

POLICY ON SEXUAL AND GENDER-BASED INTERPERSONAL VIOLENCE AND HARASSMENT

The University of Bridgeport (the “University” or “UB”) is committed to providing an environment free from gender-based discrimination and harassment. Consistent with the University’s commitment to equal opportunity and non-discrimination, the University strictly prohibits Sexual Assault, Sexual Exploitation, Dating, Relationship or Domestic Partner Violence, Stalking, Sexual or Gender-Based Harassment, or Retaliation against a person for the good faith reporting of these forms of conduct or participation in an investigation or proceeding under this Policy (collectively, “Prohibited Conduct”).

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.

Every member of the University community plays a role in fostering an environment free of the unlawful discrimination and is encouraged to take reasonable and prudent actions to prevent or respond to Prohibited Conduct. Any member of the campus community who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community, guest or visitor on the basis of their gender or other protected class characteristic is subject to sanctions under this Policy. When brought to the attention of the University of Bridgeport, any such discrimination will be appropriately addressed and remedied in accordance with the resolution procedures described herein. Non-members of the campus community, including vendors, guests or visitors, who engage in discriminatory actions within University of Bridgeport programs or on University of Bridgeport property are not subject to the resolution procedures under this Policy, but can be subject to actions that limit their access and/or involvement with University of Bridgeport programs as the result of such misconduct.

As further discussed in this Policy, faculty and administrators are required to report violations of this Policy which they observe or receive information about involving students. Supervisory employees are also required to report violations of this Policy involving employees. Upon receiving any report of Prohibited Conduct, the University will respond promptly, equitably and thoroughly, as further set forth herein. When a Respondent is found to have violated this Policy, appropriate sanctions will be used to ensure that such actions will not be repeated and to remedy any effects to the extent possible.

This Policy applies to Prohibited Conduct that takes place on the campus, at University-sponsored events and may also apply to off-campus and/or to electronic or telephonic communications regardless of location when the Title IX Coordinator determines that the off-campus conduct affects a substantial University of Bridgeport interest, including: i) any action that constitutes a criminal offense under federal or state law; ii) any action which presents a danger or threat to the health or safety of self or others; and iii) any situation that is detrimental to the educational interests of the University of Bridgeport or to the wellbeing of the campus community.

Any University of Bridgeport community member who has questions about this Policy should contact the University’s Title IX Coordinator.

Title IX Coordinator and Deputy Title IX Coordinators

Gwaina Wauldon serves as the Title IX Coordinator and Director of Student Accessibility Services and is responsible for monitoring the University’s compliance with Title IX and implementation of the University’s policies on equal opportunity and nondiscrimination, Acts of Violence, Bias or Hate, and Sexual and Gender-based Interpersonal Violence and Harassment. Ms. Wauldon ensures appropriate

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education and training is provided to the community, and that prompt and effective action is taken to address and eliminate Prohibited Conduct. The Title IX Coordinator is available to meet with any member of the UB community to discuss any complaint or concerns arising under these policies. The University has also designated Deputy Title IX Coordinators who will assist the Title IX Coordinator in the discharge of these responsibilities.

The Title IX Coordinator and Deputy Title IX Coordinators contact information are as follows:

Gwaina Wauldon, M.S., J.D.
Title IX Coordinator and Director of Student Accessibility Services
Carstensen Hall, Room 115
(203) 576-4454
Email: titleix@bridgeport.edu

Ranyne Herbert Johnson, M.Div.
Deputy Title IX Coordinator for Student Affairs & Asst. Director of Student Accessibility Services
Carstensen Hall, Room 103
(203) 576-4104
Email: titleix@bridgeport.edu

Melitha Przygoda, Ed.D.
Deputy Title IX Coordinator for Faculty and Staff
Human Resources Director
Wahlstrom Library, 7th Floor
(203) 576-4588
Email: mprzygod@bridgeport.edu

Tracy Brockman-Diaz, MS, SPHR
Deputy Title IX Coordinator for Faculty and Staff
Senior Associate Director of Human Resources
Wahlstrom Library, 7th Floor
(203) 576-4304
Email: tbdiaz@bridgeport.edu

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

Office for Civil Rights (OCR)
U.S. Department of Education
8th Floor, Five Post Office Square
Boston, MA 02109-3921
Customer Service Hotline #: (617) 289-0111
Fax: (617) 289-0150
TDD: (800) 877-8339
Email: ocr.boston@ed.gov.
Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: (800) 669-4000

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Fax: (617) 565-3196
TTY: (800) 669-6820
Web: <https://www.eeoc.gov/>

Prevention and Awareness Programs

The following prevention and awareness resources are available at the University:

Prevention of Sexual Assault and other Forms of Violence or Hate Crimes

The University encourages students and our entire community to endeavor to prevent occurrences of sexual assault, intimate partner violence or other misconduct based upon gender, gender identity or expression, race, ethnicity or other discriminatory basis, and to join in creating a campus environment where such misconduct is not tolerated.

The University's Sexual Assault Response Prevention Team (SARPT) works to provide students with a collaborative and survivor-oriented response to sexual assault and other forms of gender based violence. SARPT members coordinate resources available to survivors and offer individualized support as needed. The University's Campus Resource Team (CRT) is a broader community coalition, that includes the Center for Family Justice and local police and prosecutors, which meets several times a year to review the University's sexual assault policies and to coordinate the resources available to victims both on and off campus.

Educational programs and workshops to promote awareness about sexual assault and related issues are coordinated by the Dean of Students, Residential Life, the Title IX Coordinator, and Human Resources. This includes orientation programs, "Haven" sexual assault/bystander education training required for new students and employees, and campus-wide awareness events such as "Take Back the Night."

Consent and Related Guidance

Affirmative consent is the standard used to determine whether sexual activity was consensual. Consent to sexual activity must be clear, active, informed, and voluntary, from beginning to end in every situation. Consent to one form of sexual activity does not constitute consent to all forms of sexual contact. Each participant in sexual activity must consent to each act.

Consent must be actively demonstrated through mutually understandable words or actions which clearly convey a willingness to engage in the activity. Consent may not be inferred from silence or passivity.

The person initiating the activity has the responsibility of obtaining advance consent for each sexual activity and should be able to explain the basis why consent existed. Consent may be withdrawn at any time, but must be outwardly expressed. Once withdrawn, sexual activity must cease. Lack of protest or resistance does not demonstrate consent to sexual activity.

Consent is not effective if obtained from the use of force, threats, intimidation, coercion, incapacitation, or any other factor which would eliminate a person's ability to exercise free will as to whether or not to have sexual contact. Coercion includes oppressive behavior which prevents another person from choosing whether to have sex or administering or pressuring another to consume a drug or intoxicant with the intent of impairing their ability to consent. An incapacitated person cannot give consent. A person may be incapacitated due to alcohol or drug use, because of an intellectual or other disability or the person is asleep, unconscious, or unaware that sexual activity is ongoing.

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Alcohol and Other Drugs

Alcohol and drugs impair a person's ability to engage in decision-making. Engaging in sexual activity while under the influence of alcohol and drugs can result in confusion or disagreement over whether consent was freely and clearly given. Therefore, it is especially important to be cognizant regarding the other person's level of intoxication before engaging in sexual activity and, in cases of doubt, it is prudent to refrain from such activity. A person's intoxication is never an excuse for violent or harassing conduct or for failing to obtain consent.

