conduct was facilitated by “date-rape” drugs or similar intoxicants, or allegedly occurred when Reporting Party was unconscious or physically helpless; whether Reporting Party is a minor under the age of 18; and whether any aggravating circumstances or indications of violent or predatory behavior were reported.

The Title IX and Equity Coordinator will retain documentation reflecting that the above threat assessment was completed. If the conclusion is that there is a minimal threat to the University community, the Title IX and Equity Coordinator may in their discretion respect a Reporting Party's request for no action and will investigate only so far as necessary to determine appropriate remedies. However, if the Title IX and Equity Coordinator concludes that there is a substantial threat to the community, the University reserves the right to initiate this grievance process and file a Formal Complaint without a formal report or participation by a Complainant.

#### D. Grievance Process Pool

The Formal Resolution process relies on a Grievance Process Pool ("GPP") of internal and/or external members who, at the direction of the Title IX and Equity Coordinator, may serve as Advisors, Investigators, and/or Hearing Officers.

The Title IX and Equity Coordinator, in consultation with the President, carefully vets internal Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Internal Pool members receive annual training organized by the Title IX and Equity Coordinator, including a review of the University's policies, processes, and procedures, as well as applicable federal and state laws and regulations.<sup>[36]</sup>

External Pool members are trained and experienced consultants who are free of conflicts-of-interest and are familiar with the University's discrimination, harassment, sexual misconduct, and retaliation grievance processes.

#### E. Counterclaims

Counterclaims by the Respondent may be made in good faith but are also sometimes made for purposes of retaliation. The University is obligated to ensure that any process is not abused for retaliatory purposes. Counterclaims made in bad faith will be considered retaliatory and may constitute a violation of this Policy.

The University permits the filing of counterclaims, but uses the initial assessment, described above, to assess whether the allegations are made in good faith. Counterclaims made in good faith are processed using this Process after the underlying allegation has been resolved.

Allegations and counterclaims may be resolved through the same investigation at the discretion of the Title IX and Equity Coordinator.

F. Advisors

1. Expectations of an Advisor

The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned, but the University may change scheduled meetings to accommodate an Advisor's inability to attend if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by University policies and rules of decorum may face the loss of that Advisor and possible Policy violations.

Advisors are expected to consult with their advisees without disrupting University meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

2. Expectations of the Parties with Respect to Advisors

Each party may choose an Advisor who is eligible and available to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s).

The parties are expected to provide timely notice to the Investigator(s) and the Title IX and Equity Coordinator if they change Advisors at any time.

Upon written request of a party, the University will copy the Advisor on all communications between the University and the party. The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

For parties who are entitled to union representation, the University will allow the unionized employee to have their union representative, if requested by the party, as well as an Advisor of their choice, present for all grievance proceedings. To uphold the principles of equity, the other party, regardless of union membership, will also be permitted to have two Advisors. Witnesses are not permitted to have union representation or Advisors in grievance process interviews or meetings.

At the discretion of the Title IX and Equity Coordinator, the parties may each have more than one Advisor. If one party is allowed an additional Advisor, the other party must be allowed an additional one as well.

### 3. Assistance in Securing an Advisor

While the Parties may select an Advisor of their choice, the University can assist with providing an Advisor at the Party's request. Please see the Resources, Rights, and Options document for a list of support.

## G. Resolution Options

Grievance Proceedings are private; all individuals present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with University Policy. While there is an expectation of privacy around what is discussed during interviews, the parties have the discretion to share their own experiences with others if they so choose, but are encouraged to discuss with their Advisors first before doing so.

### 1. Informal Resolution

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternate Resolution (i.e., mediation, restorative practices, etc.), or when the Respondent accepts responsibility for violating Policy, or when the Title IX and Equity Coordinator can resolve the matter informally by providing remedies to resolve the situation.

Any party participating in Informal Resolution can stop the process at any time and request the Formal Resolution process. Further, if an Informal Resolution fails, Formal Administrative Resolution may be pursued.

