

SEXUAL HARASSMENT & MISCONDUCT POLICY

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SEXUAL HARASSMENT & MISCONDUCT POLICY

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I. Introduction

The University of New Haven prohibits sexual harassment and sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment. The University of New Haven values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the Grievance Procedures during what is often a difficult time for all those involved. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting goals of fairness and equity in all aspects of its educational programs and activities, the University has developed internal policies and procedures that provide a prompt, fair, and impartial process for addressing allegations of sex discrimination, including sexual harassment, and for allegations of retaliation.

This policy applies to all members of the University of New Haven community, including students, faculty and staff, and supersedes any contrary school policies pertaining to the investigation or adjudication of sexual harassment, as defined herein.

The University of New Haven has designated a Title IX Coordinator to oversee the investigation and resolution of reports of sexual harassment and the University of New Haven's compliance with Title IX. Any questions about this policy, the University of New Haven's process under Title IX, or reports of alleged sexual harassment should be directed to the Title IX Coordinator or their designee's listed below.

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II. Scope of Policy

The University of New Haven's Sexual Harassment & Misconduct Policy ("Policy") applies to all the University of New Haven community members, including students, faculty, staff, and third parties, such as volunteers, contractors, and visitors. This policy applies not only in the context of current students, but in the context of employment and admissions as well.

All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers.

This Policy will apply to sexual harassment in a University of New Haven "education program or activity" against a person in the United States. This policy applies to conduct that takes place on the campus or on property owned or controlled by the University, at University sponsored events, or in buildings owned or controlled by the University's recognized student organization.

The Respondent must be a member of the University community in order for its policies to apply. When the Respondent is a member of the University community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the University community.

If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator, or their designee, will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. Further, even when the Respondent is not a member of the University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or the confidential reporting options.

In addition, the University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from University of New Haven property and/or events.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the University of New Haven where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

Alleged misconduct subject to this Policy includes both sex discrimination prohibited by Title IX and allegations that do not meet the definitions under Title IX but nonetheless violate the University's

community standards as described in the Student Handbook, as discussed further in the Definitions (Section V) below, together called “Prohibited Conduct”.

While the conduct may not be prohibited under Title IX, the University retains the right to impose discipline for conduct that the University determines affect a substantial University interest, which include any action that constitutes a criminal offense as defined by law, this includes but is not limited to single or repeat violations of any local, state, or federal law; and any situation that substantially interferes with the educational interests or mission of the University of New Haven.

This policy is also applicable to off-campus or online misconduct that occurs in the University’s education program or activity that effectively deprives a person of access to University’s education program or activities. The policies of the University of New Haven are written and interpreted broadly to include online manifestations of any of the behaviors prohibited herein, when those behaviors occur in or have an effect on the University’s education program and activities or use University networks, technology, or equipment. Although the University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the University, it will engage in a variety of means to address and mitigate the effects.

III. Statement of Policy

The University of New Haven is committed to fostering a living, learning and working environment free of discrimination and harassment. The University of New Haven is subject to Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §§1681, et seq., which states that “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 University adopts this Policy in furtherance of 1) preventing, eliminating, or addressing the effects of Prohibited Conduct; 2) fostering a climate where all individuals are well-informed and supported in preventing or reporting Prohibited Conduct; and 3) providing clear standards and a fair and impartial process for all Parties by which violations of this Policy will be addressed and disciplinary action imposed. The University will take prompt and effective action to eliminate Prohibited Conduct, prevent its reoccurrence, and remedy its effects all while maintaining our core commitment to fundamental fairness for all Parties; the rights of parents and guardians to support minor children; respect for freedom of speech and academic freedom; and respect for the autonomy that Complainants need and deserve when they come forward with a claim of sex discrimination.

IV. Definitions

Terms used in this Policy have the following meanings:

Advisor: A person chosen by a Party or appointed by the institution to accompany the Party to meetings related to the resolution process, to advise the Party on that process, and who may conduct cross-examination for the Party at the hearing, if any.

Appeal Decisionmaker: The Person or panel who accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action, accordingly.

Complainant: An individual who is alleged to be the victim of conduct that could constitute harassment or misconduct; or Retaliation for engaging in a protected activity. A person participating or attempting to participate in the education program or activity at the time of the alleged sex discrimination.

Complaint: A written document submitted and signed by a Complainant or signed by the Title IX Coordinator alleging harassment or misconduct; or retaliation for engaging in a protected activity against a Respondent and requesting that the University investigate the allegation.

Confidential Resources: An employee who is not a Mandated Reporter of notice of harassment, misconduct, and/or retaliation (irrespective of Clery Act Campus Security Authority status).

Grievance Procedures: A method of resolution designated by the University to address conduct that falls within the Policy included below, and which complies with the requirements of the Title IX regulations.

Hearing Panel: Refers to those who have decision-making and sanctioning authority within the University's Grievance Procedures.

Hearing Facilitator and Decisionmaker: A member of the Hearing Panel that facilitates the Grievance Procedures and make decisions during the Grievance Procedures, including questions of relevancy and a final determination of whether Prohibited Conduct occurred, and potential Sanctions associated with such Prohibited Conduct. As used in this Policy, the terms "Hearing Facilitator and Decisionmaker" may refer to the same person.

Investigator: Investigator means the person or persons charged by the University of New Haven 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.

Party: A Complainant or Respondent. The term "Party" does not include a Title IX Coordinator who initiates a Complaint under § 106.44(f)(1)(v) or another participant in Title IX Grievance Procedures, such as a witness or adjudicator.

Mandated Reporter: An employee of the University who is obligated by policy to share knowledge, notice, and/or reports of harassment, misconduct, and/or retaliation with the Title IX Coordinator [and/or their supervisor].

Official with Authority (OWA): An employee of the University of New Haven explicitly vested with the responsibility to implement corrective measures for harassment, misconduct, and/or retaliation on behalf of the Recipient.

Prohibited Conduct: Conduct that is prohibited within this policy, including Sexual Harassment, as well as Retaliation.

Relevant Evidence: Evidence that tends to prove or disprove an issue in the Complaint.

Respondent: An individual who is alleged to be the perpetrator of conduct that could constitute sexual harassment or misconduct; or Retaliation for engaging in a protected activity.

Sanction: A consequence imposed by the University on a Respondent who is found to have violated this policy.