Resources and Reporting Options

A student, employee, or third party may wish to make a report to the University and/or to pursue resolution under this Policy of Prohibited Conduct within the University's jurisdiction (as defined below) and may also choose to make a report to law enforcement. While prompt reporting is encouraged, there is no prescribed time limitation for reporting Prohibited Conduct. However, the University's ability to investigate or to take corrective or remedial actions may be limited by delay in reporting.

Emergency Assistance

Whenever health/safety is in danger, call 911 immediately and/or Campus Security at (203)576-4911. If you are on campus you can press your Personal Alarm Locator (PAL). All University students and employees should carry a PAL while on campus. If you do not have a PAL go to UB Security at Norsemen Hall, 221 University Avenue to obtain one.

Medical Assistance

It is important to promptly seek medical attention and counseling to address the aftermath of an assault. Survivors are strongly urged to seek immediate medical assistance at Bridgeport Hospital, 267 Grant Street, Bridgeport, CT 06610 (203) 384-3566. Trained hospital personnel will identify and treat injury, provide emergency contraception, administer medication to prevent possible transmission of sexually transmitted infection, and/or gather and preserve evidence. Call for an ambulance, or ask UB Security (203) 576-4911 to arrange transportation. You may also seek treatment at St. Vincent's Medical Center (2800 Main Street, Bridgeport, (203) 576-6000 or go to Student Health Services, Room 119, 60 Lafayette Street, during the hours of 8:30 AM - 4:30 PM, Monday through Friday, or seek assistance from your personal physician. It is preferable to visit a local hospital emergency room as soon as possible and within 72 hours of the assault.

Crisis Counseling Support and Assistance

The University of Bridgeport has a partnership with **The Center for Family Justice** which provides 24-hour crisis counseling/consultation for survivors of sexual assault or other forms of domestic or intimate partner violence. The Center's telephone number is (203) 333-2233 or (888) 999-5545 after hours. UB Counseling Services, located on the 2nd floor of Carstensen Hall, 174 University Avenue, (203) 576-4454, also offers free, confidential counseling for students Monday through Friday during the hours of 9:00 AM through 5:00 PM.

Reporting to Law Enforcement

Survivors of sexual assault or other forms of violence on campus are encouraged to report the incident to Campus Security and/or the Bridgeport Police Department as soon as possible. Students may call Campus Security (203) 576-4911, the Bridgeport Police (911, for non-emergencies (203) 576-7671). Any student or other individual with knowledge of a sexual assault or other crime on campus is encouraged to report the matter to Campus Security (203) 576-4911.

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Options for Complainants

The University offers a variety of options and resources to survivors of sexual assault or gender based violence. Generally, when a report of sexual assault is received by Campus Security or a University administrator, it will be referred for investigation and response. Alternatively, the University provides additional options for reporting, as well as confidential resource options, which if elected, will not result in any reporting of the incident to the University. The following is a summary of both non-confidential and confidential resources:

Resources (Non-Confidential)

The following individuals have special training to provide assistance:

- Campus Security (203) 576-4911
- Dean of Students (203) 576-4392
- Title IX Coordinator (203) 576-4454
- Deputy Title IX Coordinator (203) 576-4104
- Office of Housing, Residential Life and Community Standards (203) 576-4228
- **For Employee Complaints:** Title IX Deputy Coordinators for Employee Matters Melitha Przygoda (203) 576-4588 or Tracy Brockman-Diaz (203) 576-4304
- A report may also be initiated by completing an online form <http://www.bridgeport.edu/life/ub-cares/>

Survivors of sexual assault or interpersonal violence may exclude personally identifiable information when making a report; however, that may limit the University's ability to investigate.

Confidential Resources

The following confidential resources are available for students who wish to talk to someone about an incident of sexual misconduct or other form of violence in a confidential manner or to explore options without having the matter reported to the University:

- UB Counseling Services, located on the 2nd floor of Carstensen Hall, 174 University Avenue (203) 576-4454, 9:00 AM though 5:00 PM.
- Student Health Services, located in room 119 of the Student Health Science Building, 60 Lafayette Blvd, 8:30 AM through 4:30 PM.
- The Center for Family Justice, 753 Fairfield Avenue, Bridgeport, (203) 333-2233

The following confidential resources are available for an employee who is a survivor of sexual misconduct or other form of violence and wishes to speak to someone confidentially without the matter being reported to the University:

- Employee Assistance Program, www.higheredeap.com
- The Center for Family Justice, 753 Fairfield Avenue, Bridgeport, (203) 333-2233

Responsible Employee Reporting

University of Bridgeport faculty, administrators, and staff, including, but not limited to, employees who work in student affairs, athletics, and human resources, faculty advisors, and graduate and resident assistants (except employees designated in writing by UB in accordance with applicable law to maintain confidentiality, e.g., counselors and student health services personnel) are required by the University in accordance with applicable law to report any incidents of sexual misconduct or gender based violence or harassment involving any student. Supervisory employees are required to report any incidents of sexual misconduct or gender based violence or harassment involving any employee.

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Reports of misconduct involving a student should be made to the Title IX Coordinator or Deputy Title IX Coordinator, and reports of misconduct involving employee(s) should be made to a Deputy Title IX Coordinator for Faculty and Staff. In the event of any emergency or immediate safety threat, reports should be made to Campus Security (203) 576-4911 and/or the Bridgeport Police Department (911) (in addition to the appropriate Title IX Coordinator(s)).

All employees receiving a report of a potential violation of this Policy are expected to promptly contact the Title IX Coordinator (or Deputy Title Coordinators) within 24 hours of becoming aware of a report or incident. All reported information will be treated with as much privacy as possible, subject to the University's obligation to redress violations. When providing a report, a UB employee must report all information received and should not investigate or confirm what is reported—that function will be undertaken by Campus Security, Title IX Coordinator or others.

In investigating the reported misconduct, the University will be guided by the goal of empowering the survivor and allowing him or her to retain as much control as possible over the process, consistent with the University's commitment to providing a safe and non-discriminatory educational and work environment.

Reporting Suspected Abuse of Minors

University employees, including teachers, counselors, clergy, coaches, nurses and other personnel who frequently work with minors are mandatory reporters under Connecticut law with regard to sexual or physical abuse of any individual under the age of 18. Any reasonable suspicion of abuse or neglect of a minor, as defined by Connecticut law, must be reported to the Department of Children and Families' ("DCF") 24-hour hotline (1-800-842-2288) within 12 hours. Please refer to www.ct.gov/dcf/cwp/view.asp?a=2556&q=314384 for further guidance regarding reporting requirements. All employees, whether mandated reporters or not, must also promptly report any suspicion of child abuse or neglect involving a UB student or employee or occurring on campus to Campus Security (203-576-4911) and the Bridgeport Police Department (911). Please contact the Office of Human Resources if you have any questions or need guidance.

Bystander Reporting

The University encourages anyone who witnesses a sexual assault or other acts of violence on campus to immediately contact Bridgeport Police (911), Campus Security (203) 576-4911, or the Title IX Coordinator. Students are encouraged to intervene to remove another student from a dangerous situation and in those instances where assistance can be rendered safely. Students may also submit an anonymous report by completing a Title IX report online at <http://www.bridgeport.edu/life/ub-cares/>. However, the University's ability to investigate or to respond to anonymous reports is limited and reporters are encouraged to identify themselves to security personnel or to the Title IX Coordinator. Additionally, submitting an anonymous report may result in an investigation which determines the identity of the person who made the report.

