

UNIVERSITY OF CONNECTICUT POLICY AGAINST
DISCRIMINATION, HARASSMENT, AND RELATED
INTERPERSONAL VIOLENCE

*Including Sexual and Gender-Based Harassment, Sexual
Assault, Sexual Exploitation, Intimate Partner Violence,
Stalking, Complicity, Retaliation and Inappropriate Amorous
Relationships*

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I. STATEMENT OF POLICY

The University of Connecticut (the “University”) is committed to maintaining a safe and non-discriminatory learning, living and working environment for all members of the University community – students, employees, and visitors. Academic and professional excellence can exist only when each member of our community is assured an atmosphere of safety and mutual respect. All members of the University community are responsible for the maintenance of an environment in which people are free to learn and work without fear of discrimination, discriminatory harassment or interpersonal violence. Discrimination diminishes individual dignity and impedes equal employment and educational opportunities.

The University does not unlawfully discriminate in any of its education or employment programs and activities on the basis of an individual’s race, color, ethnicity, religious creed, age, sex, marital status, national origin, ancestry, sexual orientation, genetic information, physical or mental disability (including learning disabilities, intellectual disabilities, and past or present history of mental illness), veteran’s status, prior conviction of a crime, workplace hazards to the reproductive system, gender identity or expression, or membership in any other protected classes as set forth in state or federal law. To that end, this Policy Against Discrimination, Harassment and Related Interpersonal Violence, Including Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Complicity, Retaliation and Inappropriate Amorous Relationships (the “Policy”) prohibits specific forms of behavior that violate state and federal laws, including but not limited to Title VII of the Civil Rights Act of 1964 (“Title VII”), Title IX of the Education Amendments of 1972 (“Title IX”), the Violence Against Women Reauthorization Act of 2013 (“VAWA”), and related state and federal anti-discrimination laws. Such behavior may also require the University to fulfill certain reporting obligations under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), as amended by VAWA, and Connecticut state law regarding reporting suspected child abuse and neglect.

The University prohibits discrimination, as well as discriminatory harassment, sexual assault, sexual exploitation, intimate partner violence, stalking, sexual or gender-based harassment, complicity in the commission of any act prohibited by this Policy, retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this Policy (collectively, “Prohibited Conduct”¹). These forms of Prohibited Conduct are unlawful and undermine the mission and values of our academic community. In addition, inappropriate amorous relationships with employees in positions of authority can undermine the University’s mission when those in positions of authority abuse or appear to abuse their authority.

The University adopts this Policy with a commitment to: (1) eliminating, preventing, and addressing the effects of Prohibited Conduct; (2) fostering a safe and respectful University community; (3) cultivating a climate where all individuals are well-informed and supported in reporting Prohibited Conduct; (4) providing a fair and impartial process for all parties in the investigation and resolution of such reports; and (5) identifying the standards by which violations of this Policy will be evaluated

¹ Definitions for all forms of Prohibited Conduct can be found in Section IX of this Policy.

and disciplinary action may be imposed. In addition, the University conducts ongoing prevention, awareness, and training programs for employees and students to facilitate the goals of this Policy.

A student or employee determined by the University to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the University. Third Parties who commit acts of Prohibited Conduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

It is the responsibility of every member of the University community to foster an environment free of Prohibited Conduct. All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. The University will support and assist community members who take such actions.

Retaliation against any individual who, in good faith, reports or participates in the reporting, investigation, or adjudication of Prohibited Conduct is strictly forbidden.

This Policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the Prohibited Conduct precedes the effective date of this Policy, the definitions of misconduct in effect at the time of the alleged incident(s) will be used. The procedures under this Policy, however, will be used to investigate and resolve all reports made on or after the effective date of this Policy, regardless of when the incident(s) occurred.

II. TO WHOM THIS POLICY APPLIES

This Policy applies to: students as defined in UConn's Responsibilities of Community Life: The Student Code ("Students"); University employees, consisting of all full-time and part-time faculty, University Staff (including special payroll employees), UConn Health employees, professional research staff, and post-doctoral fellows ("Employees"); and contractors, vendors, visitors, guests or other third parties ("Third Parties"). This Policy pertains to acts of Prohibited Conduct committed by or against Students, Employees and Third Parties when:

1. the conduct occurs on campus or other property owned or controlled by the University;
2. the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or
3. the conduct occurs outside the context of a University employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for Students, Employees or Third Parties while on campus or other property owned or controlled by the University or in any University employment or education program or activity.

III. APPLICABLE PROCEDURES UNDER THIS POLICY

The specific procedures for reporting, investigating, and resolving Prohibited Conduct are based upon the nature of the respondent's relationship to the University (Student, Employee, or Third Party). Each set of procedures referenced below is guided by the same principles of fairness and respect for complainants and respondents. "Complainant" means the individual who presents as the victim of any Prohibited Conduct under this Policy, regardless of whether that person makes a report or seeks action under this Policy.² "Respondent" means the individual who has been accused of violating this Policy.