V. Prohibited Conduct:

The section below describes the specific forms of legally prohibited harassment that are prohibited under the University's Policy. All offense definitions encompass actual and/or attempted offenses.

a. Sexual Harassment

Sexual Harassment: as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This definition applies to all formal complaints that fall within this Policy, as determined by the Title IX Coordinator or designee. Sexual harassment includes Conduct on the basis of sex, or that is sexual in nature, that satisfies one or more of the following:

- a. **Quid Pro Quo:** An employee or agent of the University explicitly or implicitly conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
- b. **Severe and Pervasive:** Unwelcome sex-based conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively limits or denies a person equal access to the University's education program or activity.
- c. **Title VII/FHA Sexual Harassment:** applies to situations where an employee is subjected to workplace sexual harassment or where a residential Complainant is subject to sexual harassment in University-provided housing where the following elements are present:
 - a. Unwelcome verbal, written, graphic, and/or physical conduct;
 - b. that is severe or pervasive and objectively offensive;
 - c. on the basis of sex/gender, that
 - d. unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.
- d. **Sexual Assault:** An act of sexually motivated physical contact directed towards another person when the other person does not consent or is incapable of giving consent because of their age, temporary or permanent mental, or physical incapacity. This includes but is not limited to:
 - (a) **Rape:** 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, or by a sex-related

object, without their consent. This includes instances in which the Complainant is incapable of giving consent because of temporary or permanent mental or physical incapacity, including due to the influence of drugs or alcohol, or because of age.

- (b) *Criminal Sexual Contact*: The intentional touching of the clothed or unclothed body part(s) of the Complainant, for the purpose of sexual gratification, or sexual humiliation, or the forced touching by the Complainant of the actor's clothed or unclothed body parts, without consent of the Complainant for the purposes of sexual degradation, sexual gratification, or sexual humiliation.
- (c) *Incest*: Sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by the State of Connecticut Law.
- (d) *Statutory Rape*: Non-forcible sexual intercourse, with a person who is under the statutory age of consent of 16, provided that the younger person is at least 13, or with a minor under age 13 if the actor is more than two years older than the minor. (For further information on sexual consent under Connecticut Law, see Connecticut General Statutes Section 53a-71).
- e. *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; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship
 - b. The type of relationship
 - c. The frequency of interaction between the persons involved in the relationship
- f. *Domestic Violence*: As felony or misdemeanor crimes of violence committed between:
 - a. Individuals who are current or former spouses or intimate partners,
 - b. Persons who share a child in common,
 - c. Persons who currently live together or have formerly lived together as spouses or intimate partners,
 - d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the school's jurisdiction, or
 - e. 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 school's jurisdiction/State of Connecticut
- g. *Stalking*: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. For the purpose of this definition:
 - a. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.

- b. Reasonable person means a reasonable person in the position of the Complainant and under similar circumstances.
- c. Substantial emotional distress means significant mental suffering or anguish that may but not necessarily require medical or other professional treatment or counseling.
- h. Retaliation: Intimidation, threats, coercion, or discrimination against any person by the University of New Haven, a student, or an employee or other person authorized by the University of New Haven to provide aid, benefit, or service under the University of New Haven's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, including in an informal resolution process or the Grievance Procedures.

The University of New Haven reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

b. Consent, Incapacitation, Force, and Coercion

As used in the offenses above, the following definitions and understandings apply:

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 (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, 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.

Consent is:

Active,
knowing, and
voluntary, and
clear permission
by word or action

to engage in sexual activity.

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.

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 immediately, meaning as soon as physically possible.

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. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected.

Proof of consent or non-consent is not a burden placed on either party involved in a complaint. 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 misconduct occurred and any similar or previous patterns that may be evidenced.

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

Incapacitation: Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, and/or being drunk. A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including due to the influence of alcohol or other drug consumption. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

A Respondent may reasonably have relied on a clear expression of consent from a person who was incapacitated only if the Respondent either knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

c. Other Sexual Misconduct Offenses

In addition to the forms of sexual discrimination and harassment described above, the University of New Haven additionally prohibits the following offenses as forms of sexual harassment that may be within or outside of Title IX. Violations of other University policies may fall within this Policy when the violation involves conduct that is directed at a specific person and the circumstances of such conduct would cause a reasonable person to believe that the conduct is directed at that specific person because of that person's sex. The inclusion of the enumerated acts of conduct on the below list or in any other University Policy does not suggest or indicate that they are not covered by or subject to Title IX.

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

- a. An individual taking non-consensual or abusive sexual advantage of another,
- b. for their own benefit or for the benefit of anyone other than the person being exploited, and,
- c. that conduct does not otherwise constitute sexual harassment under this policy.

Examples of Sexual Exploitation include, but are not limited to:

- 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);
- Invasion of sexual privacy;
- 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 (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography;
- Prostituting another person;
- 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;
- 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;
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections;
- 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;
- Knowingly soliciting a minor for sexual activity;

- Engaging in sex trafficking; or,
- Knowingly creating, possessing or disseminating child pornography.

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 on social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the University of New Haven community.

VI. Obligation to Report:

The University of New Haven classifies all employees, with the exception of those specifically designated as confidential resources, as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation.

With the exception of designated confidential resources, all University of New Haven employees (faculty, staff, administrators) are required to report actual or suspected sexual harassment and/or misconduct to the Title IX Coordinator, or designee, immediately. Any mandated reporter (non-confidential employee) who has information of or has observed conduct that reasonably may constitute sex discrimination is under an obligation to report it to the Title IX Coordinator. If an employee becomes aware of any conduct that reasonably may constitute sex discrimination under Title IX, they must provide the contact information of the Title IX Coordinator and information about how to make a Complaint to the person reporting it.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with, the following individuals (“Confidential Employees”):

- On-campus licensed professional counselors and staff at the Counseling & Psychological Services;
- On-campus Health Services providers and staff;
- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination, which includes the University’s Chaplain; and/or

Off-campus resources not employed by the University may also be able to maintain confidentiality:

- Licensed professional counselors and other medical providers;
- Local rape crisis counselors, including the advocates with the Rape Crisis Center of Milford;
- Domestic violence resources;
- Local or state assistance agencies;
- Clergy/Chaplains; and/or,
- Attorneys.

Confidential Employees must explain to the person informing them of the conduct, their status as confidential for purposes of this Policy, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination. Confidential Employees should notify the reporting individual of how to contact the Title IX Coordinator and how to make a complaint of sex discrimination, and notice that the Title IX

Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the Grievance Procedures.

All of the above-listed confidential employees will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases where there exists an immediate threat or danger or abuse of a minor, or when required to disclose by law or court order.