Retaliation Prohibited

UB's policy strictly forbids retaliation against individuals who report sexual misconduct, file complaints of sexual misconduct, cooperate in the investigation of sexual misconduct, or hear or adjudicate complaints. Any retaliation by an employee or a student is strictly prohibited and will result in disciplinary action. Any concerns regarding retaliation should be reported immediately to the Title IX Coordinator or a Deputy Coordinator.

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Clery Act Reporting

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

Protective Orders/ Counseling/Accommodations

Students are encouraged to notify Campus Security of any court issued protective orders. Students who feel they need protection should report concerns to Campus Security or the Title IX Coordinator.

Students are encouraged to seek counseling and support at University Counseling Services, located at on the 2nd floor of Carstensen Hall, 174 University Avenue (203) 576-4454, 9:00 AM– 5:00 PM or The Center for Family Justice (203) 333-2233 or (888) 999-5545 after hours. Services are free and confidential. Counseling and other support are the key elements to recovery.

The University provides accommodations to survivors, including changes in housing arrangements and/or modification in class schedules.

Any employee who believes that he or she is the victim of sexual assault, stalking, or relationship violence, whether on or off campus, may report such incident to a Deputy Title IX Coordinator for Employee Matters. The University of Bridgeport will upon request (1) notify or assist the employee to contact law enforcement where he/she may obtain a protective order; (2) provide contact information for applicable support services; (3) notify the employee of any reasonably available options or assistance that the University of Bridgeport can provide in response to the incident (e.g., changing transportation); and (4) if requested, provide assistance to the employee to access counseling, health, and or mental health services through the University's Employee Assistance Program (EAP).

Interim measures and accommodations are fully set forth in the investigation and resolution procedures provided herein.

Prohibited Conduct under this Policy

Conduct under this policy, as defined below, is prohibited regardless of sex, sexual orientation and/or gender identity/expression of the Complainant or Respondent.

Definition of Key Terms under this Policy

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

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent: Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions

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that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.

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 dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred.

Incapacitation: Incapacitation is defined as a state where 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). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

Interplay between Incapacitation and Consent: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

Prohibited Conduct

Prohibited Conduct, as defined in the *Key to UB*, Chapter Six, “Policy on Sexual and Gender-based Interpersonal Violence and Harassment,” includes the following Prohibited Conduct as specifically identified below:

i. Non-Consensual Sexual Intercourse

Defined as:

- any sexual intercourse
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual intercourse includes:

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

ii. Non-Consensual Sexual Contact

Defined as:

- any intentional sexual touching
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual touching includes:

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- Intentional contact with the breasts, groin, or genitals, mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other bodily contact in a sexual manner.

iii. Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaging in sexual acts without the consent of the person observed).
- Invasion of sexual privacy.
- Taking pictures or video or audio recording another in a sexual act, or in any other private 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).
- Prostitution.
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually Transmitted disease (STD) or infection (STI) without informing the other person of the infection.
- Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent (assuming the sexual act is not completed)
- Exposing one's genitals in non-consensual circumstances.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

iv. Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing an allegation or for assisting in providing information relevant to a claim of harassment is a serious violation of the University of Bridgeport's policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University of Bridgeport will take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

v. Sexual Harassment

The University of Bridgeport strictly prohibits sexual harassment or other unlawful behavior which targets an individual because of characteristics such as gender, sexual orientation, sexual identity, etc. Sexual harassment means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic grade, salary, benefit or service; (2) submission to or rejection of such conduct by an individual is used as the basis for employment, academic grading or other decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or learning environment.

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

- Physical assaults of a sexual nature, such as (1) rape, sexual battery, molestation or attempts to commit these assaults; or (2) intentional physical contact which is sexual in nature, such as patting, pinching, brushing against another's body, etc.
- Unwanted sexual advances, propositions or other sexual comments and jokes, including disparaging remarks about the individual body or gender.
- Sexual or discriminatory displays, publications or other visual material on UB property.
- Sexual gestures through body movements or hands or other types of nonverbal sexually explicit behavior.

vi. Conflicts of Interest arising from Faculty/Staff Consensual Relationships with Students

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

vii. Intimate Partner/Dating/Domestic Violence

Relationship violence is a pattern of behavior in a domestic, intimate or dating relationship that is used to establish power and control over another person through fear and intimidation. This behavior can be verbal, emotional, and/or physical. Examples include, but are not limited to: striking another person, property damage, reckless behavior, name calling and insults, public humiliation, harassment and verbal or physical threats. It includes threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of another person. Any such conduct or any offense under the University's Code of Community Standards will be considered Prohibited Conduct and resolved under this Policy if it arises out of an intimate partner, dating or domestic relationship (even if such relationship has ended).

viii. Stalking

Stalking includes any conduct prohibited by Connecticut General Statutes 53a-181 or any course of conduct directed to a specific person that would cause a reasonable person to (A) fear for the person's safety or the safety of others; or (B) suffer emotional distress, including but not limited to, two or more acts directly or through a third party which monitors, observes, surveils, threatens, or communicates to or about a person. This misconduct can involve, but is not limited to: (i) lying in wait or knowingly repeatedly running into the victim; (ii) unwelcome excessive phone calls, text messages, notes, etc.; (iii) watching or recording the victim from a distance; (iv) threats to harm a victim or a victim's family, friends, teachers, pets, or property whether the threats are delivered personally or through a third party; (v) vandalism of the victim's property;

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(vi) sending unwanted gifts, or leaving items that hold significance within the relationship between the victim and stalker. It also includes **CYBERSTALKING**, which is delivered through electronic devices and includes, but is not limited to: (i) posting online, the use of websites, email, text messaging, online social media, phone calls, malicious emails and instant messaging; (ii) creating multiple online accounts to harass a victim; (iii) hacking into the victim's personal website, email account(s), phone account(s) or social media account(s); or (iv) continuous posting of malicious and/or untrue information online to websites or social media. Gender-based stalking will also be addressed under this Policy.

ix. False Claims

Deliberately false/and or malicious reports under this Policy (as opposed to allegations found to be erroneous but made in good faith) are a serious offense subject to disciplinary action under this Policy.

x. Other Prohibited Conduct

Other forms of misconduct, when gender-based, are Prohibited Conduct under this Policy, including but not limited

- Sex offenses (other than listed above) under applicable federal and state law
- Hazing
- Assisting another person in committing Prohibited Conduct
- Threats or actions which inflict physical injury or emotional distress on others
- Acts injurious or creating a risk of injury to a person under the age of 18

Investigation and Resolution of Sexual and Gender-based Interpersonal Violence and Harassment

The University of Bridgeport has adopted an equitable process for investigating and resolving Prohibited Conduct based upon the nature of the Respondent's relationship to the University (Student or Employee). "Complainant" means the Student or Employee who presents as the victim of any Prohibited Conduct, regardless of whether that person makes a report or seeks action under this Policy. "Respondent" means the Student or Employee who has been accused of violating this Policy. Each set of procedures referenced below is guided by the same principles of fairness and respect for Complainants and Respondents.

A Student or Employee determined by the University to have engaged in Prohibited Conduct is subject to disciplinary action, up to and including separation from the University. Third parties who commit Prohibited Conduct may have their relationship with the University terminated or their privileges of being on University premises withdrawn. For a full statement of the University's jurisdiction over students with respect to this Policy, see Key to UB, Chapter Five, "Jurisdiction," which is fully incorporated by reference herein. The University's jurisdiction over employees extends to any acts committed within the workplace or which negatively impact students, other employees or the working or educational environment.

The procedures referenced below provide for prompt and equitable response to reports of Prohibited Conduct. The procedures designate specific timeframes for major stages of the process and provide for thorough and impartial investigations that afford all parties notice and an opportunity to present witnesses and evidence, and to view the information that will be used in determining whether a policy violation has occurred.

