

Sexual Misconduct Cases Involving a Student Respondent

Introduction

Alleged acts of sexual misconduct by University of Connecticut students are managed by the Office of Community Standards through *Responsibilities of Community Life: The Student Code (The Student Code)*. *The Student Code* describes the process for handling complaints of alleged student misconduct. Prohibited acts are outlined in *Responsibilities of Community Life: The Student Code (Part III.B.)* and the *University of Connecticut Policy Against Discrimination, Harassment, and Related Interpersonal Violence (Part IX)*. The documents may be found at:

- *The Student Code*: <http://community.uconn.edu/the-student-code-preamble/>
- *University Policy Against Discrimination, Harassment, and Related Interpersonal Violence*: <http://policy.uconn.edu/2015/12/29/policy-against-discrimination-harassment-and-related-interpersonal-violence/>

The information contained in this document provides additional information regarding sexual misconduct referrals. Individuals are strongly encouraged to read *The Student Code* to fully understand the process and their rights.

Definitions

A full list of definitions regarding the student conduct process can be found in *The Student Code*. For the purposes of this document, three are highlighted and expanded upon below:

- **Complainant** means any person who believes that s/he has been a victim of another student's misconduct. If the complainant is a student, that student will have the same rights under *The Student Code* as are provided to the respondent, even if another member of the University community referred or reported the allegation itself.
 - A person can proceed with a complaint through Community Standards and participate in the student conduct process. If, at any time, the complainant decides to discontinue further participation in the student conduct process, Community Standards, based on the amount of information known and possible impact on the community, may still continue with the student conduct process.
 - A person can choose not to provide Community Standards with any additional information at the time and request Community Standards to not investigate. By making this request, the complainant needs to understand that the University's ability to respond to the initial complaint may be limited. A person may request to participate in the student conduct process or provide more information at a future time. The University will make a decision on whether they need to move forward with investigating the incident based on the amount of information known and possible impact on the community.
- **Respondent** means any student accused of violating *The Student Code*.
 - The respondent will be notified of the allegation and have the opportunity to respond and provide information regarding the allegation.
 - If the respondent chooses to not participate in the student conduct process, the process will continue without the person's involvement.
- **Support person** means any person who accompanies a respondent or complainant for the limited purpose of providing support and guidance. A support person may not directly address the hearing body, student conduct officer(s), question witnesses, or otherwise actively participate in the student conduct process, including hearings.
 - A support person cannot serve in a dual role such as a serving as both a support person and a witness.
- **Witness** means any individual who has direct knowledge of an incident. Character witnesses are not part of the student conduct process.

Interim Actions and Remedial and Protective Measures

Upon receiving a report of sexual misconduct, Community Standards may initiate an interim administrative action(s) as allowed by *The Student Code*. An interim administrative action is a necessary restriction(s) on a student prior to a student conduct resolution. 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 respondent, of the complainant, of others, of the University, and/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.

The Title IX Coordinator or the Dean of Students Office may also impose remedial and protective measures such as academic accommodations, housing arrangements, etc. Those are described in the *University Policy Against Discrimination, Harassment, and Related Interpersonal Violence*.

Investigation

Upon receiving a complaint, a student conduct officer from Community Standards will determine if a complaint alleges or addresses a potential violation of *The Student Code*. If so, Community Standards will immediately begin a fair and impartial investigation and strive to reach a resolution within thirty-five business days of notification; however, there are circumstances that may extend this resolution timeline (e.g., gathering witness information, scheduling, holding an administrative hearing).

The respondent and complainant may provide information in person and/or submit a written account, provide the names of incident witnesses (individuals with direct knowledge of the incident) for possible interviews with the student conduct officer, provide witness statements and any documentation that may be relevant to the facts of the incident. The student conduct officer will make a reasonable effort to obtain supporting documentation regarding the incident from other University entities or other resources. Documentation will be shared with the respondent and complainant.

Community Standards will provide regular updates as to the progress of the investigation to the complainant and the respondent.

Determination of Facts Relative to an Alleged Violation

Upon completion of the investigation, the student conduct officer, applying a preponderance of the evidence (more likely than not) standard, will determine if any violations of *The Student Code* occurred.

Resolution

After reviewing the incident and the investigation with the respondent and complainant, if any, the student conduct officer will determine whether the case may be resolved by way of an administrative agreement/case resolution form or an administrative hearing. A student who agrees to resolve any violation(s) without an administrative hearing shall have no right to appeal.

Either the complainant and/or respondent, can request an administrative hearing. If the resolution will be through an administrative hearing, the complainant, if any, will have the same rights as the respondent as indicated in *The Student Code*. The student conduct officer or hearing body will, in writing, disclose to the alleged victim of any crime of violence, non-forcible sex offense, or sexual harassment the results of the conduct matter regarding factual determination(s) and sanction(s) that specifically pertain to the alleged victim.

Sanctions

If the respondent is found responsible for committing sexual misconduct and therefore, in violation of *The Student Code*, appropriate sanctions will be imposed. Sanctions are determined by the seriousness of the violation, precedent for similar violations, and any existing aggravating and/or mitigating factors.

The University has four major sanctions: Warning, University Probation, University Suspension, or University Expulsion. When a student is found responsible for a violation(s), one of these is imposed. It is highly unlikely that a student found responsible for sexual misconduct would receive the sanction of a University Warning. The precedent regarding sexual assault is University Expulsion. A student may receive additional sanctions related to housing, student privileges, educational interventions, etc.

Privacy versus Confidentiality

To the extent possible, if a student makes a formal report about an act of sexual misconduct to Community Standards, Community Standards has an obligation to investigate the complaint. Community Standards will protect the privacy of all parties to a complaint of sexual misconduct but Community Standards cannot promise confidentiality.

Retaliation

Retaliation against a person for filing a complaint, or against witnesses for providing a statement during an investigation, is prohibited and is a violation of *The Student Code*.

UConn Police

It is important to note that the University of Connecticut student conduct process is different than the police process (either University of Connecticut Police or State Police). The University of Connecticut Police are located at 126 North Eagleville Road, Storrs, CT, and the phone number is 860-486-4800 (911 for emergencies). If the incident occurred off-campus, you can contact Connecticut State Police, Troop C, 860-896-3222.

If you are the victim of a sexual assault you can report it to the UConn Police Department at any time of the day or night, 365 days a year. When you report a sexual assault to the police, you will be treated with compassion and courtesy and officers will explain the police investigative process to you. After the initial report is made, a highly trained Special Victims Unit Officer will do a follow-up interview to better understand what happened. Investigators may collect evidence from you which includes the clothing you were wearing at the time, bedding (if applicable), etc. We can arrange transportation to a medical facility for a SAFE exam (Sexual Assault Forensic Exam) with a medical professional as well as a meeting with a member of the Sexual Assault Crisis Center of Eastern Connecticut which provides free and confidential services to victims of sexual assault and abuse. If necessary, we can also assist in locating a safe, alternative place to stay. The department emphasis a trauma informed approach; therefore, we will move at whatever pace works for the victim.

Criminal Proceedings

University student conduct proceedings may be instituted against a student without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution resulting from the same or related conduct.

Proceedings under *The Student Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Director of Community Standards. Determinations made or sanctions imposed under *The Student Code* shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the defendant in the criminal matter.