University clinicians/counselors [and/or the Employee Assistance Program] are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Parties reporting sexual assault, domestic violence, dating violence, and/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 within the timely warning(s), while still providing enough information for community members to make safety decisions in light of the potential danger. University employees who are confidential, and who receive reports within the scope of their confidential roles, will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

VII. Pregnancy or Related Conditions:

The University of New Haven prohibits discrimination against students, employees, or applicants based on pregnancy or related conditions. The University of New Haven takes actions to prevent sex discrimination and ensure equal access to its education program or activity, such as by providing reasonable modifications for students, reasonable break time for lactation for employees, and lactation space for students and employees. Additionally, unless the employee reasonably believes that the Title IX Coordinator has been notified, all mandated reporters are required to either inform a pregnant student, or person who has a legal right to act on behalf of the student, of the Title IX Coordinator's contact information and/or contact the Title IX Coordinator so they can provide outreach to the student to prevent sex discrimination and ensure the student's equal access to the University of New Haven's education program or activity. This obligation to provide the information and/or contact the Title IX Coordinator arises when a student, or a person who has a legal right to act on behalf of the student, first informs that same employee of that student's pregnancy or related conditions, and when the employee reasonably believes the Title IX Coordinator has not already been notified.

VIII. Supportive Measures

The University of New Haven will offer and implement appropriate and reasonable supportive measures to the Parties upon notice of alleged Prohibited Conduct.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties, to restore or preserve access to the

University of New Haven's education program or activity, including measures designed to protect the safety of the Parties or the University of New Haven's educational environment, and/or deter sexual harassment, misconduct, and/or Retaliation.

Supportive measures may also be imposed at the sole discretion of the Title IX Coordinator. Supportive measures are available beginning at any time after the submission of a report of Prohibited Conduct. A Complainant may seek and be provided Supportive Measures prior to or without ever initiating a Complaint. Parties will be provided with a timely opportunity to seek, from an appropriate and impartial employee, modification, or reversal of any decisions regarding supportive measures. Additionally, if a student has a disability, the Title IX Coordinator will coordinate with the Accessibility Resources Center to provide the student with reasonable accommodation(s) throughout the implementation of the Grievance Procedures, including, but not limited to, the implementation of supportive measures.

The University of New Haven will implement measures in a way that does not unreasonably burden the other Party. Supportive measures will not be communicated to anyone other than the Party receiving them unless it is necessary to implement them.

Supportive measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services;
- Extensions of deadlines or other course-related adjustments;
- Modification of work or class schedules;
- Mutual restrictions on contact between the Parties (i.e., "No Contact Orders");
- Altering work arrangements for employees or student-employees;
- Altering campus housing assignments;
- Safety Planning
- Employee Assistant Program ("EAP")
- Visa and immigration assistance
- Increased security and monitoring of certain areas or campus
- Implementing trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders

A student or employee's failure to abide by the terms of any supportive measure may result in discipline and, depending on the circumstances, could be deemed to constitute retaliation. Violations of No Contact Orders will be referred to the appropriate student or employee conduct processes for enforcement. Orders of Protection, No Contact Orders, restrictive or similar orders issued by a criminal, civil, or tribal court will be administered by the University of New Haven as written.

Refer to Section XIII for contact information of available local, statewide, and national resources.

IX. Preservation of Evidence

The preservation of evidence in incidents of sexual assault, and similar sexual misconduct incidents, is critical to potential criminal prosecution and to obtaining restraining orders and is particularly time sensitive. The University will inform the Complainant of the importance of taking the following actions to preserve evidence:

- a. Seek forensic medical assistance at Yale New Haven Hospital or the applicable local hospital, ideally within 120 hours of the incident (sooner is better).
- b. Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- c. Try not to urinate.
- d. If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- e. If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
- f. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.
- g. Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
 - i. Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
 - ii. Save copies of any messages, to include those showing any request for no further contact.
- h. Save copies of e-mail and social media correspondence, including notifications related to account access alerts.
- i. Take timestamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- j. Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be reiterated, if timely.

X. Formal Grievance Procedures for Alleged Violations

This portion of the Policy outlines the steps taken to initiate a Complaint, as well as US Department of Education's procedural requirements for investigation and adjudication of Complaints. Alleged misconduct that falls under Title IX or Sexual Misconduct will be subject to the same Grievance Procedures described in this Policy unless otherwise noted.

The University of New Haven will act on any formal or informal notice/complaint of violation of this policy that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures; however, in order to commence Formal Grievance Procedures, a Complainant must submit a report, in written form, to the Title IX Coordinator. The Formal Complaint must contain the complainant's physical or digital signature, or some other indication that the complainant is the person filing it.

There is no time limit within which a Complainant must report a Complaint. However, at the time a Complaint is reported for Title IX Sexual Harassment, the Complainant must be participating or attempting to participate in the University of New Haven's program or activities. When notice/complaint is received, the University will typically apply the policy in place at the time of the alleged misconduct, but the procedures in place at the time of notice/complaint.

The Title IX Coordinator will monitor the University of New Haven's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX; and take steps reasonably calculated to address such barriers.

Upon receipt of any report of alleged sex discrimination, the Title IX Coordinator will treat the Complainant and Respondent equitably and promptly contact the Complainant to discuss the availability of supportive measures and explain the Grievance Procedures (or option for requesting an informal resolution). The Title IX Coordinator will inform the Complainant of the availability of supportive measures and will consider the Complainant's wishes with respect to supportive measures.

Supportive measures will be assessed and may be offered as needed to Complainants, Respondents and other members of the University of New Haven community who may have been affected by the allegations at issue. See Section VII.C. regarding supportive measures.

Following receipt of notice or a formal complaint of an alleged violation of this Policy, the Title IX Coordinator engages in a prompt threshold investigation. The steps in a threshold investigation can include to determine whether to initiate a Complaint of sex discrimination that complies with the Grievance Procedures by considering the following factors:

1. The Complainant's request not to proceed with initiation of a Complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
3. The risk that additional acts of sex discrimination would occur if a Complaint is not initiated;
4. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary Sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the Parties, including whether the Respondent is an employee of the University of New Haven;
6. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;

7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
8. Whether the University of New Haven could end the alleged sex discrimination and prevent its recurrence without initiating its Grievance Procedures

For other limited purposes; provided that if a Complaint is initiated, the Title IX Coordinator will fulfill the terms of this Grievance Procedures, including the notice provisions immediately below and the more thorough investigation process described below even if it is somewhat duplicative of the threshold investigation. If the Respondent is a current employee, a representative of Human Resources may participate in the threshold investigation.

The Title IX Coordinator, for employee matters, may place a non-student employee Respondent on administrative leave during the pendency of the Grievance Procedures.