The University applies the preponderance of the evidence standard when determining whether this policy has been violated. "Preponderance of the evidence" means that it is more likely than not that a policy violation occurred.

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If Respondent is a Student:

See Equity Resolution Process for Allegations of Sexual and Gender-based Interpersonal Violence and Harassment against Students (Attachment A), located at the end of Chapter Six of the *Key to UB*. The foregoing applies even if the student is a student employee or part-time employee at the University.

If Respondent is an Employee:

See Equity Resolution Process for Allegations of Sexual and Gender-based Interpersonal Violence and Harassment against Employees, (Attachment B). The foregoing applies even if the employee is a part-time student at the University.

NOTE: The Respondent's predominant role, as determined by the Title IX Coordinator, will determine which of the above procedures applies.

If the University receives a report that a third party has engaged in Prohibited Conduct on campus or at a University sponsored event, the manner of resolution will be determined by the Title IX Coordinator based upon the third party's relationship with the University, consistent with the goal of eliminating any discriminatory conduct from the educational environment. The Title IX Coordinator will conduct a preliminary investigation and may refer the complaint to the third party's employer for investigation or, if the Title IX Coordinator's investigation substantiates misconduct, recommend that the University terminate its relationship and/or exclude the third party from campus.

If the University receives a report from a third party that a Respondent has engaged in Prohibited Conduct on campus, at a University-sponsored event on or off campus, or in a manner that affects a substantial University of Bridgeport interest, the Title IX Coordinator will investigate the alleged Prohibited Conduct and determine whether to initiate the Equity Resolution Process, with or without the third party complainant's participation.

Attachment A

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Equity Resolution Process for Allegations of Sexual and Gender-based Interpersonal Violence and Harassment against Students

The University uses the following equity resolution process (“Procedures”) to investigate and adjudicate any allegations of Prohibited Conduct by a student. All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through the procedures elaborated in Chapter Five, Key to UB.

Expectations of Complainants and Respondents

Pursuant to these Procedures, Complainants and Respondents can expect the following:

- Prompt and equitable resolution of allegations of Prohibited Conduct;
- Privacy to the extent possible, consistent with conducting a thorough investigation and obtaining an impartial and fair resolution;
- Reasonably available and appropriate remedial measures, as described in these Procedures;
- Freedom from retaliation for making a good faith report of Prohibited Conduct or participating in an investigation or resolution under these Procedures;
- The responsibility to refrain from retaliation directed against any person: making a good faith report of Prohibited Conduct, participating in an investigation, or resolution under these Procedures;
- The responsibility to provide truthful information in connection with any report, investigation or resolution of Prohibited Conduct;
- The opportunity to choose an advisor, including the right to have that advisor present during any meeting or proceeding at which the party attends;
- Timely notice of any meetings or proceedings at which the party’s presence is contemplated under these Procedures;
- The opportunity to articulate concerns or issues about this Policy or the Procedures;
- Written notice of an investigation, including notice of any alleged Prohibited Conduct;
- The opportunity to challenge any member of the Review Panel for bias or conflict of interest;
- The opportunity to offer information, present evidence, and identify witnesses during the investigation;
- The opportunity to be heard, orally and/or in writing, as to the determination of the alleged Prohibited Conduct and imposition of any sanction(s);

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- Reasonable time to prepare any response contemplated by these Procedures;
- Written notice of any extensions of time or time frames under these Procedures; and
- Written notice of the outcome of any Formal Resolution, including the determination regarding any alleged Prohibited Conduct, within a reasonable time following conclusion of any hearing.

Preliminary Inquiry

Following receipt of notice or a report of Prohibited Conduct, the Title IX Coordinator will make a preliminary inquiry to determine if there is reasonable cause to believe a Respondent violated this Policy. This inquiry may also serve to help the Title IX Coordinator to determine if the allegations evidence violence, threat, pattern, predation and/or weapon and to complete a threat assessment (see below).

During this preliminary inquiry, the Title IX Coordinator will:

- Assess the Complainant's safety and well-being and offer University support and assistance;
- Inform the Complainant of the right to contact law enforcement and/or to seek medical treatment, and regarding the University and community resources available for protection and support;
- Inform the Complainant regarding these Procedures and the options available for investigation and resolution;
- Explain the University's prohibition against retaliation;
- Assess the nature and circumstances of the report, and the names, ages, status, and contact information, if known, of Complainant, Respondent and witnesses;
- Ascertain whether any minors are involved, and if so, whether reporting to law enforcement and state of Connecticut child protective services is required; and
- Communicate with appropriate University Officials to determine whether the report triggers any Clery Act obligations, including entry of report on daily crime log and/or issuance of timely warning.

The Title IX Coordinator will ensure that Complainant receives a written explanation of available resources and options and is offered the opportunity to discuss and ask questions (see "Interim Remedies/Rules" for Title IX Coordinator's communication with and opportunities provided to Respondent").

Threat Assessment

Following the initial assessment, the Title IX Coordinator will consult as appropriate with Campus Security and other campus administrators and determine whether the report poses a threat to the Complainant or the University community. Factors to be considered shall include, but not be limited to, whether alleged Prohibited Conduct included physical violence or threats of violence;

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whether any weapon or force was allegedly used or threatened; whether multiple Respondents were involved; whether Respondent has a prior history of violent behavior; whether the Prohibited Conduct was facilitated by “date-rape” drugs or similar intoxicants, or allegedly occurred when Complainant was unconscious or physically helpless; whether Complainant is a minor under the age of 18; and whether any aggravating circumstances or indications of violent or predatory behavior were reported.

The Title IX Coordinator will retain documentation reflecting that the above threat assessment was completed. If the conclusion is that there is minimal threat to the University community, the Title IX Coordinator may in his or her discretion respect a Complainant’s request for no action, and will investigate only so far as necessary to determine appropriate remedies. However, if the Title IX Coordinator concludes that there is a substantial threat to the community, the University of Bridgeport reserves the right to initiate resolution proceedings without a formal report or participation by a Complainant.

Interim Remedies/Actions

The Title IX Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the Complainant and the community and to prevent further violations.

These remedies may include, but are not limited to:

- Referral to counseling and health services
- Altering the housing situation of the Respondent or the Complainant (if desired)
- Providing campus escorts
- Providing transportation accommodations
- Ordering contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.
- Education to the community

The University of Bridgeport may separate a Respondent from residence halls and/or interim suspend Respondent from all or some campus activities, including but not limited to classes, pending the completion of its investigation and these Procedures, if in the judgment of the Title IX Coordinator, the foregoing interim restrictions are necessary a) to ensure the safety and well-being of members of the University community or preservation of University property; b) to ensure the student’s own physical or emotional safety and well-being; or c) if the student poses an on-going threat of disruption of, or interference with, the normal operations of the University.

Before considering the imposition of an interim separation from residence halls and/or interim suspension from some or all campus activities, the Title IX Coordinator will offer the Respondent the opportunity to meet and to show cause why the foregoing interim measures should not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim separation from residence halls and/or suspension from all or some campus activities and to determine the conditions and duration of said restrictions. At the discretion of the Title IX Coordinator, alternative coursework options may be arranged, if feasible, to minimize impact upon Respondent.

The Title IX Coordinator will promptly inform the Complainant of any interim actions undertaken by the University to respond to safety concerns, including any decision to proceed with an investigation. The Title IX Coordinator will also promptly notify the Respondent of any interim protective measures that will impact Respondent. The University will otherwise endeavor to maintain as confidential any

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interim actions or protective measures, provided confidentiality does not impair the University's ability to provide the interim actions or protective measures.