#### a. Alternate Resolution

*Alternate Resolution is an informal process, such as mediation or restorative practices, by which a mutually agreed-upon resolution of an allegation is reached. It may be used for less serious,*

*yet inappropriate, behaviors and is encouraged as an alternative to the Formal Administrative Resolution process (described below) to resolve conflicts. The parties must consent to the use of Alternate Resolution.*

*The Title IX and Equity Coordinator determines if Alternate Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternate Resolution.*

*In an Alternate Resolution meeting, a trained administrator facilitates a dialogue with the parties to an effective resolution, if possible. The parties may agree to accepted sanctions or appropriate remedies.*

*The Title IX and Equity Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.*

*Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Formal Administrative Resolution process is completed should the parties and the Title IX and Equity Coordinator believe it could be beneficial. The results of Alternate Resolution are not appealable.*

*b. Respondent Accepts Responsibility for Alleged Violations*

*The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX and Equity Coordinator makes a determination that the individual is in violation of University Policy.*

*The Title IX and Equity Coordinator then determines appropriate sanction(s) or responsive actions, which are implemented promptly in order to effectively stop the discrimination, harassment, sexual misconduct, or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.*

*The process ends when the Respondent accepts responsibility for **all** of the alleged policy violations, and the Title IX and Equity Coordinator determines and promptly implements*

*appropriate sanction(s) or responsive actions. The Title IX and Equity Coordinator will inform the Complainant of this outcome.*

*When the Respondent accepts responsibility for **some** of the alleged policy violations, the Title IX and Equity Coordinator will determine and promptly implement appropriate sanction(s) or responsive actions, for those violations. The remaining allegations will continue to be investigated and resolved. The Title IX and Equity Coordinator will inform the Complainant of this outcome. The parties are able to seek Alternate Resolution on the remaining allegations, subject to the stipulations above.*

*c. Negotiated Resolution*

*The Title IX and Equity Coordinator, with the consent of the parties, may negotiate and implement any agreement to resolve the allegations that satisfies all parties and the University.*

## 2. Formal Administrative Resolution

Formal Administrative Resolution can be pursued at any time during the process for any behavior for which the Respondent has not accepted responsibility that would constitute conduct covered by the Goodwin University Policy on Discrimination, Harassment, Sexual Misconduct, and Retaliation if proven. Formal Administrative Resolution starts with a thorough, reliable, and impartial investigation.

*a. Notice and Investigation*

If Formal Administrative Resolution is initiated, the Title IX and Equity Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least 48 hours in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Goodwin University records, or emailed to the parties' University-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification will include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

Goodwin University aims to complete all investigations within a sixty (60) business-day time period, which can be extended as necessary for appropriate cause by the Title IX and Equity Coordinator, with notice to the parties as appropriate. Investigations can take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Once the decision is made to commence an investigation, the Title IX and Equity Coordinator promptly appoints one or more investigators to conduct the investigation.

The Title IX and Equity Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the DHSMR Process, raise a concern regarding bias or conflict of interest, and the Title IX and Equity Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX and Equity Coordinator, concerns should be raised with the Director of Civil Rights Compliance.

Goodwin University will make a good faith effort to complete the investigation as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Goodwin University may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the DHSMR Process are being investigated by law enforcement. Goodwin University will promptly resume its investigation and Resolution Process once notified by law enforcement that the initial evidence collection process is complete.

Goodwin University's action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

The investigator(s) will write a comprehensive investigation report that fully summarizes the investigation and all relevant evidence. The investigator(s) will provide the parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments. The parties will have a full and fair opportunity to respond to the report in writing within five business days and the investigator(s) will incorporate those responses, if any, into the report. Investigator(s) may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their limited follow-up responses. The final report will assess and synthesize evidence without making findings, conclusions, determinations, or recommendations for the outcome of the allegation(s).

The investigator(s) will provide the final report to the Title IX and Equity Coordinator and the Director of Civil Rights Compliance for a final Determination Regarding Responsibility (see below).

#### b. Determination Regarding Responsibility

Within ten (10) business days of receiving the Investigator's recommendation, the Associate Director of Title IX and Equity Compliance or their designee reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the Associate Director of Title IX and Equity Compliance or their designee may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The investigation recommendation, if any, should be strongly considered but is not binding on the Associate Director of Title IX and Equity Compliance or their designee. The Associate Director of Title IX and Equity Compliance or their designee may invite and consider impact and/or mitigation statements from the parties if and when determining appropriate sanction(s), if any.

Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Associate Director of Title IX and Equity Compliance or their designee.

The written Determination Regarding Responsibility will be issued simultaneously to all parties and the Title IX and Equity Coordinator through their University email account, or other reasonable means as necessary. The Determination will include:

1. *Identification of the allegations;*
2. *A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;*
3. *Findings of fact supporting the determination;*
4. *Conclusions regarding which section of the Policy, if any, the Respondent has or has not violated.*
5. *For each allegation:*
  - a. A statement of, and rationale for, a determination regarding responsibility;
  - b. A statement of, and rationale for, any disciplinary sanctions the University imposes on the Respondent; and
  - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
6. *The University's procedures and the permitted reasons for the Complainant and Respondent to appeal (described below in "Appeals").*
7. *A list of possible sanctions is available in Appendix A below.*

c. Other Provisions related to Formal Administrative Resolution

1. Other Misconduct

With the agreement of the Student Conduct Officer, Human Resources Director, or Provost, as applicable, allegations of misconduct that fall outside this policy but involves common facts as the alleged Prohibited Conduct, may be investigated together under this Process.