A Title IX Coordinator is not required to comply with this section of the Policy if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute sex discrimination under Title IX or this part.

A. Notice of Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Complainant and Respondent upon commencement of the Grievance Procedures.

The NOIA will include:

- a. Notice of the University of New Haven Grievance Procedures and informal resolution process by providing access to this policy.
- b. Notice of the allegations potentially constituting sexual harassment, including sufficient details known at the time. Sufficient details are defined in the Title IX Regulations to include:
 - i. The identities of the Parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual harassment;
 - iii. The date and location of the alleged incident, if known.
- c. Per the Title IX Regulations, the written notice must also include the following statements:
 - i. The Respondent is presumed not responsible for the alleged conduct
 - ii. A determination regarding responsibility is made at the conclusion of the Grievance Procedures
 - iii. The Parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
 - iv. The Parties may inspect and review evidence
 - v. The Parties are prohibited from knowingly making false statements or knowingly submitting false information during the Grievance Procedures

- vi. The notice must be given as soon as practicable and with sufficient time to prepare a response before any initial investigation interview
 - vii. Details on how the Party may request disability accommodations during the interview process
 - viii. A link to the University's Know Your Rights & Options (VAWA Compliant) Brochure
 - ix. The name(s) of the Investigators(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have
 - x. An instruction to preserve any evidence that is relevant to the allegations
 - xi. Retaliation is prohibited
- d. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges. If the University of New Haven intends to investigate allegations not included in the original NOIA, additional notice will be provided prior to commencing the investigation.

B. Emergency Removal

If at any point following the receipt of a report of sex discrimination, the University of New Haven determines that the Respondent poses an immediate threat to the physical health, safety, etc. of the Complainant or any other person(s), including the Respondent, the University of New Haven may temporarily remove the Respondent from any or all of its programs or activities. The imposition of an emergency removal does not suggest a finding of responsibility for any Prohibited Conduct.

This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team ('BIT') using its standard objective violence risk assessment procedures. An emergency removal will be imposed only if BIT concludes that the threat to physical health or safety arises from the allegations of Prohibited Conduct and warrants the removal.

An emergency removal may involve the denial of access to some or all of the University of New Haven's campus facilities, academic programs, or other programs or activities. While the University of New Haven may provide alternative academic or employment opportunities during an emergency removal, it is not required to do so. Non-punitive actions taken as supportive measures (e.g., changes in housing) do not constitute emergency removals.

The Title IX Coordinator will notify the Respondent of the terms imposed in connection with an emergency removal. The Respondent has the opportunity to challenge the emergency removal upon receipt of that notice. In order to challenge the emergency removal, the Respondent shall submit their challenge via email to rsalters@newhaven.edu within five (5) calendar days from the date of the notice of emergency removal, explaining why the emergency removal is not appropriate. The Title IX

Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration.

Violation(s) of an emergency removal under this policy will be ground for discipline, which may include expulsion or termination.

Where the Respondent is an employee, existing provisions for interim actions are applicable. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX.

There is no appeal process for the final emergency removal decisions.

C. Informal Resolution

At any time prior to reaching a determination regarding responsibility, the University of New Haven may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. Both Parties must agree to participate, in writing, in an informal resolution process. If they do, the Formal Grievance Procedure is paused, and the informal resolution process commences. Either Party may withdraw from the informal process and start or re-start the Formal Grievance Procedures at any time before an informal resolution is reached. The University of New Haven will not require the Parties to participate in an informal resolution process and will not require them to waive their rights to the Grievance Procedures.

The University of New Haven will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

The University of New Haven may decline to offer an informal resolution even if both Parties request an informal resolution, for example, if the University determines the alleged conduct would present a future risk of harm to others.

Prior to facilitating an informal resolution process, the University of New Haven will:

1. Provide written notice to the Parties disclosing the following:
 - a. The allegations;
 - b. The requirements of the informal resolution process, including the circumstances under which an informal resolution agreement would preclude the Parties from resuming a Complaint arising from the same allegations;
 - c. The fact that, at any time prior to agreeing to an informal resolution, any Party may withdraw from the informal resolution process and resume the Grievance Procedures;
 - d. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

- e. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- f. What information the University of New Haven will maintain and whether and how the University of New Haven could disclose such information for use during the Grievance Procedures if Grievance Procedures are initiated or resumed; and

2. Obtain the Parties' voluntary, written consent to the informal resolution process.

If the Parties agree to a resolution during an informal resolution process, the Complaint, if filed, will be deemed withdrawn and the Grievance Procedures will be terminated. However, the resolution will be considered binding, and its breach will give rise to a new Grievance Procedures, which may restart the Grievance Procedures.

An informal resolution may take many forms as agreed to between the Complainant, Respondent and Title IX Coordinator, including, but not limited to:

- Mediation: Mediation may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Mediation does not require an admission of responsibility for the Prohibited Conduct by the Respondent.
- Restorative justice: Restorative justice may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Restorative justice typically requires an admission of responsibility for the Prohibited Conduct, or certain allegations, by the Respondent.

The outcome of the Informal Resolution will be documented in an agreement or other form that is signed by both the Complainant and the Respondent.

D. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If an Investigator(s) elects to audio and/or video record interviews, all involved parties must be made aware of and consent in writing or on the audio or video recording to audio and/or video recording.

E. Investigation Process

The Title IX Coordinator will appoint an Investigator(s) to investigate the allegations subject to the Grievance Procedures. All investigations are thorough, reliable, impartial, and fair. The Grievance Procedures will include reasonably prompt timeframes for the major stages of the Grievance Procedures, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the Parties that includes the reason for the delay. Major stages include, for example, evaluation (i.e., the University of New Haven's decision whether to dismiss or investigate a Complaint of sex discrimination); investigation; determination; and appeal, if any. The

Grievance Procedures also will ensure that reasonable steps are taken to protect the privacy of the Parties and witnesses during the pendency of the University of New Haven's Grievance Procedures, provided that the steps do not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses, consult with their family members, confidential resources, or advisors, or otherwise prepare for or participate in the Grievance Procedures.

The investigation may include, among other steps, interviewing the Complainant, the Respondent, and any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student or employment files; and gathering and examining other relevant documents, social media, and evidence.

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

The investigator(s) will attempt to collect all relevant information and evidence. While the Investigator(s) will have the burden of gathering evidence, it is crucial that the Parties present evidence and identify witnesses to the Investigator(s) so that they may be considered during the investigation. While all evidence presented at a hearing by the Parties will be considered, the Hearing Facilitator(s) may, in its/their discretion consider relevant evidence. The Investigator(s) will take reasonable steps to prevent and address unauthorized disclosure of evidence.