The procedures referenced below provide for prompt and equitable response to reports of Prohibited Conduct. The procedures designate specific timeframes for major stages of the process, provide for thorough and impartial investigations that afford the Complainant and Respondent notice and an opportunity to present witnesses and evidence, and assure equal and timely access to the information that will be used in determining whether a Policy violation has occurred. The University applies the Preponderance of the Evidence standard when determining whether this Policy has been violated. "Preponderance of the Evidence" means that it is more likely than not that a Policy violation occurred.

A. WHERE THE RESPONDENT IS A STUDENT

The procedures for responding to reports of Prohibited Conduct committed by Students are detailed in Responsibilities of Community Life: The Student Code ("Student Code") (<http://community.uconn.edu/the-student-code-preamble/>).

B. WHERE THE RESPONDENT IS AN EMPLOYEE

The procedures for responding to reports of Prohibited Conduct committed by Employees are detailed in OIE's Complaint Procedures (<https://equity.uconn.edu/policiesprocedures/>).

C. WHERE THE RESPONDENT IS BOTH A STUDENT AND AN EMPLOYEE

- The Student-Respondent procedures will apply if the Respondent's primary status is as a Student;
- The Employee-Respondent procedures will apply if the Respondent's primary status is as an Employee.
- If there is a question as to the predominant role of the Respondent, the University

² UConn recognizes that an individual may choose to self-identify as a victim or a survivor. For consistency in this Policy, the University uses the term Complainant to maintain the neutrality of the Policy and procedures.

will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the Prohibited Conduct). The Student-Respondent procedures typically will apply to graduate students except in those cases where the graduate student's assistantship role predominated in the context of the Prohibited Conduct. Further, where a Respondent is both a Student and an Employee (including but not limited to graduate students), the Respondent may be subject to any of the sanctions applicable to Students or Employees.

D. WHERE THE RESPONDENT IS A THIRD PARTY

The University's ability to take appropriate corrective action against a Third Party will be determined by the nature of the relationship of the Third Party to the University. The University will determine the appropriate manner of resolution consistent with the University's commitment to a prompt and equitable process under federal law, federal guidance, and this Policy.

E. WHERE THE RESPONDENT IS A UCONN HEALTH STUDENT, EMPLOYEE OR THIRD PARTY

Parties should contact the UConn Health Office of Institutional Equity by calling (860) 679-3563 or email: equity@uconn.edu.

IV. TITLE IX COORDINATOR

Under Title IX:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

The Title IX Coordinator is charged with monitoring the University's compliance with Title IX, ensuring appropriate education and training, coordinating the University's investigation, response, and resolution of all reports under this Policy and ensuring appropriate actions to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The Office of Institutional Equity oversees reports involving Students, Employees and Third Parties. The University has also designated Deputy Title IX Coordinators who may assist the Title IX Coordinator in the discharge of these responsibilities. The Title IX Coordinator and Deputy Title IX Coordinators receive ongoing appropriate training to discharge their responsibilities.

Concerns about the University's application of Title IX may be addressed to the Title IX Coordinator. Additionally, concerns about the University's application of Title VII and/or other federal and state anti-discrimination laws may be addressed to the Office of Institutional Equity.

The Title IX Coordinator and Deputy Title IX Coordinators can be contacted by telephone, email, or in person during regular office hours:

Elizabeth A. Conklin

Associate Vice President, Office of Institutional Equity
Title IX Coordinator
Wood Hall, First Floor
elizabeth.conklin@uconn.edu
(860) 486-2943

Sarah Chipman

Director of Investigations, Office of Institutional Equity
Deputy Title IX Coordinator
Wood Hall, First Floor
sarah.chipman@uconn.edu
(860) 486-2943

Kevin O'Connell

Deputy Title IX Coordinator, Office of Institutional Equity
Wood Hall, First Floor
kevin.o'connell@uconn.edu
(860) 486-2943

External reporting options include the United States Department of Education, Clery Act Compliance Team (at clery@ed.gov); the United States Department of Education, Office for Civil Rights (at OCR@ed.gov or (800) 421-3481); the Equal Employment Opportunity Commission (at info@eeoc.gov or (800) 669-4000); and/or the Connecticut Commission on Human Rights and Opportunities ((800)-477-5737).

V. UNDERSTANDING THE DIFFERENCE BETWEEN PRIVACY AND CONFIDENTIALITY

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this Policy. The University also is committed to providing assistance to help Students, Employees and Third Parties make informed choices. With respect to any report under this Policy, the University will take reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

Privacy and confidentiality have distinct meanings under this Policy.

Privacy: Privacy means that information related to a report of Prohibited Conduct will be shared with a limited circle of University Employees who “need to know” in order to assist in support of the Complainant and in the assessment, investigation, and resolution of the

report. All Employees who are involved in the University's response to reports of Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the University's FERPA policy. (<http://policy.uconn.edu/2011/05/24/ferpa-policy/>) The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act ("HIPAA") and/or state laws governing protection of medical records. Access to an Employee's personnel records may be restricted in accordance with Connecticut law and applicable collective bargaining agreements.