University Resolutions

In cases where the Complainant wishes to proceed or the University of Bridgeport determines it should proceed based upon safety related concerns, these Procedures offer two options for resolving reports of Prohibited Conduct: **(1) Alternative Conflict Resolution** – which includes alternative dispute mechanisms for resolving the reported Prohibited Conduct; **and (2) Formal Resolution** – which involves an investigation and review (and possible sanction) by a Review Panel.

This Procedure considers the preference of the parties, but is ultimately determined at the discretion of the Title IX Coordinator. Alternative Conflict Resolution may only occur if selected by all parties and the Title IX Coordinator determines it is appropriate; it will not be utilized if the reported Prohibited Conduct poses a safety threat to others.

(1) Alternative Conflict Resolution

If alternative conflict resolution is elected by both Complainant and Respondent and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation. Alternative Conflict Resolution will not be utilized to resolve reports of Sexual Assault.

Each party has the right to choose and consult with an advisor before selecting alternative conflict resolution, and advisors may offer support during the process.

The Title IX Coordinator may attempt to mediate the conflict between the parties or may request the assistance from the deputy Title IX Coordinator or a trained mediator. Alternative Resolution agreements may involve agreed upon restrictions upon interactions or activities, or other remedial or protective measures tailored to meet the needs of the parties. If the agreement reached is acceptable to the University, the Complainant and the Respondent, the terms will be implemented and the matter closed. If an acceptable agreement is not reached, or if one or more parties fail to comply with the agreement reached, then the matter will be referred through Formal Resolution under these Procedures.

The Title IX Coordinator will maintain records of all reports and agreements referred for alternative conflict resolution, which typically should be completed within thirty (30) days.

(2) Formal Resolution

Formal Resolution will be commenced by the Title IX Coordinator when a Complainant requests an investigation and disciplinary action, or alternative conflict resolution fails, or the University determines based upon preliminary inquiry and threat assessment that investigation is necessary to ensure the safety of the Complainant or other members of the University community.

If the decision is made to commence a formal investigation, the Title IX Coordinator will conduct a full investigation, or delegate this responsibility in whole or in part to the Deputy Title IX Coordinator for Student Affairs, to the Office of Campus Security (either the Executive Director of Associate Executive Director), or to an experienced, external retained

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investigator. All investigators shall have special training on issues relating to sexual assault and gender-based violence and how to conduct a full, fair and impartial investigation.

(a) Investigation

The investigator (Title IX Coordinator or designee) will typically take the following steps, if not already completed (not necessarily in this order):

- Notice: Provide notice to the Complainant and Respondent in writing of the commencement of the investigation and the following: 1) names of Complainant and Respondent; 2) summary of the alleged Prohibited Conduct, including location, date and time; 3) name of investigator; 4) instruction to preserve evidence; 5) prohibition against retaliation; 6) how to assert conflict of interest/bias of investigator; and 7) copy or link to this Policy.
- Other Misconduct. If other misconduct is reported which allegedly violates the Code of Community Standards and is part of a continuous course of conduct and/or involves common facts as the alleged Prohibited Conduct under this Policy, then the Title IX Coordinator will coordinate with the University Conduct Officer and decide whether all alleged violations should be investigated together by the Title IX investigator or designee. Where the Title IX Officer determines that a single investigation is appropriate and the University Conduct Officer agrees, then the responsibility for the Code of Community Standards shall be adjudicated under these Procedures, applying the Code definitions and sanctions, as set forth in Chapter Five.
- Overview. The investigation will be a neutral, fact-finding process and Respondent is presumed at the outset not to be responsible. This presumption may be overcome where the investigator and Hearing Panel determine that there is sufficient evidence. The Complainant and Respondent (collectively, the “Parties”) are encouraged, but are not required to cooperate with the investigation and hearing. The Parties will have an equal opportunity to be heard, to submit information, to identify witnesses, and to suggest questions. The investigator will interview separately the Parties and any third party witnesses, and gather all available evidence, including email, text messages, social media communication, etc., as well as any photographs or medical records.
- Timeframe. As a general rule, the period from report of the alleged Prohibited Conduct to the Title IX Coordinator through resolution, including a decision by the Review Panel, if applicable, will not exceed 60 days. The timeframe may be extended for good cause, including, but not limited to, requests by external law enforcement to delay, unavailability of key witnesses, or University break periods, etc. The Title IX Coordinator will notify the Parties in writing of any extension of this timeframe and reason for the extension.
- Prior or Subsequent Conduct. Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent,

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motive or absence of mistake. The determination of relevance of pattern evidence will be based upon an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct.

- Prior Sexual History. The sexual history of a Complainant or Respondent will never be used to prove character or reputation. As a general rule, evidence related to the prior sexual history of either of the parties is not relevant to the determination of a Policy violation and will be considered only in limited circumstances where relevance is demonstrated (e.g., where affirmative consent is an issue, to demonstrate how the parties communicated). The relevance of this information will be determined by the Title IX Coordinator.
- Report of Investigation. Following the conclusion of the investigation, the Title IX Coordinator, or designee, will draft a Report summarizing the information gathered, including the contested and uncontested facts. The Report shall include a recommendation, based upon a preponderance of the evidence, as to whether or not there is sufficient evidence to support a finding of responsibility for the alleged Prohibited Conduct. If the Report was drafted by a designated investigator (other than the Title IX Coordinator), the Title IX Coordinator will review, finalize, and approve the Report. The Title IX Coordinator will notify the parties simultaneously that the Report is complete and available for review.
- Recommended Findings. If the investigator's Report recommends that there is insufficient evidence, by a preponderance of the evidence, to support a finding of responsibility on one or more allegations of Prohibited Conduct, the Complainant may elect not to further utilize the Procedures, in which event the matter will be closed, or the Complainant may elect to contest one or more of the findings or recommendations, in which event the Complainant may submit a written statement within seven (7) days. The Title IX Coordinator will provide a copy of the written statement contesting the finding(s) or recommendation(s) to the Respondent, who shall have 7 days to respond in writing. If requested by the Complainant, the Title IX Coordinator will convene a Review Panel to schedule a hearing. The Review Panel will consider the Report, together with any statements by the parties, along with any other evidence offered by the parties.

If the investigator's Report recommends that there is sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility for the alleged Prohibited Conduct, then the Title IX Coordinator will convene a Review Panel to schedule a hearing. The Review Panel will consider the Report, along with any other evidence offered by the parties.

- Acceptance of Responsibility. The Respondent may, at any time, elect in writing to accept responsibility for the alleged Prohibited Conduct, in which case the Title IX Coordinator will refer the matter to the Review Panel to determine the appropriate sanction.

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(b) Advisors

Throughout the investigation and resolution process, each party has the right to choose and consult with an advisor. The advisor may be any person, including an attorney, who is not a party or a witness or otherwise involved in the resolution process. Advisors provide support for students during the Review Panel hearing and can assist with preparation. Advisors are not permitted to advocate for a student or to speak on his or her behalf during the hearing. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the hearing process.

(c) Title IX Review Panel

The Title IX Review Panel is comprised of faculty/staff who have received specialized training regarding the adjudication process for Title IX related offenses under this Policy. Members of the Review Panel shall be selected by the Title IX Coordinator from previously trained and appointed faculty and staff to review all relevant material and determine, using the “preponderance of the evidence” standard, whether Respondent committed the alleged Prohibited Conduct.