The investigation file should contain all information gathered during the investigation that is potentially relevant to the alleged misconduct; the Investigator(s) should not filter or exclude evidence or decide the weight or credibility of evidence, unless the evidence is clearly irrelevant or not pertinent to the facts at issue.

Following the investigation, the Investigator(s) will draft an investigation report succinctly describing all collected information. The Investigator(s) will not make any recommendation as to whether a policy violation has occurred or potential Sanctions.

Evidentiary Considerations:

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the Parties; 3) evidence protected under a privilege defined by federal or CT law; or 4) a Party's or witness's records maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the treatment to the Party or witness; or 5) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by

itself demonstrate or imply the Complainant's consent to the alleged Sexual Harassment or preclude determination that Sexual Harassment occurred.

Investigation Report:

The Investigator(s) will prepare an investigation report summarizing all relevant evidence. The report will exclude all non-relevant evidence, as well as any evidence not subject to disclosure for reasons set forth herein (e.g., medical records the Party has not authorized for disclosure).

Prior to completing the investigation report, the Investigator(s) will send to both Complainant and Respondent, and their Advisors, if identified, all evidence obtained as part of the investigation that is considered relevant to the allegations raised in the Complaint, regardless of whether it is anticipated that the evidence will be used at the hearing or in connection with any decision on responsibility, along with a draft investigative report. The Parties are strictly prohibited from disclosing or disseminating the evidence to any third parties, except their Advisor, and from using it for purposes other than carrying out the Grievance Procedures. Complainant and Respondent will have ten (10) business days to provide a written response by email to the Investigator concerning the evidence and or the investigative report, including identifying additional evidence for the Investigator's consideration prior to completing the final investigative report. The response must be by the Party, not the Party's Advisor. A Party's response should be shared with the other Party.

The Investigator(s) may share the report with the Title IX Coordinator and/or legal counsel for their review and feedback. The Investigator(s) will incorporate any relevant feedback, and the final report will then be shared with the Parties and their Advisors through secure electronic transmission at least ten (10) business days prior to a hearing. The Parties are also provided with a file of any relevant evidence that was not included in the report.

Hearing Notice/Referral for Hearing:

Once the final investigation report is shared with the Parties, the Title IX Coordinator will refer the matter for a hearing. The hearing cannot be less than ten (10) business days from the conclusion of the investigation when the final investigation report is transmitted to the Parties and the member of the Hearing Panel that will act as the Hearing Facilitator and serve as the decision-maker.

The Title IX Coordinator will select an appropriate Hearing Facilitator(s) from the Hearing Panel depending on whether the Respondent is an employee or a student. Allegations involving student-employees in the context of their employment will be directed to the appropriate Hearing Facilitator depending on the context and nature of the alleged misconduct. When a Complainant or Respondent is both a student and an employee of the University of New Haven, the University of New Haven will make a fact-specific inquiry to determine whether the requirements of this Policy apply. In making this determination, the University of New Haven will consider whether the Party's primary relationship with the University of New Haven is to receive an education and whether the alleged sex discrimination

occurred while the Party was performing employment-related work. The Hearing Facilitator may be a hired party outside of the University.

After the investigation report has been provided and not fewer than ten (10) business days before the hearing, the Title IX Coordinator will issue a hearing notice via email advising the Parties of the following:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures
- The date, time, and location of the hearing
- Information about the option for the live hearing to occur with the Parties located in separate rooms using technology that enables the Hearing Facilitator(s) and Parties to see and hear a Party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- Any technology that will be used to facilitate the hearing
- Information on how the hearing will be recorded
- A list of those who will be attending the hearing
- Requirement of an Advisor for the day of the hearing for any questions they may desire to ask (the Party must notify the Title IX Coordinator if they do not have an Advisor, and the University of New Haven will appoint one, provided however, the University is not required to appoint an attorney-advisor, even if the other Party has an attorney-advisor). This includes the ability for each Party to propose questions that the Party wants asked of any Party or witness and have those questions asked by the Decisionmaker and allows each Party's Advisor to ask any Party or witness such questions, each subject to the relevancy requirements. Such questioning must never be conducted by a Party personally. If a Party does not have an Advisor to ask questions on their behalf, the University of New Haven will provide the Party with an Advisor, without charge to the Party, for the purpose of Advisor-conducted questioning.
- An invitation to each Party to submit to the Hearing Facilitator an impact statement pre-hearing that the Hearing Facilitator will review during any Sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, such as: language assistance and/or interpretation services that may be needed at the hearing, at least seven (7) business day prior to the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

F. Dismissal(s) (Mandatory or Discretionary)

1. The University of New Haven must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:
 - a. The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
 - b. The conduct did not occur in an educational program or activity controlled by the University of New Haven (including buildings or property controlled by recognized student organizations), and/or the Respondent is not a member of the University Community; and/or
 - c. The conduct did not occur against a person in the United States; and/or
 - d. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the recipient.
2. The University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:
 - a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
 - b. The Respondent is no longer enrolled in or employed by the recipient; or
 - c. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein; or,
 - d. The University determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Prior to dismissing the complaint for this reason, the University must make reasonable efforts to clarify the allegations in the complaint.
3. In all such circumstances, supportive measures may be continued.
4. Under F.1.b.:
 - a. The Respondent's student or employment records may be marked to indicate their departure during a disciplinary process (which may resume if they return to the University of New Haven but will not indicate that such Respondent was found or assumed responsible for any alleged misconduct pending at the time of departure).
 - b. The Respondent may be required to notify the Title IX Coordinator if they intend to visit any building owned or controlled by the University of New Haven or a student organization that is officially recognized by the University of New Haven, or if they otherwise seek to attend any University of New Haven education program or activity or event, so that the Complainant may be given an opportunity to receive supportive measures if needed.
5. The University of New Haven will provide the Parties, simultaneously, with written notice of the dismissal and the basis for the dismissal, except if the dismissal occurs before the Respondent

has been notified of the allegations, in which case written notice will be provided only to the Complainant.

6. The dismissal of one or more allegations does not prevent the remaining allegations from proceeding under the Grievance Process provided herein. Dismissal is solely a procedural requirement of Title IX and does not prevent the University from proceeding with a Grievance Process or imposing discipline under this sexual misconduct policy or other University policies.
7. This dismissal decision is appealable by any party under the procedures for appeal below. The University will notify the Complainant of its right to appeal a dismissal.