Confidentiality: Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Connecticut law. The University has designated individuals who have the ability to have privileged communications as "Confidential Employees." When information is shared by an individual with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee (and/or such community professional) cannot reveal the information to any third party except where required or permitted by law. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

VI. EMPLOYEE REPORTING RESPONSIBILITIES

A. TITLE IX REPORTING OBLIGATIONS

Most University employees are required to immediately report information about certain types of Prohibited Conduct involving any Student to the University's Office of Institutional Equity.³ An Employee's responsibility to report under this Policy is governed by his/her role at the University. The University designates every Employee as either a Confidential Employee or a Responsible Employee.

Confidential Employee: Any Employee who is entitled under state law to have privileged communications. Confidential Employees will not disclose information about Prohibited Conduct to the University without the permission of the Student or Employee (subject to the exceptions set forth in the Confidentiality section of this

³ Although this Policy is directed primarily to disclosures by Students, as explained herein certain supervisory employees are obligated to report disclosures about all types of Prohibited Conduct involving a University employee.

Policy). Confidential Employees at the University of Connecticut include:

- Student Health Services
- Counseling and Mental Health Services
- Employee Assistance Program

Responsible Employee: Any Employee who is not a Confidential Employee, and certain categories of student employees. Responsible Employees are required to immediately report to the University's Office of Institutional Equity all relevant details (obtained directly or indirectly) about an incident of Sexual Assault, Intimate Partner Violence and/or Stalking (as defined in Section IX, below) that involves any Student as a Complainant, Respondent, and/or witness, including dates, times, locations, and names of parties and witnesses.⁴ Reporting is required when the Responsible Employee knows (by reason of a direct or indirect disclosure) or should have known of such Sexual Assault, Intimate Partner Violence, and/or Stalking. Responsible Employees include (but are not necessarily limited to) Faculty and Staff, Resident Assistants, Graduate Teaching Assistants, Graduate Research Assistants, and any student-employees serving as Campus Security Authorities (CSAs) when disclosures are made to any of them in their capacities as Employees. This manner of reporting may help inform the University of the general extent and nature of Prohibited Conduct on and off campus so the University can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses.

Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs" or other public forums in which Students may disclose incidents of Prohibited Conduct; collectively, "Public Awareness Events"); (2) during a Student's participation as a subject in an Institutional Review Board-approved human subjects research protocol ("IRB Research"); or (3) as part of coursework submitted to an instructor in connection with a course assignment. Even in the absence of such obligation, all Employees are encouraged to contact the Title IX Coordinator if they become aware of information that suggests a safety risk to the University community or any member thereof. The University may provide information about Students' Title IX and/or other civil rights and about available University and community resources and support at Public Awareness Events, however, and Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all Student subjects of IRB Research.

Dean, Director, Department Head and Supervisor Responsibility to Report

⁴ While Employees are encouraged to report any form of Prohibited Conduct, only Sexual Assault, Intimate Partner Violence and Stalking **must** be reported under this Policy.

Prohibited Conduct Where Either the Complainant or the Respondent is an

Employee. Under this Policy, Deans, Directors, Department Heads and Supervisors are required to report to the Office of Institutional Equity all relevant details about an incident of Prohibited Conduct⁵ where either the Complainant or the Respondent is an Employee. Reporting is required when such Deans, Directors, Department Heads and Supervisors know (by reason of direct or indirect disclosure) or should have known of such Prohibited Conduct.

All University Employees are strongly encouraged to report to the law enforcement any conduct that could potentially present a danger to the community or may be a crime under Connecticut law.

B. CLERY REPORTING OBLIGATIONS

Under the Clery Act, certain University employees are designated as Campus Security Authorities. CSAs generally include individuals with significant responsibility for campus security or student and campus activities. Based on information reported to CSAs, the University includes statistics about certain criminal offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain reported crimes that may pose a serious or continuing threat to Students and Employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information of Complainants when issuing timely warnings to the University community.

C. CHILD ABUSE REPORTING OBLIGATIONS

All University Employees except student employees are **mandated reporters** of child abuse or neglect as defined by Connecticut General Statutes Section 17a-101(b) and must comply with Connecticut's mandated reporting laws. See Connecticut General Statutes Sections 17a-101a to 17a-101d. All University Employees should refer to UConn's Protection of Minors and Reporting of Child Abuse and Neglect Policy (<http://policy.uconn.edu/?p=6754>) for detailed definitions and reporting information.

VII. COMPLAINANT OPTIONS FOR REPORTING PROHIBITED CONDUCT

There are two channels for reporting Prohibited Conduct. A Complainant may choose to report to the University and/or to law enforcement. These two reporting options are not mutually exclusive. Therefore, Complainants may choose to pursue both the University process and the

⁵ These supervisory employees are required to report **all** forms of Prohibited Conduct where the Complainant or Respondent is an Employee.

criminal process concurrently. The University will support Complainants in understanding, assessing and pursuing these options.