2. Witness responsibilities

Witnesses (as distinguished from the parties) who are faculty or staff of the University are expected to cooperate with and participate in the University's investigation and resolution process. Failure of a witness to cooperate with and/or participate in the investigation constitutes a violation of Policy and may be subject to discipline.

3. Remote processes

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) determines that timeliness or efficiency dictates a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing if deemed appropriate by the Investigator(s), though this approach is not ideal. Where remote technologies are used, the University makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

4. Recording

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to record interviews, all involved parties must be made aware of the recording.

5. Evidence

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility, or that is improperly prejudicial.

6. Sexual history/patterns

Unless the Title IX and Equity Coordinator determines it is appropriate, the investigation and the finding do not consider (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of the parties (though there may be a limited

exception made with regard to the sexual history between the parties); or (3) the character of the parties.

7. Previous allegations/violations

Although previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX and Equity Coordinator with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s) if the University uses a progressive discipline system.

8. Character witnesses

Neither the Title IX and Equity Coordinator nor the Investigator(s) meets with character witnesses, but the Investigator(s) may accept up to two (2) letters supporting the character of each of the parties. Such letters must be provided to the Investigator(s) prior to the report being finalized; otherwise, the parties have waived their right to provide such letters.

9. Withdrawal or Resignation During the Grievance Process

Students: The University may place a hold, bar access to an official transcript, and/or prohibit graduation as necessary to permit the resolution process to be completed.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX and Equity Coordinator will reflect that status.

10. Finality

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

11. Failure to Complete Sanctions or to Comply with Remedies

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX and Equity Coordinator.

Failure to abide by the sanction(s) or action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s), including suspension, expulsion, or termination from the University and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX and Equity Coordinator.

#### d. Appeals

Parties may appeal a determination regarding responsibility. A party must submit their written appeal within five (5) business days of being notified of the decision, indicating the grounds for the appeal.

The grounds for appeal available are as follows:

1. To consider new information, sufficient to alter a decision or relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the hearing;
2. An error in the process or an abridgment of rights, as stated in this Policy, which materially impacted the outcome of the hearing;
3. The sanctions imposed were impermissible under this Policy.

If a party appeals, the University will notify the other party in writing of the appeal as soon as practicable. The time for an appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than three (3) pages (including attachments). Appeals should be submitted in electronic form using Arial or Times New Roman Fonts, 12-point font size, and should be single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by Appeals Officers as follows:

- If the Respondent is a student: the Dean of Students, or their designee.
- If the Respondent is a faculty or staff member: The Provost, or their designee.

Appeals Officers will be free of conflict of interest and bias, and will not have served as Investigator, Title IX and Equity Coordinator, or have made the Determination in the same matter. The outcome of the appeal will be provided in writing simultaneously to both parties, and include the rationale for the decision. Once an appeal is decided, the outcome is final.

Decisions by the Appeals Officer are to be deferential to the original decision. Changes to the finding should only be made when there is a clear error, and the sanction(s) should only be altered if there is a compelling justification to do so.

Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.

Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeals Officer.

In cases in which the appeal results in Respondent's reinstatement to the University or a resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

#### H. Record-keeping

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept for a minimum of seven (7) years, or as required by state or federal law or University policy, by the Title IX and Equity Coordinator in the Title IX case database.

#### I. Disabilities Accommodation in the Resolution Process

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at the University. Students needing such accommodations or support should contact the Director of Disability Services, and Employees needing such accommodations or support should contact the ADA/504 Coordinator. The Director of Student Accessibility Services and the ADA/504 Coordinator will review the request and, in consultation with the person requesting the accommodation and the Title IX and Equity Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

#### J. Revision

These policies and procedures will be reviewed and updated annually by the Title IX and Equity Coordinator. The University reserves the right to make changes to this document as necessary. The Policy takes effect when it is posted on the University's website.

The Title IX and Equity Coordinator may make minor modifications to the procedures that fall within this process as necessary. The Title IX and Equity Coordinator may also vary procedures materially with notice (on the University website, with the appropriate effective date identified) upon determining that changes to law or regulation require such alterations.