G. Adjudication

1. Adjudication via hearing

- a. The University of New Haven's Grievance Procedures will culminate in a live hearing before one or more Hearing Facilitators, who will consider all evidence presented (subject to the terms below) and determine whether a Respondent is responsible or not responsible for a violation of this Policy, based on a preponderance of evidence standard; whether it is more likely than not that the Respondent violated the Policy as alleged. Under that standard, the burden of proof is met, and a Respondent may be found responsible for a policy violation, if the Decisionmaker(s) determines that it is more likely than not that the Respondent committed the conduct alleged. Respondents are entitled to, and will receive the benefit of, a presumption that they are not responsible for the alleged conduct until the Grievance Procedures concludes and a determination regarding responsibility is issued. If the Respondent is found responsible for a violation of this policy, the Respondent may be subjected to Sanctions.
- b. The Hearing Facilitator/Decisionmaker(s) will be selected by the Title IX Coordinator and may vary based on the enrollment or employment status of the Respondent. The Hearing Facilitator(s) will not be the same person as the Title IX Coordinator or the Investigator.
- c. At the request of either Party, the University of New Haven will allow the live hearing to take place with the Parties located in separate rooms. Technology must enable the adjudicator(s) and Parties to simultaneously see and hear the Party or witness answering questions. Live hearings may, then, be conducted with the Parties physically present in the same location, or any or all parties, witnesses and other participants may appear at the live hearing virtually.

2. Information Submission

- a. The Title IX Coordinator will identify the Hearing Facilitator(s) to the Parties five (5) days in advance of the hearing. Either Party may challenge a named Hearing Facilitator if

believed to have a conflict of interest or bias. A challenge must be delivered in writing to the Title IX Coordinator at least two days in advance of the hearing, specifying the reasons for such belief. The Title IX Coordinator has sole discretion to keep or replace the challenged Hearing Facilitator, and if replaced, will postpone the hearing to allow for a replacement Hearing Facilitator.

- b. Five (5) days in advance of the hearing, the Parties will identify their expected attendees (including any advisor) and their expected witnesses (including themselves), including the witnesses' expected sequence, via writing to the Title IX Coordinator, who will supply the disclosure to the other Party so that they can be prepared. The Parties will not be strictly bound to their disclosures, but they should be submitted in good faith.
- c. Typically, the Parties will be in charge of choosing and supplying their own witnesses at the hearing. When necessary for the pursuit of truth and to gather evidence sufficient to reach a determination, the Decisionmaker(s) will have discretion to ask the Title IX Coordinator to request additional witnesses after receipt of the Parties' witness lists recognizing, however, that the school has no ability to compel any witness to attend. Any such requested witness will be disclosed to the Parties.
- d. Any party or 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 party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

3. Evidence

The Hearing Facilitator is responsible for making all determinations of relevance as to witnesses, questions and documentary evidence presented at the hearing. For purposes of this policy, "relevant" means that the evidence is evidence that tends to prove or disprove an issue in the complaint. Evidence that is not relevant will be excluded at the hearing and may not form the basis for any decision by the Hearing Facilitator. Evidence that is duplicative of evidence already in the hearing record may be deemed not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct or if the questions and evidence concern a specific incident of the Complainant's prior sexual

behavior with respect to the Respondent and are offered to prove consent. The Decisionmaker will explain any decision to exclude evidence or a question as not relevant or otherwise impermissible.

At the hearing, all relevant evidence will be objectively evaluated. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The Title IX Regulations state that questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

- Offered to prove that someone other than the Respondent committed the conduct alleged or
- If the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- Impermissible evidence must be excluded regardless of relevance, which includes:
 - Evidence under privilege protected by law or provided to confidential employee, unless there is a voluntary waiver
 - Treatment records, unless there is voluntary, written consent
- If a Decisionmaker determines that a Party's question is relevant and not otherwise impermissible, then the question must be asked except that a postsecondary institution must not permit questions that are unclear or harassing of the Party or witness being questioned.
- The Decisionmaker must give a Party an opportunity to clarify or revise a question that the Decisionmaker has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question to satisfy the terms of this paragraph, the question must be asked.
- Refusal to respond to questions an inference based on refusal to respond to questions. A Decisionmaker may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible. The Decisionmaker must not draw an inference about whether sex discrimination occurred based solely on a Party's or witness's refusal to respond to such question.

4. Recording Hearings

Hearings (but not deliberations) are recorded by the University for purposes of review in the event of an appeal. The Parties may not record the proceedings as unauthorized recordings are prohibited.

The Hearing Facilitator(s), the Parties, their Advisors, and appropriate administrators of the University of New Haven will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without the permission of the Title IX Coordinator.

5. Cross-examination

As stated above, each Party may be accompanied to the hearing by the Advisor of their choice. The Advisor may be, but is not required to be, an attorney. Advisors may be present solely to advise or support the Party and are prohibited from speaking directly to the investigator, Hearing Facilitator(s), other parties, or witnesses during the hearing, except for conducting cross examination.

At the hearing, each Party's Advisor is permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross examination at the live hearing must be conducted directly, orally, and in real time by the Party's Advisor of choice, and never by a Party personally. However, the Hearing Facilitator(s) will typically ask questions before either Advisor.

If a Party does not have an Advisor present at the live hearing, the University of New Haven will provide without fee or charge to that Party, an Advisor who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that Party.

- If a Party does not have an Advisor for the hearing, the Party must notify the Title IX Coordinator no later than the Party's pre-hearing disclosures. Otherwise, the hearing may be delayed, and the appointed Advisor may have less time to prepare for the hearing.
- Process for appointing Advisor: The Title IX Coordinator will assign based on a pool of trained advisors.

Only relevant cross-examination and other questions may be asked of a Party or witness. Before a Party or witness answers a cross-examination or other question, the Hearing Facilitator(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

6. Deliberation, Determination Regarding Responsibility, and Standard of Proof

The Hearing Facilitator (s) will issue a written determination following the hearing. Based on the preponderance of the evidence, the Decisionmaker(s) will decide if the Respondent is responsible for engaging in Prohibited Conduct, and if so, what disciplinary action may be appropriate.

The written determination will include:

1. Identification of the allegations potentially constituting sex discrimination or sexual harassment;
2. A description of the procedural steps taken from the receipt of the Complaint through the determination;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of this Policy to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;

- b. If the Respondent is found responsible, any disciplinary Sanctions the Decisionmaker(s) imposes on the Respondent;
- c. Whether remedies designed to restore or preserve equal access to the University of New Haven's education program or activity will be provided to the Complainant; and
- d. Procedures and permissible bases for the Parties to appeal the determination.