The first priority for any individual should be personal safety and well-being. In addition to seeking immediate medical care, the University encourages all individuals to seek immediate assistance from 911, UConn Police, and/or local law enforcement. This is the best option to ensure preservation of evidence. The University also strongly urges that law enforcement be notified immediately in situations that may present imminent or ongoing danger.

A. REPORTING TO LAW ENFORCEMENT

Conduct that violates this Policy may also constitute a crime under the laws of the jurisdiction in which the incident occurred. For example, the State of Connecticut criminalizes and punishes some forms of Sexual Assault, Intimate Partner Violence, Sexual Exploitation, Stalking, and Physical Assault. See Title 53a of the Connecticut General Statutes for the State of Connecticut's Penal Code (https://www.cga.ct.gov/current/pub/chap_950.htm). Whether or not any specific incident of Prohibited Conduct may constitute a crime is a decision made solely by law enforcement. Similarly, the decision to arrest any individual for engaging in any incident of Prohibited Conduct is determined solely by law enforcement and not the University. Such decisions are based on a number of factors, including availability of admissible evidence.

Complainants have the right to notify or decline to notify law enforcement. In keeping with its commitment to take all appropriate steps to eliminate, prevent, and remedy all Prohibited Conduct, the University urges Complainants (or others who become aware of potential criminal conduct) to report Prohibited Conduct immediately to local law enforcement by contacting:

- i. 911 (for emergencies)
- ii. University Police (for non-emergencies):
 - 1. **Storrs and Regional Campuses** (860) 486-4800
 - 2. **UConn Health** (860) 679-2121
- iii. State Police (for conduct occurring off campus in Connecticut) (860)685-8190

Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking protective and restraining orders. Although a police report may be made at any time, Complainants should be aware that delayed reporting may diminish law enforcement's ability to take certain actions, including collecting forensic evidence and making arrests. The University will assist Complainants in notifying law enforcement if they choose to do so. Under limited circumstances posing a threat to health or safety of any University community member, the University may independently notify law enforcement.

B. REPORTING TO THE UNIVERSITY

Complainants (or others who become aware of an incident of Prohibited Conduct) are encouraged to report the incident to the University through the following reporting options:

By contacting the Office of Institutional Equity by telephone, email, or in person during regular office hours (8am-5pm, M-F):

Office of Institutional Equity (Storrs and Regionals)
Wood Hall, First Floor
241 Glenbrook Road
Storrs, Connecticut
(860) 486-2943
equity@uconn.edu
www.titleix.uconn.edu
www.equity.uconn.edu

Office of Institutional Equity (UConn Health)
16 Munson Road, 4th Floor
Farmington, Connecticut
(860) 679-3563
equity@uconn.edu
www.titleix.uconn.edu
www.equity.uconn.edu

There is no time limit for a Complainant to report Prohibited Conduct to the University under this Policy;⁶ however, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the University. If the Respondent is no longer a Student or an Employee, the University will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

The University will not pursue disciplinary action against Complainants or witnesses for disclosure of illegal personal consumption of drugs or alcohol where such disclosures are made in connection with a good faith report or investigation of Prohibited Conduct.

⁶ This statement does not relieve Responsible Employees of their obligation to report Sexual Assault, Intimate Partner Violence and/or Stalking involving a Student immediately to the Office of Institutional Equity.

VIII. ACCESSING CAMPUS AND COMMUNITY RESOURCES

The University offers a wide range of resources for all Students and Employees to provide support and guidance in response to any incident of Prohibited Conduct. Comprehensive information on accessing University and community resources is contained online at the following sites:

- Sexual assault, sexual exploitation, intimate partner violence, sexual or gender-based harassment, and stalking: www.titleix.uconn.edu
- Discrimination and discriminatory harassment where the Respondent is an Employee or Third Party: www.equity.uconn.edu
- Related Student Code violations where the Respondent is a Student: www.community.uconn.edu

Available resources include: emergency and ongoing assistance; health, mental health, and victim-advocacy services; options for reporting Prohibited Conduct to the University and/or law enforcement; and available support with academics, housing, and employment.

A. REMEDIAL AND PROTECTIVE MEASURES

The University offers a wide range of resources for Students and Employees, whether as Complainants or Respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. The University will offer reasonable and appropriate measures to protect a Complainant and facilitate the Complainant's continued access to University employment or education programs and activities. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (designed to reduce the risk of harm to an individual or community). Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, residence modifications, academic modifications and support, work schedule modifications, suspension from employment, and pre-disciplinary leave (with or without pay). Remedial measures are available regardless of whether a Complainant pursues a complaint or investigation under this Policy.

The University will maintain the privacy of any remedial and protective measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures. The University has the discretion to impose and/or modify any interim measure based on all available information, and is available to meet with a Complainant or Respondent to address any concerns about the provision of interim measures.

The University will provide reasonable remedial and protective measures to Third

Parties as appropriate and available, taking into account the role of the Third Party and the nature of any contractual relationship with the University.