### **Sanctions**

Sanctioning will be completed by the Hearing Panel or Decision Maker(s) in conjunction with the Senior Director of Human Resources for cases in which the Respondent is an employee or the Conduct Officer in cases in which the Respondent is a student.

#### 1. Sanctioning shall be guided by several considerations, including:

1. The severity and persistence of the conduct;
2. The extent violence was involved;
3. The impact on the Complainant;
4. The impact on the Goodwin University community;
5. Prior disciplinary history or other prior misconduct;

6. Whether the Respondent accepted responsibility; and
7. Any other mitigating or aggravating factors.

## 2. Possible Student Sanctions

1. Expulsion – Permanent separation from the University.
2. Suspension – Separation from the University for up to two years.
3. Deferred Suspension – Separation of from the University held in abeyance for a definite period, to be enforced if future misconduct.
4. Residence Hall Separation or Relocation – The student may be barred from the residence halls or a specific residence hall, for a definite period.
5. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
6. Written reprimand—a written censure for violation of Policy placed in the student’s record.
7. Written warning – a written warning placed in student’s file what repetition of conduct found wrongful will result in disciplinary action.

## 3. Possible Employee Sanctions

1. Termination;
2. Suspension without pay;
3. Probationary period;
4. Written or verbal reprimand; and
5. Administrative referral to EAP.

**Version: September 5, 2023**

## **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 University 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 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.

### **A. SEX OFFENDER REGISTRATION INFORMATION**

- In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, the *Jeanne Clery Act* and the Family Educational Rights and Privacy Act of 1974, Goodwin University is providing a link to the Connecticut State Police Sex Offender Registry.
- This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.
- Connecticut requires under C.G.S. 54-252, convicted sex offenders must register with the Sex Offender and Crimes against Minors Registry maintained by the Department of State Police.
- [http://www.communitynotification.com/cap\\_office\\_disclaimer.php?office=54567](http://www.communitynotification.com/cap_office_disclaimer.php?office=54567)

## AWARENESS AND EDUCATION:

- Goodwin University Policies and Procedures are reviewed annually and published in various places, including the faculty handbook, staff handbook, student handbook, and website.
- During the calendar year 2024, Goodwin University engaged in the following prevention, risk reduction, education, and awareness programs or campaigns addressing sexual assault, stalking, and intimate partner violence:

Date	Attended by	Title	Organization
January 2024	Students, Staff, Faculty	Stalking Awareness Month	Office of Civil Rights Compliance
February 2024	Students, Staff, Faculty	Kisses & Consent	Office of Civil Rights Compliance
March 5-11, 2024	Students, Staff, Faculty	No More Week	Office of Civil Rights Compliance
April 2, 2024	Students, Staff, Faculty	TEAL Tuesday	Office of Civil Rights Compliance
April 24, 2024	Students, Staff, Faculty	Denim Day	Office of Civil Rights Compliance
September 10, 2024	Students, Staff, Faculty	Students Affairs Welcome Event	Student Affairs
September 12, 2024	Students, Staff, Faculty	Sexual Assault Crisis Services & Education Tabling	YWCA
September 12, 2024	Students, Staff, Faculty	Domestic Violence Prevention & Education Tabling	Interval House
September 24, 2024	Students, Staff, Faculty	Domestic Violence Prevention & Education Tabling	Interval House
September 25, 2024	Students, Staff, Faculty	Treats with Title IX and GU Security	Office of Civil Rights Compliance & GU Security
October 3, 2024	Students, Staff, Faculty	Sexual Assault Crisis Services & Education Tabling	YWCA
October 7, 2024	Students, Staff, Faculty	Domestic Violence Prevention & Education Tabling	Interval House

October 15, 2024	Students, Staff, Faculty	Fresh Check Day	Counseling Department
October 16, 2024	Students, Staff, Faculty	Wear Purple Thursday	Office of Civil Rights Compliance
October 17, 2024	Students, Staff, Faculty	Domestic Violence Prevention & Education Tabling	Interval House
November 6, 2023	Students, Staff, Faculty	Domestic Violence Prevention & Education Tabling	Interval House
November 7, 2024	Students, Staff, Faculty	Sexual Assault Crisis Services & Education Tabling	YWCA
November 18, 2024	Students, Staff, Faculty	Domestic Violence Prevention & Education Tabling	Interval House
December 2, 2024	Students, Staff, Faculty	Domestic Violence Prevention & Education Tabling	Interval House

## **Chapter 10: The Annual Security Report: Publishing Policy Statements and Crime and Fire Statistics**

### **Crime Statistics Report**

The statistical report for calendar years 2022, 2023, and 2024 is shown below. A hard copy of the report can also be obtained by contacting the GOODWIN Safety and Security Department.