The written determination will be provided to the Parties simultaneously by the Title IX Coordinator.

Supportive measures also may be provided to the Complainant that are designed to restore or preserve equal access to the University of New Haven's education program or activity, even if they are not listed in the written determination. Remedies and supportive measures that do not impact the Respondent should not be disclosed in the written determination; rather, the determination should simply indicate that remedies will be provided to the Complainant. The Title IX Coordinator is responsible for effective implementation of any remedies and supportive measures.

7. Sanctions and Remedies

If the Respondent is found responsible for any Prohibited Conduct, the Title IX Coordinator will provide the Hearing Facilitator with the Respondent's prior conduct record for consideration in the Hearing Facilitator's assignment of a Sanction or Sanctions.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

Student Sanctions: The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- *Warning:* A formal notice that the conduct has violated institutional regulations and a warning that further violation of any University of New Haven policy, procedure, or directive will result in more severe disciplinary actions.
- *Loss of Privileges:* Denial of specific privileges for a designated period of time. Such action includes but is not limited to loss of use of a specific University facility, campus motor vehicle parking and operating privileges, and social privileges. A date will be specified after which the student may regain those privileges.
- *Probation:* A written reprimand for a specific violation. Probation is for a designated period of time during which a student must show a positive change in behavior and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period. Disciplinary probation is a status which may involve restrictions, conditions, or terms imposed for a definite period of time which may include but are not limited to ineligibility to participate in University activities or events, periodic contact or counseling with a designated member of the University community,

restrictions on access to University facilities and/or housing areas, and change of housing assignment, no-contact orders, and/or other measures deemed appropriate.

- *University Suspension:* Separation of the student from the University for a definite period of time during which the student is excluded from classes, residence on campus, and all privileges and activities of the University. During a period of suspension, a student is not permitted on University property without the written permission of the Dean of Students. Suspension is recorded on the student's academic record for the period of the suspension and removed upon completion of the suspension period. Upon termination of the suspension period, the student may petition the Dean of Students for reinstatement to their former status; the Dean must approve readmission/reinstatement. The University reserves the right to readmit or deny readmission to a student following a period of suspension.
- *University Expulsion:* Permanent termination of student status without the possibility of readmission and revocation of rights to be on campus for any reason or to attend University-sponsored events. A sanction of expulsion must be reviewed and approved by the Chief Student Affairs Officer and President before it becomes effective. Expulsion is recorded on the student's academic record.
- *Withholding of Degree:* The University may withhold the awarding of a degree otherwise earned until completion of the process set forth in this Student Code of conduct, including completion of any sanctions imposed.
- *Revocation of Admission and/or Degree:* Admission to the University or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Sanctions Applicable to Student Clubs, Groups, and Organizations:* If a recognized student organization violates a policy or regulation of the University or local, state, or federal law, one or more of the following sanctions may be imposed:
 - Those sanctions listed in the University Code of Conduct, Article VIII (B) 1-6.
 - Loss of selected rights and privileges for a specified period of time.
 - Deactivation, defined as loss of all privileges, including University recognition, for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed reasonable and appropriate in light of the Respondent's conduct.

Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal or Written*
- *Cease and Desist Orders*
- *Performance Improvement Plan/Management Process*

- *Enhanced Supervision, Observation, or Review*
- *Required Training or Education*
- *Probation*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Reassignment or Transfer*
- *Delay of Tenure Track Program*
- *Assignment to New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, the University reserves the right to alter the above recommended sanctions if there are compelling circumstances that justify greater or lesser sanctions.

The Title IX Coordinator may increase or decrease the recommended sanction guidelines listed above in the case of significant mitigating or aggravating factors. The Title IX Coordinator also may include additional Sanctions, educational or otherwise, in accordance with the general student conduct process.

The Title IX Coordinator is responsible for the implementation of remedies designed to restore or preserve equal access to the University of New Haven's education program or activity. While remedies might constitute supportive measures, they also might involve the Title IX Coordinator implementing Sanctions imposed by the Decisionmaker(s).

8. Withdrawal or Resignation While Charges Pending

Students: If a student has an allegation pending for violation of the Policy on Sexual Harassment and Misconduct, the University of New Haven may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the University, the resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student.

However, the University of New Haven will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, misconduct, and/or retaliation. The student who withdraws from or leaves the University while the process is pending may not return without resuming this Grievance process. Such exclusion

applies to all campuses, events, and activities of the University of New Haven. A hold will be placed on their ability to be readmitted pending a Hearing consistent with this policy.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student will not be permitted to return to the University unless and until all sanctions have been satisfied.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee.

However, the University of New Haven will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the University or any campus of the University, and the records retained by the Title IX Coordinator will reflect that status.

9. Finality

The determination regarding responsibility becomes final either:

- If an appeal is filed, on the date that the University of New Haven provides the Parties with the written determination of the result of the appeal, or
- If an appeal is not filed, the date on which an appeal would no longer be considered timely.

H. Appeals

Both Parties may file a request for an appeal from a determination regarding responsibility, or from a dismissal of a Complaint or any allegations therein, either party may file a request for an appeal in writing to the Title IX Coordinator within five (5) days of the delivery of the notice of outcome on the following bases:

- a. Procedural irregularity that affected the outcome of the matter;
- b. 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; and
- c. The Title IX Coordinator, Investigator(s), or Hearing Facilitator(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

All requests for appeal(s) will be forwarded to the Appeal Decisionmaker(s) for consideration to determine if the request meets the grounds for appeal.

Upon receipt of an appeal, the University of New Haven will

- a. Notify the other Party in writing when the appeal is filed and implement appeal procedures equally for both Parties;
- b. Ensure that the Appeal Decisionmaker(s) for the appeal is not the same person as the Hearing Facilitator(s) that reached the original determination regarding responsibility or dismissal, the investigator(s), the Title IX Coordinator, or Assistant Title IX Coordinator;
- c. Ensure that the Appeal Decisionmaker(s) does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent, and that the Appeal Decisionmaker(s) has received the appropriate and necessary training;
- d. Give both Parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The University of New Haven will provide a copy of the appeal to the non-appealing Party. The non-appealing Party may submit a written statement within five (5) days that may seek to affirm the initial decision and/or respond to the appeal statement.

The Title IX Coordinator has discretion to impose or withhold any supportive measures prior to the appeal deadline and prior to the resolution of any appeal.