B. INTERIM ACTIONS

In addition to remedial and protective measures, an interim action may be imposed on a Student or student organization in accordance with The Student Code prior to the resolution of an investigation. Such action may be taken when, in the professional judgment of a University official, a threat of imminent harm to persons or property exists. Interim administrative action is not a sanction. It is taken in an effort to protect the safety and well-being of the Complainant and/or Respondent, of others, of the University, or of property. Interim administrative action is preliminary in nature; it is in effect only until there is a resolution of the student conduct matter.

University officials designated to impose an interim action through The Student Code include, but are not limited to, staff in Community Standards, Residential Life, and the Office of Institutional Equity.

IX. PROHIBITED CONDUCT UNDER THIS POLICY⁷

Conduct under this Policy is prohibited regardless of the sex, sexual orientation and/or gender identity/expression of the Complainant or Respondent. Prohibited Conduct includes the following specifically defined forms of behavior: Discrimination, Discriminatory Harassment, Sexual or Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Complicity, and Retaliation.

A. DISCRIMINATION

Discrimination is any unlawful distinction, preference, or detriment to an individual that is based upon an individual's race, color, ethnicity, religious creed, age, sex, marital status, national origin, ancestry, sexual orientation, genetic information, physical or mental disabilities (including learning disabilities, intellectual disabilities, past/present history of a mental disorder), veteran status, prior conviction of a crime, workplace hazards to reproductive systems, gender identity or expression, or membership in other protected classes set forth in state or federal law and that: (1) excludes an individual from participation; (2) denies the individual the benefits of; (3) treats the individual differently; or (4) otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a University program or activity.

Discrimination includes failing to provide reasonable accommodation, consistent with state

⁷ These definitions may overlap with Connecticut criminal statutes in some cases, and provide greater protection in other instances. Connecticut's Penal Code may be found in Title 53a of the Connecticut General Statutes. (https://www.cga.ct.gov/current/pub/chap_950.htm)

and federal law, to persons with disabilities. The University of Connecticut is committed to achieving equal educational and employment opportunity and full participation for persons with disabilities. See Policy Statement: People with Disabilities (<http://policy.uconn.edu/2011/05/24/people-with-disabilities-policy-statement/>).

B. DISCRIMINATORY HARASSMENT

Discriminatory Harassment consists of verbal, physical, electronic or other conduct based upon an individual's race, color, ethnicity, religious creed, age, sex, marital status, national origin, ancestry, sexual orientation, genetic information, physical or mental disabilities (including learning disabilities, intellectual disability, past/present history of a mental disorder), veteran status, prior conviction of a crime, workplace hazards to reproductive systems, gender identity or expression, or membership in other protected classes set forth in state or federal law that interferes with that individual's educational or employment opportunities, participation in a University program or activity, or receipt of legitimately-requested services under either *Hostile Environment Harassment* or *Quid Pro Quo Harassment*, as defined below.

Hostile Environment Harassment: Discriminatory Harassment that is so severe, persistent or pervasive that it unreasonably interferes with, limits, deprives, or alters the conditions of education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a University program or activity (e.g., campus housing), when viewed from both a subjective and objective perspective.

In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; and
- Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. An isolated incident, unless sufficiently serious, does not amount to

Hostile Environment Harassment.

Quid Pro Quo Harassment: **Discriminatory Harassment** where submission to or rejection of unwelcome conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a University program or activity (e.g., campus housing).

Discriminatory Harassment may take many forms, including verbal acts, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be humiliating or physically threatening.

C. SEXUAL OR GENDER-BASED HARASSMENT

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions for *Hostile Environment Harassment* or *Quid Pro Quo Harassment* are present, as defined above.

Sexual Harassment also may include inappropriate touching, acts of sexual violence, suggestive comments and public display of pornographic or suggestive calendars, posters, or signs where such images are not connected to any academic purpose. A single incident of Sexual Assault (as defined below) may be sufficiently severe to constitute a hostile environment.

Gender-Based Harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions for *Hostile Environment Harassment* or *Quid Pro Quo Harassment* are present, as defined above.

D. SEXUAL ASSAULT

Sexual Assault consists of (1) Sexual Contact and/or (2) Sexual Intercourse that occurs without (3) Consent.

1. **Sexual Contact** (or attempts to commit) is any intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, with any object(s) or body part, or, any intentional bodily contact in a sexual manner, even where the touching does not involve contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

2. **Sexual Intercourse** (or attempts to commit) is any penetration, however slight, of a bodily orifice with any object(s) or body part. Sexual Intercourse includes vaginal or anal penetration by a penis, object, tongue or finger, or any contact between the mouth of one person and the genitalia of another person.
3. **Consent** is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. The lack of a negative response is not consent. An individual who is incapacitated by alcohol and/or other drugs both voluntarily or involuntarily consumed may not give consent. Past consent of sexual activity does not imply ongoing future consent.