(d) Possible Sanctions Imposed by the Title IX Review Panel

Should the Review Panel determine by a preponderance of the evidence that the Respondent is responsible for the Prohibited Conduct, as alleged, or in the event Respondent previously accepted responsibility in writing for the Prohibited Conduct, the Review Panel shall determine sanctions to be imposed, which may include any of the following:

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

In determining the appropriate sanctions, the Review Panel shall be guided by a number of considerations, including:

- The severity and persistence of the Prohibited Conduct;
- The extent violence was involved;
- The impact of the Prohibited Conduct on the Victim;
- The impact of the Prohibited Conduct on the University community;

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- Prior disciplinary history or other prior misconduct;
- Whether Respondent accepted responsibility; and
- Any other mitigating or aggravating factors.

(e) Procedural Rules for Proceedings before the Title IX Review Panel

Title IX Review Panel hearings shall be conducted in accordance with following guidelines:

1. Review Panel hearings shall not be open to the public. The following individuals may be present: Three (3) Review Panel members; the Review Panel Chairperson; the University Student Conduct Officer; Complainant (and Advisor, if requested); Respondent (and Advisor, if requested); Witnesses (one at a time); Title IX Coordinator and/or Deputy Title IX Coordinator.
2. The Complainant and the Respondent (and their respective advisors, if any) shall be allowed to attend the entire hearing at which information is received (excluding deliberations). Admission of any other person to the hearing shall be at the discretion of the Review Panel Chair.
3. The Complainant(s) and the Respondent(s) have the right to be assisted by an advisor of their choosing, at their own expense (see Advisors section, above).
4. The Complainant and the Respondent are responsible for arranging the attendance of their respective witnesses. The University will endeavor to assist, where feasible, upon request submitted by Complainant or Respondent at least two school days in advance by inviting witnesses who are members of the University community. Witnesses will be expected to provide information to and answer questions from the Review Panel. Questions of whether potential information will be received shall be resolved at the discretion of the Review Panel Chairperson.
5. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Review Panel at the Chairperson's discretion. The Respondent shall be permitted to respond to the charges in a written or oral statement.
6. All procedural questions are subject to the final decision of the Review Panel Chairperson.
7. The Review Panel shall determine by majority vote whether the Respondent shall be found responsible for the alleged Prohibited Conduct.
8. The Review Panel determination shall be made on the basis of whether it has been demonstrated by the "preponderance of the evidence" standard that Respondent committed or engaged in Prohibited Conduct.
9. A student may submit a challenge to the impartiality of any member of the Review Panel before the hearing proceeds. Any member may elect to recuse herself/himself. If the member does not recuse herself/himself, the remaining members of the Review Panel shall determine whether or not the challenged member should be disqualified from serving. The hearing may be continued, if necessary, to ensure that the Review Panel has no less than three members.
10. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, do not apply to this equitable resolution proceeding.
11. The Chairperson shall retain a copy of the hearing record and shall ensure a verbatim recording is made of the hearing and retained by the University. The Parties will be provided a copy upon request. No other recording may be

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made of any proceedings under this Policy.

The Review Panel Chairperson will preside over the hearing and resolve any procedural issues. If any individual is disruptive, the Chairperson may order such person removed from the hearing. At the conclusion of the hearing, the Review Panel will deliberate privately to determine whether or not, based upon a preponderance of the evidence, the Respondent is responsible for the alleged Prohibited Conduct. The Review Panel may consider and shall give such weight as it deems appropriate, in its discretion, to the investigator's Report, but shall not be bound by it. All decisions of the Review Panel require a majority vote. If the Respondent is found "Not Responsible," by the Review Panel for the alleged Prohibited Conduct, the hearing ends. If the Respondent is found "Responsible" for the alleged Prohibited Conduct (or if the Respondent previously admitted responsibility), the Review Panel will commence the sanction phase of the hearing.

During the sanction phase of the hearing, the Hearing Panel may consider:

- Impact statements of both Complainant and Respondent;
- Respondent's prior history of disciplinary sanctions, if any;
- Recommendations of the Title IX Coordinator regarding appropriate sanctions.

At the conclusion of the sanctions phase, the Review Panel will deliberate privately. All sanction decisions shall be by majority vote. Within 72 hours, the Review Panel will deliver a decision letter to the Title IX Coordinator, who will deliver a copy to both parties.

(f) Appeals from Review Panel's Decision

Complainant and Respondent shall have the right to appeal the decision of the Title IX Review Panel within seven (7) days following the decision. Such appeals shall be in writing and shall be delivered to the Title IX Coordinator, who shall provide a copy to the other party (Complainant or Respondent) and afford him or her seven (7) days to respond. The Title IX Coordinator shall then forward the written appeal, any response from the other party, and the hearing record (including tape recording or transcript) of the Review Panel proceedings to the Dean of Students, who shall decide any appeal. In the event of any conflict of interest (based upon prior involvement in the proceedings, etc.) on the part of the Dean of Students, the Provost shall decide any appeal. Any party asserting that the Dean of Students has conflict of interest should include a statement of reasons in his or her appeal or response to appeal. The Title IX Coordinator shall review and determine whether or not a conflict of interest requires that the appeal be referred to the Provost. Except as required to explain the basis of new information, any appeal shall be limited to a review of the record of the Review Panel hearing and supporting documents for one or more of the following purposes:

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

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The appeal shall be strictly limited to the above grounds. The appeal decisional authority shall render a written decision within seven (7) days. If the appeal is granted, then the appeal decisional authority shall also determine whether the matter shall be referred back to the same or to a different Review Panel for further proceedings.

Attachment B

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Equity Resolution Process for Allegations of Sexual and Gender-based Interpersonal Violence and Harassment against Employees

The University uses the following equity resolution process (“Procedures”) to investigate and adjudicate any allegations of Prohibited Conduct against a University employee (hereafter “Employee”).

Expectations of Complainants and Respondents

Pursuant to these Procedures, Complainants and Respondents can expect the following:

- Prompt and equitable resolution of allegations of Prohibited Conduct;
- Privacy to the extent possible, consistent with conducting a thorough investigation and obtaining an impartial and fair resolution;
- Reasonably available and appropriate remedial measures, as described in these Procedures;
- Freedom from retaliation for making a good faith report of Prohibited Conduct or participating in an investigation or resolution under these Procedures;
- The responsibility to refrain from retaliation directed against any person making a good faith report of Prohibited Conduct participating in an investigation or resolution under these Procedures;
- The responsibility to provide truthful information in connection with any report, investigation or resolution of Prohibited Conduct;
- The opportunity to choose an advisor, including the right to have that advisor present during any meeting or proceeding at which the party attends;
- Timely notice of any meetings or proceedings at which the party’s presence is contemplated under these Procedures;
- The opportunity to articulate concerns or issues about this Policy or the Procedures;
- Written notice of an investigation, including notice of any alleged Prohibited Conduct;
- The opportunity to challenge any investigator or decision maker for bias or conflict of interest;
- The opportunity to offer information, present evidence, and identify witnesses during the investigation;
- The opportunity to be heard, orally and/or in writing, as to the determination of the alleged Prohibited Conduct and imposition of any sanction(s);
- Reasonable time to prepare any response contemplated by these Procedures;
- Written notice of any extensions of time or time frames under these Procedures; and

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- Written notice of the outcome at all stages of these procedures, including the determination regarding any alleged Prohibited Conduct, within a reasonable time period.