The Appeal Decisionmaker(s) will issue a written decision describing the result of the appeal and the rationale for the result within a reasonably prompt time frame following receipt of all appeals materials. The appeal will determine whether the Decisionmaker(s) made an error on the grounds alleged in the appeal statement. The appeal is typically determined based on the existing record, but the Appeal Decisionmaker(s) will have discretion to convene a limited or full hearing if needed. The appeal decision will be given simultaneously to both Parties.

Any Sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the supportive measure procedures described above.

The University of New Haven may place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original Sanctions included separation. The Respondent may request a stay of these holds from the Title IX Coordinator two (2) business days of the notice of the Sanctions. The request will be evaluated by the Title IX Coordinator, whose determination is final.

The Appeal Decisionmaker(s)'s decision is final. No further appeals are permitted.

I. Long Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions that are intended to stop harassment, misconduct, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of University Police escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the University to the Respondent to ensure no effective denial of educational access.

The University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the University's ability to provide these services.

J. False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. Disciplinary action will not be imposed, however, for allegations that are made in good faith but ultimately are shown to be erroneous or do not result in a policy violation determination.

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

XI. Retaliation

Retaliation that relates to sexual harassment and occurs in an educational program or activity may violate Title IX. The University of New Haven prohibits members of the University of New Haven community from taking or attempting 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 and procedure.

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

Acts of alleged Retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University of New Haven will take all appropriate and available steps to protect individuals who fear that they may be subjected to Retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of Grievance Procedures under this Policy and procedure does not constitute Retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any Party has made a materially false statement in bad faith.

XII. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are deemed in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate scheduling. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections or promises beyond the protections of the background state and federal laws which frame this policy, generally.

This Policy and procedures are effective September 10, 2025.

XIII. University of New Haven & Community Resources

On Campus Resources:

Title IX Office: The Title IX Office takes reports and complaints regarding sexual harassment, sexual violence, relationship violence, and stalking. The Title IX Coordinator coordinates the investigatory process. Can provide access to support services to Complainants and Respondents, and assist in making adjustments to academic, living, and work situations.

Robin Salters
Director, Organizational Engagement &
Service Delivery and Title IX Coordinator
Allingtown Hall, Room 112
203-932-7022
rsalters@newhaven.edu

Emily Guido
Assistant Title IX Coordinator / Director
of Title IX Compliance
Peterson Library, Room 203
203-932-7264
eguido@newhaven.edu

Ophelie Rowe-Allen, Ed.D.
Vice President of Student Affairs and
Dean of Students
Deputy Title IX Coordinator
Bartels Hall
203-932-7176
orallen@newhaven.edu

Becky Clark
Deputy Director of Athletics for
Internal Operations and SWA /
Deputy Title IX Coordinator
Jeffrey P. Hazel Athletics Center
203-932-7023
bclark@newhaven.edu

University Police Department: University Police Officers assist with the immediate medical needs of victims; work with the Title IX Office in investigation and adjudication of incidents, where appropriate; provide timely, campus-wide notification of incidents which pose an ongoing or continuing threat to the community; and assist in the preservation of evidence.

University Emergency Line: (203) 932-7070

University Routine Line: (203) 932-7014

Office of Residential Life: Office of Residential Life staff members are knowledgeable about campus and local services and can help victims of sexual misconduct get assistance and provide support to residents impacted by sexual misconduct.

Bixler Hall, Lower Level: (203) 932-7076

Counseling and Psychological Services 'CAPS' (Confidential): Counseling and Psychological Services staff provides students with support for the long-term effects of sexual assault. All contacts are confidential.

Charger Plaza, Building B: (203) 932-7333

Dean of Students Office: The Dean of Students Office works closely with the University's Title IX Office in the investigation and adjudication of incidents of sexual misconduct; provide support to student victims; and work towards maintaining a balance between addressing the needs of the victim and the needs of the campus community.

Bartels Campus Center, Top level (203) 932.7432

Health Services (Confidential): Health Services is open to all currently enrolled University students without charge, Monday through Friday during the academic year. Staff members provide crisis and follow-up care for victims of sexual assault and make referrals to local hospitals for the administration of sexual assault evidence collection kits (also known as a rape kit). For immediate medical needs

during hours when Health Services is closed, students should seek emergency services, i.e., local hospital emergency rooms, University Police Department, local police, and local rape crisis center.

Sheffield Hall, Lower Level: (203) 932-7079

Human Resources Office (Employees): The Human Resources staff members are knowledgeable about harassment prevention policies and practices. If you believe there is an issue or have encountered an issue of harassment or misconduct, please contact Human Resources.

Allingtown Hall, First Level (203) 932.7297

Off Campus/Other Resources:

Rape Crisis Center of Milford (College Advocate): Provides support, advocacy, and crisis counseling for victims and relays the options available to victims of sexual assault and the campus community. The College Advocate also provides educational opportunities to the campus community. The advocate is available to be present with the victim from the time of disclosure of sexual assault.

24-hour Confidential Hotline

(203) 878-1212

mrcc@newhaven.edu

BHcare (Umbrella Center for Domestic Violence Services): Provides crisis intervention that includes safety planning, risk assessment, and domestic violence education for victims of domestic violence. Educational presentations are available to the student community upon request.

24-hour Confidential Hotline

Statewide: (888) 774-2900

Greater New Haven and Shoreline: (203) 789-8104

Lower Naugatuck Valley: (203) 736-9944

National & Statewide Resources:

Connecticut Coalition Against Domestic Violence:

(888) 774-2900 – 24-hour hotline

National Suicide Prevention Lifeline

(800) 273-8255 English Hotline

(800) 628-9454 Spanish Hotline

Connecticut Alliance to End Sexual Violence:

(888) 999-5545 English Hotline

(888) 568-8332 Spanish Hotline

<https://endsexualviolence.org/>

National Center for Victims of Crime

(855) 484-2846

Online Chat Feature:

<https://chat.victimsofcrime.org>

Stalking Prevention, Awareness & Resources Center (SPARC)

<http://www.stalkingawareness.org/>

Male Survivor: Critical Resources for Male Survivors of Sexual Trauma

www.malesurvivor.org

Inquiries regarding discrimination, retaliation, or harassment may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Office for Civil Rights (OCR)
Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Customer Service Hotline #: (617) 289-0111
Facsimile: (617) 289-0150
Email: OCR.Boston@ed.gov
301-496-4000
TTY 301-402-9612
Email: GranteeHarassment@od.nih.gov

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

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001
Customer Service Hotline #: (202) 514-4609
TDD#: (202) 514-0716
National Institutes of Health (NIH)
9000 Rockville Pike
Bethesda, Maryland 20892