Consent cannot be given if any of the following are present: Force, Coercion or Incapacitation.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and/or coercion that overcome resistance.

Coercion is unreasonable pressure for sexual activity. Coercion is more than an effort to persuade, entice, or attract another person to have sex. Conduct does not constitute coercion unless it wrongfully impairs an individual's freedom of will to choose whether to participate in the sexual activity.

Incapacitation is a state where an individual cannot make rational, reasonable decisions because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated due to the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. A person who is incapacitated lacks the capacity to give Consent because they cannot understand the "who, what, when, where, why, or how" of their sexual interaction.

The University offers the following guidance on Consent and assessing Incapacitation:

A person who wants to engage in a specific sexual activity is responsible for obtaining Consent for that activity. The lack of a negative response or protest does not constitute Consent. Lack of resistance does not constitute Consent. Silence and/or passivity also do not constitute Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this Policy. It is important not to make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants are encouraged to talk with one

another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.

Consent to one form of sexual activity does not, by itself, constitute Consent to another form of sexual activity. For example, one should not presume that Consent to oral-genital contact constitutes Consent to vaginal or anal penetration. Consent to sexual activity on a prior occasion does not, by itself, constitute Consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of Consent.

Once Consent has been given, it may be withdrawn at any time. An individual who seeks to withdraw Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once Consent is withdrawn, the sexual activity must cease immediately.

In evaluating Consent in cases of alleged incapacitation, the University asks two questions: (1) *Did the person initiating sexual activity know that the other party was incapacitated?* and if not, (2) *Should a sober, reasonable person in the same situation have known that the other party was incapacitated?* If the answer to either of these questions is “YES,” Consent was absent and the conduct is likely a violation of this Policy.

Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. A person could be incapacitated due to other reasons which may include: sleep, prescribed or over the counter medication, mental or physical disability. Alcohol-related incapacity results from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person.

One is not expected to be a medical expert in assessing incapacitation. One must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, evidence of incapacity may be detected from context clues, such as:

- Slurred or incomprehensible speech;
- Bloodshot eyes;
- The smell of alcohol on their breath;
- Shaky equilibrium or unsteady gait;
- Vomiting;
- Incontinence;
- Combativeness or emotional volatility;
- Unusual behavior; and/or

- Unconsciousness.

Context clues are important in helping to determine incapacitation. These signs alone do not necessarily indicate incapacitation. A person who is incapacitated may not be able to understand some or all of the following questions: *“Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” “Do you know who is here with you?”*

One should be cautious before engaging in Sexual Contact or Sexual Intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether Consent has been sought or given. If one has doubt about either party’s level of intoxication, the safe thing to do is to forego all sexual activity.

Being impaired by alcohol or other drugs is no defense to any violation of this Policy.

E. SEXUAL EXPLOITATION

Sexual Exploitation is purposely or knowingly doing or attempting to do any of the following:

- Recording or photographing private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Disseminating or posting images of private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
- Prostituting another person; or
- Exposing another person to a sexually transmitted infection or virus without the other’s knowledge.

F. INTIMATE PARTNER VIOLENCE

Intimate Partner Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship.⁸ Intimate Partner Violence may include any form of Prohibited Conduct under this Policy, including Sexual Assault, Stalking, and Physical Assault (as defined herein). Intimate Partner Violence may involve a pattern of

⁸ Intimate Partner Violence includes “dating violence” and “domestic violence,” as defined by VAWA. Consistent with VAWA, the University will evaluate the existence of an intimate relationship based upon the Complainant’s statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

behavior used to establish power and control over another person through fear and intimidation, or may involve one-time conduct. A pattern of behavior is typically determined based on the repeated use of words and/or actions and inactions in order to demean, intimidate, and/or control another person. This behavior can be verbal, emotional and/or physical. Examples of Intimate Partner Violence include, but are not limited to:

- Slapping;
- Pulling hair;
- Punching;
- Damaging one's property;
- Driving recklessly to scare someone;
- Name calling;
- Humiliating one in public;
- Harassment directed toward a current or former partner or spouse; and/or
- Threats of abuse such as threatening to hit, harm, or use a weapon on another (whether Complainant or acquaintance, friend, or family member of the Complainant), or other forms of verbal threats.

Harming Behavior that includes, but is not limited to, the true threat of or actual physical assault or abuse and also includes harassment, is prohibited pursuant to The Student Code. Harming Behavior will be addressed under this Policy if it involves Discriminatory Harassment, Sexual or Gender-Based Harassment, Intimate Partner Violence, or is part of a course of conduct under the Stalking definition.

G. STALKING

Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for the person's safety or the safety of others, or to experience substantial emotional distress.

"Course of conduct" means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.

"Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

"Reasonable person" means a person under similar circumstances and with similar identities to the Complainant.

Stalking includes "cyber-stalking," a particular form of stalking in which a person uses

electronic media, such as the internet, social networks, blogs, phones, texts, or other similar devices or forms of contact.