Preliminary Inquiry

Following receipt of notice or a report of Prohibited Conduct, the Title IX Coordinator will make a preliminary inquiry to determine if there is reasonable cause to believe a Respondent violated this Policy. This inquiry may also serve to help the Title IX Coordinator to determine if the allegations evidence violence, threat, pattern, predation and/or weapon and to complete a threat assessment (see below).

During this preliminary inquiry, the Title IX Coordinator will:

1. Assess the Complainant's safety and well-being and offer University support and assistance;
2. Inform the Complainant of the right to contact law enforcement and/or to seek medical treatment, and regarding the University and community resources available for protection and support;
3. Inform the Complainant regarding these Procedures and the options available for investigation and resolution;
4. Explain the University's prohibition against retaliation;
5. Assess the nature and circumstances of the report, and the names, ages, status, and contact information, if known, of Complainant, Respondent and witnesses;
6. Ascertain whether any minors are involved, and if so, whether reporting to law enforcement and State of Connecticut Child Protective Services is required; and
7. Communicate with appropriate University Officials to determine whether the report triggers any Clery Act obligations, including entry of report on daily crime log and/or issuance of timely warning.

The Title IX Coordinator will ensure that Complainant receives a written explanation of available resources and options and is offered the opportunity to discuss and ask questions.

Threat Assessment

Following the initial assessment, the Title IX Coordinator will consult as appropriate with Campus Security and other campus administrators and determine whether the report poses a threat to the Complainant or the University community, or whether the alleged Prohibited Conduct has an adverse impact on the educational or work environment. Factors to be considered shall include, but not be limited to, whether alleged Prohibited Conduct included physical violence or threats of violence; whether any weapon or force was allegedly used or threatened; whether multiple Respondents were involved; whether Respondent has a prior history of violent behavior; whether the Prohibited Conduct was facilitated by "date-rape" drugs or similar intoxicants, or allegedly occurred when Complainant was unconscious or physically helpless; whether Complainant is a minor under the age of 18; whether or not Respondent is a supervisor; whether or not the Respondent supervised or exercised any actual or potential authority over Complainant; and whether any aggravating circumstances or indications of violent or predatory behavior were reported.

The Title IX Coordinator will retain documentation reflecting that the above threat assessment was completed. If the conclusion is that there is minimal threat to the University community, the Title IX Coordinator may in his or her discretion respect a Complainant's request for no action, and will investigate only so far as necessary to determine appropriate remedies. However, if the Title IX Coordinator concludes that there is a substantial threat to the community or that the alleged

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Prohibited Conduct has an adverse impact on the educational or work environment, the University of Bridgeport reserves the right to initiate resolution proceedings without a formal report or participation by a Complainant.

Interim Remedies/Actions

The Title IX Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the Complainant and the community and to prevent further violations.

These remedies may include, but are not limited to:

- Referral to counseling and health services
- Altering the working locations of the Respondent or the Complainant (if desired)
- Providing campus escorts
- Providing transportation accommodations
- Ordering contact limitations between the parties
- Offering adjustments to work assignments, schedules, etc.
- Education to the Community

Pending completion of the University of Bridgeport's investigation and resolution under these Procedures, the University may (1) suspend an employee to home with pay; (2) restrict an employee from all or some work or campus activities, including but not limited to classes; or (3) take other interim actions deemed appropriate, if in the judgment of the Title IX Coordinator, the foregoing interim restrictions are necessary a) to ensure the safety and well-being of members of the University community or preservation of University property; b) to ensure the employee's own physical or emotional safety and well-being; or c) if the employee poses an on-going threat of disruption of, or interference with, the normal operations of the University. Provided however, if the Respondent is a faculty member or a collective bargaining unit member, any suspension or restriction will be implemented consistent with the procedures set forth in the Faculty Handbook or Collective Bargaining Agreement.

Before considering the imposition of an interim separation from work or from some or all campus activities, the Title IX Coordinator and Deputy Title IX Coordinator for Faculty and Staff will offer the Respondent the opportunity to meet and to show cause why the foregoing interim measures should not be implemented. The Title IX Coordinator has sole discretion to recommend an interim separation and/or suspension from all or some campus activities and the conditions and duration of said restrictions. The Deputy Title IX Coordinator for Faculty and Staff will implement said recommendation for non-faculty who are not a member of a collective bargaining agreement. With regard to faculty and collective bargaining unit employees, the Deputy Title IX Coordinator for Faculty and Staff will endeavor to implement the recommendation in accordance with the procedures of the applicable Faculty Handbook or Collective Bargaining Agreement. In the event the recommended interim measures cannot be implemented, the Deputy Title IX Coordinator for Faculty and Staff will confer with the Title IX Coordinator and will endeavor to implement alternative interim arrangements which protect the Complainant and University community and which are implemented in a manner consistent with the any applicable Faculty Handbook or Collective Bargaining Agreement.

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The Title IX Coordinator and Deputy Title IX Coordinator for Faculty and Staff will promptly inform the Complainant of any interim actions undertaken by the University to respond to safety concerns, including any decision to proceed with an investigation. The Title IX Coordinator and Deputy Title IX Coordinator for Faculty and Staff also will promptly notify the Respondent of any interim protective measures that will impact Respondent. The University will otherwise endeavor to maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the University's ability to provide the interim actions or protective measures.

University Resolutions

In cases where the Complainant wishes to proceed or the University of Bridgeport determines it should proceed based upon safety related concerns, these Procedures offer two options for resolving reports of Prohibited Conduct: **(1) Alternative Conflict Resolution** – which includes alternative dispute mechanisms for resolving the reported Prohibited Conduct; **and (2) Formal Resolution** – which involves an investigation and review (and possible sanction) by a Review Panel.

This Procedure considers the preference of the parties, but is ultimately determined at the discretion of the Title IX Coordinator and the Deputy Title IX Coordinator for Faculty and Staff. Alternative Conflict Resolution may only occur if selected by all parties and the Title IX Coordinator and Deputy Title IX Coordinator for Faculty and Staff determines it is appropriate; it will not be utilized if the reported Prohibited Conduct poses a safety threat to others.

(1) Alternative Conflict Resolution

If alternative conflict resolution is elected by both Complainant and Respondent and is determined appropriate by the Title IX Coordinator and Deputy Title IX Coordinator for Faculty and Staff given the nature of the alleged behavior, then the report does not proceed to investigation. Alternative Conflict Resolution will not be utilized to resolve reports of Sexual Assault.

Each party has the right to choose and consult with an advisor before selecting alternative conflict resolution, and advisors may offer support during the process.

The Title IX Coordinator may attempt to mediate the conflict between the parties or may request the assistance from the Deputy Title IX Coordinator for Faculty and Staff or a trained mediator. Alternative Resolution agreements may involve agreed upon restrictions upon interactions or activities, or other remedial or protective measures tailored to meet the needs of the parties. If the agreement reached is acceptable to the University, the Complainant and the Respondent, the terms will be implemented and the matter closed. If an acceptable agreement is not reached, or if one or more parties fail to comply with the agreement reached, then the matter will be referred through Formal Resolution under these Procedures.

The Title IX Coordinator will maintain records of all reports and agreements referred for alternative conflict resolution, which typically should be completed within thirty (30) days.

(2) Formal Resolution

Formal Resolution will be commenced by the Title IX Coordinator, with the assistance of the Deputy Title IX Coordinator for Faculty and Staff, when a Complainant requests an investigation and disciplinary action, or alternative conflict resolution fails, or the University

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determines based upon preliminary inquiry and threat assessment that investigation is necessary to ensure the safety of the Complainant or other members of the University community, or to eliminate Prohibited Conduct which adversely impacts the workplace or educational setting.