Reported Criminal Offenses

<b>Criminal Offenses Reporting Table - 2024</b>				
<b>OFFENSE</b>	<b>YEAR</b>	<b>GEOGRAPHIC LOCATION</b>		
		<b>ON-CAMPUS PROPERTY</b>	<b>NONCAMPUS PROPERTY</b>	<b>PUBLIC PROPERTY</b>
MURDER/NON-NEGLIGENT MANSLAUGHTER	2022	0	0	0
	2023	0	0	0
	2024	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2022	0	0	0
	2023	0	0	0
	2024	0	0	0
RAPE	2022	0	0	0
	2023	0	0	0
	2024	0	0	0
FONDLING	2022	2	0	0
	2023	0	0	0
	2024	0	0	0
INCEST	2022	0	0	0
	2023	0	0	0
	2024	0	0	0
STATUTORY RAPE	2022	0	0	0
	2023	0	0	0
	2024	0	0	0
ROBBERY	2022	0	0	0
	2023	0	0	0
	2024	0	0	0
AGGRAVATED ASSAULT	2022	0	0	0
	2023	0	0	0
	2024	0	0	0

BURGLARY	2022	0	0	0
	2023	1	1	0
	2024	0	0	0
MOTOR VEHICLE THEFT	2022	0	0	0
	2023	0	0	0
	2024	0	0	0
ARSON	2022	0	0	0
	2023	0	0	0
	2024	0	0	0

Arrests and Disciplinary Referrals Reporting Table - 2024				
OFFENSE	YEAR	GEOGRAPHIC LOCATION		
		ON-CAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
ARRESTS - WEAPONS: CARRYING, POSSESSING, ETC.	2022	0	0	0
	2023	0	0	0
	2024	0	0	0
DISCIPLINARY REFERRALS - WEAPONS: CARRYING, POSSESSING, ETC.	2022	0	0	0
	2023	0	0	0
	2024	0	0	0
ARRESTS - DRUG ABUSE VIOLATIONS	2022	0	0	0
	2023	0	0	0
	2024	0	0	0
REFERRALS - DRUG ABUSE VIOLATIONS	2022	0	0	0
	2023	0	0	0
	2024	0	0	0
ARRESTS - LIQUOR LAW VIOLATIONS	2022	0	0	0
	2023	0	0	0
	2024	0	0	0
DISCIPLINARY REFERRALS - LIQUOR LAW VIOLATIONS	2022	0	0	0
	2023	0	0	0
	2024	0	0	0

## Goodwin University Fire Statistics 2024

Building #	Street	# of Fires	LOC of FIRE (Apt/Dorm)	CAUSE of FIRE	DATE	TIME	ESTIMATED DAMAGE COSTS	No. INJURIES	No. of DEATHS
10	King Court	0							
30	King Court	0							
49	King Court	0							
59	King Court	0							
		0							
		0							

**Note:** AS OF THE DATE OF THIS REPORT THERE HAVE BEEN NO REPORTABLE FIRES

VAWA Offenses Reporting Table - 2024				
OFFENSE	YEAR	GEOGRAPHIC LOCATION		
		ON-CAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2022	0	4	0
	2023	0	0	0
	2024	0	0	0
DATING VIOLENCE	2022	0	0	0
	2023	0	0	0
	2024	0	0	0
STALKING	2022	1	0	0
	2023	0	0	0
	2024	0	0	0

**Publishing the Report:**

This report was prepared by the Department of Campus Safety & Security and is available upon request by calling (860) 913-2023 between the hours of 7:00 am—10:00 pm Monday—Friday. An e-mail request may also be made to [Rvibberts@Goodwin.edu](mailto:Rvibberts@Goodwin.edu).

This Annual Security Report is published in October by the Department of Campus Safety & Security on the Goodwin University website: ([www.goodwin.edu/campus-safety](http://www.goodwin.edu/campus-safety)).

Written notification of its availability is made to all enrolled students and employees each year, which includes a brief description of the report's contents along with the address on the website where the report is located. Students and employees are notified with an email that contains a direct link to a completed report as well as information about how to obtain a paper copy to inform prospective students and employees. This link is also located in the footer of all Goodwin University web pages. Paper copies may be obtained from the Goodwin University Campus Safety & Security Department.

**Note: Hate Crimes: There were no reported Hate Crimes for the years 2022, 2023, or 2024.**

**Note:** There were no unfounded crimes reported in 2022, 2023, or 2024.

**Note:** There were no fires in student housing units reported in 2024

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