Stalking may include, but is not limited to:

- Non-consensual communications (face to face, telephone, e-mail);
- Threatening or obscene gestures;
- Surveillance/following/pursuit;
- Showing up outside the targeted individual's classroom or workplace;
- Sending gifts (romantic, bizarre, sinister, or perverted); and/or
- Making threats.

H. RETALIATION

Retaliation means any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this Policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

Retaliation can include, but is not limited to, actions taken by the University, actions taken by one Student against another Student, actions taken by an Employee against another Employee or Student, or actions taken by a Third Party against a Student or Employee. See the University's Non-Retaliation Policy [<http://policy.uconn.edu/2011/05/24/non-retaliation-policy/>].

I. COMPLICITY

Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person.

X. INAPPROPRIATE AMOROUS RELATIONSHIPS

For the purposes of this Policy, "amorous relationships" are defined as intimate, sexual, and/or any other type of amorous encounter or relationship, whether casual or serious, short-term or long-term.

A. INSTRUCTIONAL/STUDENT CONTEXT

All faculty and staff must be aware that amorous relationships with students are likely to lead to difficulties and have the potential to place faculty and staff at great personal and

professional risk. The power difference inherent in the faculty-student or staff-student relationship means that any amorous relationship between a faculty or staff member and a student is potentially exploitative or could at any time be perceived as exploitative and should be avoided. Faculty and staff engaged in such relationships should be sensitive to the continuous possibility that they may unexpectedly be placed in a position of responsibility for the student's instruction or evaluation. In the event of a charge of Sexual Harassment arising from such circumstances, the University will in general be unsympathetic to a defense based upon consent when the facts establish that a faculty-student or staff-student power differential existed within the relationship.

1. Undergraduate Students

Subject to the limited exceptions herein, all members of the faculty and staff are prohibited from pursuing or engaging in an amorous relationship with any undergraduate student.

2. Graduate Students

With respect to graduate students (including but not limited to Master's, Law, Doctoral, and any other post-baccalaureate students), all faculty and staff are prohibited from pursuing or engaging in an amorous relationship with a graduate student under that individual's authority. Situations of authority include, but are not limited to: teaching; formal mentoring or advising; supervision of research and employment of a student as a research or teaching assistant; exercising substantial responsibility for grades, honors, or degrees; and involvement in disciplinary action related to the student.

Students and faculty/staff alike should be aware that pursuing or engaging in an amorous relationship with any graduate student will limit the faculty or staff member's ability to teach, mentor, advise, direct work, employ and promote the career of the student involved with him or her in an amorous relationship.

3. Graduate Students in Positions of Authority

Like faculty and staff members, graduate students may themselves be in a position of authority over other students, for example, when serving as a teaching assistant in a course or when serving as a research assistant and supervising other students in research. The power difference inherent in such relationships means that any amorous relationship between a graduate student and another student over whom they have authority is potentially exploitative and should be avoided. All graduate students currently or previously engaged in an amorous relationship with another student are prohibited from serving in a position of authority over that student. Graduate students also should be sensitive to the continuous possibility that they may unexpectedly be placed in a position of responsibility for another student's instruction or evaluation.

4. Pre-existing Relationships with Any Student

The University recognizes that an amorous relationship may exist prior to the time a student enrolls at the University or, for amorous relationships with graduate students, prior to the time the faculty or staff member is placed in a position of authority over the graduate student. The current or prior existence of such an amorous relationship must be disclosed to the Office of Institutional Equity and/or the Office of Faculty and Staff Labor Relations by the employee in a position of authority immediately if the student is an undergraduate, and prior to accepting a supervisory role of any type over any graduate student.

All faculty and staff currently or previously engaged in an amorous relationship with a student are prohibited from the following unless effective steps have been taken in conjunction with Labor Relations and the applicable dean or vice president to eliminate any potential conflict of interest in accordance with this Policy: teaching; formal mentoring or advising; supervising research; exercising responsibility for grades, honors, or degrees; considering disciplinary action involving the student; or employing the student in any capacity - including but not limited to student employment and internships, work study, or as a research or teaching assistant.

Similarly, all graduate students currently or previously engaged in an amorous relationship with another student are prohibited from serving in a position of authority over that student.

5. If an Amorous Relationship Occurs with Any Student

If, despite these warnings, a faculty member, staff member, or graduate student becomes involved in an amorous relationship with a student in violation of this Policy, the faculty member, staff member, or graduate student must disclose the relationship immediately to the Office of Institutional Equity or the Office of Faculty and Staff Labor Relations. Absent an extraordinary circumstance, no relationships in violation of this Policy will be permitted while the student is enrolled or the faculty or staff member is employed by the University. In most cases, it will be unlikely that an acceptable resolution to the conflict of interest will be possible, and the faculty or staff member's employment standing or the graduate student's position of authority may need to be adjusted until s/he no longer has supervisory or other authority over the student.

In addition to the amorous relationship itself, a faculty, staff or graduate student's failure to report the existence of an inappropriate amorous relationship with a student is also a violation of this Policy. The University encourages immediate self-reporting, and will consider this factor in the context of any resolution that may be able to be reached.