If the decision is made to commence a formal investigation, the Deputy Title IX Coordinator for Faculty and Staff will conduct a full investigation, or delegate this responsibility in whole or in part to an experienced, external retained investigator. All investigators shall have special training on issues relating to sexual assault and gender-based violence and how to conduct a full, fair and impartial investigation.

(a) Investigation and Resolution

The investigator (Deputy Title IX Coordinator for Faculty and Staff or designee) will typically take the following steps, if not already completed (not necessarily in this order):

- Notice: Provide notice to the Complainant and Respondent in writing of the commencement of the investigation and the following: 1) names of Complainant and Respondent; 2) summary of the alleged Prohibited Conduct, including location, date and time; 3) name of investigator; 4) instruction to preserve evidence; 5) prohibition against retaliation; 6) how to assert conflict of interest/bias of investigator; and 7) copy or link to this Policy.
- Other Misconduct. If other misconduct is reported which allegedly violates University of Bridgeport policies or applicable laws, and involves common or related facts as the alleged Prohibited Conduct under this Policy, then the Deputy Title IX Coordinator for Faculty and Staff may in his or her discretion conduct an investigation simultaneously or separately, and may resolve the other alleged misconduct at same time as or separately from the alleged Prohibited Conduct.
- Overview. The investigation will be a neutral, fact-finding process and Respondent is presumed at the outset not to be responsible. This presumption may be overcome where the investigator and Title IX Coordinator determine that there is sufficient evidence. The Complainant and Respondent (collectively, the “Parties”) are encouraged, but are not required to cooperate with the investigation and hearing. The Parties will have an equal opportunity to be heard, to submit information, to identify witnesses, and to suggest questions. The investigator will interview separately the Parties and any third party witnesses, and gather all available evidence, including email, text messages, social media communication, etc., as well as any photographs or medical records.
- Timeframe. As a general rule, the period from report of the alleged Prohibited Conduct to the Title IX Coordinator determination, if applicable, will not exceed 60 days. The timeframe may be extended for good cause, including, but not limited to, requests by external law enforcement to delay, unavailability of key witnesses, or University break

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periods, etc. The Title IX Coordinator will notify the Parties in writing of any extension of this timeframe and reason for the extension.

- Prior or Subsequent Conduct. Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent, motive or absence of mistake. The determination of relevance of pattern evidence will be based upon an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct.
- Prior Sexual History. The sexual history of a Complainant or Respondent will never be used to prove character or reputation. As a general rule, evidence related to the prior sexual history of either of the parties is not relevant to the determination of a Policy violation and will be considered only in limited circumstances where relevance is demonstrated (e.g., where affirmative consent is an issue, to demonstrate how the parties communicated). The relevance of this information will be determined by the Title IX Coordinator.
- Report of Investigation. Following the conclusion of the investigation, the Deputy Title IX Coordinator for Faculty and Staff or designee, will draft a Report summarizing the information gathered, including the contested and uncontested facts. The Draft Report shall include a recommendation, based upon a preponderance of the evidence, as to whether or not there is sufficient evidence to support a finding of responsibility for the alleged Prohibited Conduct. The Title IX Coordinator will review the Draft Report and make suggestions, if any, regarding additional material which should be investigated or included. Ordinarily, the Draft Report will be completed within 30 days of notice of the alleged Prohibited Conduct.
- Response to Draft Report. The Title IX Coordinator will then provide Complainant and Respondent with a copy of the Draft Report, and both Parties shall be permitted 5 days to respond in writing, including the opportunity to request additions, deletions or revisions, and to submit any additional evidence, to the Title IX Coordinator.
- Final Report. The Title IX Coordinator will review the Draft Report and any response submitted by the Complainant and Respondent. The Title IX Coordinator shall then prepare a Final Report, including findings of fact and a recommendation, based upon a preponderance of the evidence, as to whether or not there is sufficient evidence to support a finding that Respondent committed one or more acts of Prohibited Conduct. If the Title IX Coordinator recommends that there is insufficient evidence, then the investigation shall be closed, and the Title IX Coordinator for Faculty and Staff and the Complainant and Respondent shall be notified.
- Referral for Resolution. If the Title IX Coordinator's Final Report recommends that there is sufficient evidence, based upon a preponderance of the evidence, to support a finding that Respondent committed one or more acts of Prohibited Conduct, then the Final Report shall be forwarded to the Provost, or in the event of a conflict of interest, another senior administrator

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designated by the President. The Complainant and the Respondent shall be provided with a copy of the Final Report and shall have the opportunity to respond in writing, including the submission of any additional evidence, by submitting same to the Provost Office within 5 days of receipt of the Final Report.

- Resolution by Provost or Designee. The Provost or designee shall review the Final Report and any response submitted by Complainant and/or Respondent. In the event the Provost determines that additional investigation is necessary, the Provost may request assistance from the Title IX Coordinator or Deputy Title IX Coordinator for Faculty and Staff, who shall promptly conduct same and provide the Provost with a written summary. After carefully considering the Final Report, any response submitted by Complainant and/or Respondent, and any supplemental information requested, the Provost shall accept or modify the Final Report by providing written notice of his decision to the Title IX Coordinator and Deputy Title IX Coordinator for Faculty and Staff, who shall promptly provide notice to the Complainant and Respondent. If the Provost concludes based upon a preponderance of the evidence that Respondent committed one or more acts of Prohibited Conduct, then the Provost will take appropriate action to ensure that the violation of this Policy is remedied, which may include disciplinary and remedial actions. The foregoing will generally be initiated within 60 days of the reported alleged Prohibited Conduct.

If applicable standards are satisfied under any the Faculty Handbook or Collective Bargaining Agreement, the Provost shall initiate discipline consistent with applicable procedures. The Complainant and Respondent shall be provided with the opportunity to present any additional submission relevant to disciplinary or remedial action by submitting same to the Title IX Coordinator within 5 days of receipt of notice of the Provost decision. The Title IX Coordinator shall promptly forward any written submission to the Provost or other decision maker for consideration.

- Notification of Final Disciplinary or Remedial Action. The Title IX Coordinator and Deputy Title IX Coordinator for Faculty and Staff shall be notified by the Provost of the final disciplinary and remedial action taken and shall promptly notify Complainant and Respondent. The Title IX Coordinator shall continue to be consulted throughout the disciplinary/remedial process and shall ensure that the final resolution is consistent with this Policy.
- Acceptance of Responsibility. The Respondent may, at any time, elect in writing to accept responsibility for the alleged Prohibited Conduct, in which case the Title IX Coordinator will refer the matter to the Provost to initiate disciplinary and remedial action.

(b) Advisors

Throughout the investigation and resolution process, each party has the right to choose and consult with an advisor. The advisor may be any person, including an attorney, who is not a party or a witness or otherwise involved in the resolution process. Advisors are

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not permitted to advocate for an employee or to speak on his or her behalf during any interviews or meetings (except pursuant to any applicable collective bargaining agreement or faculty handbook).

(c) Possible Sanctions Imposed

Should the Provost or other decision maker determine by a preponderance of the evidence that the Respondent is responsible for the Prohibited Conduct, as alleged, or in the event Respondent previously accepted responsibility in writing for the Prohibited Conduct, the sanctions to be imposed, which may include, but is not limited to, any of the following:

- Termination;
- Suspension without pay;
- Probationary period;
- Written or verbal reprimand; and
- Administrative referral to EAP.