B. EMPLOYMENT CONTEXT

Amorous relationships between supervisors and their subordinate employees often adversely affect decisions, distort judgment, and undermine workplace morale for all employees, including those not directly engaged in the relationship. Any University employee who participates in supervisory or administrative decisions concerning an employee with whom s/he has or has had an amorous relationship has a conflict of interest in those situations. These types of relationships, specifically those involving spouses and/or individuals who reside together, also may violate the State Code of Ethics for Public Officials as well as the University's Policy on Employment and Contracting for Service of Relatives.

Accordingly, the University prohibits all faculty and staff from pursuing or engaging in amorous relationships with employees whom they supervise. No supervisor shall initiate or participate in institutional decisions involving a direct benefit or penalty (employment, retention, promotion, tenure, salary, leave of absence, etc.) to a person with whom that individual has or has had an amorous relationship. The individual in a position of authority can be held accountable for creating a sexually hostile environment or failing to address a sexually hostile environment and thus should avoid creating or failing to address a situation that adversely impacts the working environment of others.

1. Pre-existing Amorous Relationships Between Supervisors and Subordinate Employees

The University recognizes that an amorous relationship may exist prior to the time an individual is assigned to a supervisor. Supervisory, decision-making, oversight, evaluative or advisory relationships for someone with whom there exists or previously has existed an amorous relationship is unacceptable unless effective steps have been taken to eliminate any potential conflict of interest in accordance with this Policy. The current or prior existence of such a relationship must be disclosed by the employee in a position of authority prior to accepting supervision of the subordinate employee to the Office of Institutional Equity and/or the Office of Faculty and Staff Labor Relations. Working with the Office of Faculty and Staff Labor Relations, the relevant managers will determine whether the conflict of interest can be eliminated through termination of the situation of authority. The final determination will be at the sole discretion of the relevant dean or vice president.

2. If an Amorous Relationship Occurs or has Occurred between a Supervisor and his/her Subordinate Employee

If, despite these warnings, a University employee enters into an amorous relationship with someone over whom s/he has supervisory, decision-making, oversight, evaluative, or advisory responsibilities, that employee must disclose the existence of the relationship immediately to the Office of Institutional Equity and/or the Office of Faculty and Staff Labor Relations. In consultation with appropriate University administrators, the relevant dean or vice president will determine whether the conflict of interest can be eliminated. The final determination will be at the sole discretion of the relevant

dean or vice president. In most cases, it will be unlikely that an acceptable resolution to the conflict of interest will be possible. If the conflict of interest cannot be eliminated, the supervisor's employment standing may need to be adjusted. In addition to the amorous relationship itself, a supervisor's failure to report the existence of the relationship with a subordinate employee is also a violation of this Policy. The University encourages immediate self-reporting, and will consider this factor in the context of any resolution that may be able to be reached.

XI. PREVENTION, AWARENESS AND TRAINING PROGRAMS

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming Students and new Employees receive primary prevention and awareness programming as part of their orientation, and returning Students and current Employees receive ongoing training and related education and awareness programs. The University provides training, education and awareness programs to Students and Employees to ensure broad understanding of this Policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination.

For a description of the University's Prohibited Conduct prevention and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, see the University's annual Clery reports (found online at: <http://publicsafety.uconn.edu/police/clery/about-clery/uconn-and-the-clery-act/>).

XII. OBLIGATION TO PROVIDE TRUTHFUL INFORMATION

All University community members are expected to provide truthful information in any report, investigation, or proceeding under this Policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions under The Student Code (for Students), The Code of Conduct (for Employees), and any other applicable and appropriate University policy or policies. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

XIII. RELATED POLICIES

A. STUDENTS

Responsibilities of Community Life: The Student Code: <https://community.uconn.edu/the-student-code-preamble/>

B. EMPLOYEES AND THIRD PARTIES

Policy Statement: People With Disabilities: <http://policy.uconn.edu/?p=419>

Protection of Minors and Reporting of Child Abuse and Neglect Policy:

<http://policy.uconn.edu/?p=6754>

Non-Retaliation Policy: <http://policy.uconn.edu/?p=415>

Policy Statement: Affirmative Action and Equal Employment Opportunity:

<http://policy.uconn.edu/?p=102>

Age Act Policy: <http://policy.uconn.edu/?p=2007>

Code of Conduct (employees): <http://policy.uconn.edu/?p=140>

Code of Conduct for University of Connecticut Vendors: <http://policy.uconn.edu/?p=2718>

Policy on Employment and Contracting for Service of Relatives:

<http://policy.uconn.edu/?p=357>

XIV. POLICY REVIEW

This Policy is maintained by the Office of Institutional Equity (OIE). The University will periodically review and update this Policy and will evaluate, among other things, any changes in legal requirements, existing University resources, and the resolution of cases from the preceding year (including, but not limited to, timeframes for completion and sanctions and remedies imposed).