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

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

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I. STATEMENT OF POLICY

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

The University does not unlawfully discriminate in any of its education or employment programs and activities on the basis of an individual's actual or perceived race, color, ethnicity, religious creed, age, sex (including pregnancy or pregnancy-related conditions), marital status, national origin, ancestry, sexual orientation, genetic information, physical or mental disability (including learning disabilities, intellectual disabilities, and past or present history of mental illness), veteran's status, status as a victim of domestic violence and/or sexual assault and/or trafficking in persons as defined by Connecticut law, prior conviction of a crime, workplace hazards to the reproductive system, gender identity or expression, or membership in any other protected classes as set forth in state or federal law. To that end, this Policy Against Discrimination, Harassment and Related Interpersonal Violence, Including Sexual Harassment, Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Complicity, Retaliation and Inappropriate Amorous Relationships (the "Policy Against Discrimination" or "Policy") prohibits specific forms of behavior that violate state and federal laws, including but not limited to Titles VI and VII of the Civil Rights Act of 1964 ("Title VI") and ("Title VII"), Title IX of the Education Amendments of 1972 ("Title IX"), the Violence Against Women Reauthorization Act of 2022 ("VAWA"), the Pregnant Workers Fairness Act , and related state and federal anti-discrimination laws, including the equal employment opportunity regulations for Connecticut State agencies. Such behavior may also require the University to fulfill certain reporting obligations under the Jeanne Clery Campus Safety Act (the "Clery Act"), as amended by VAWA, and Connecticut state law regarding reporting suspected child abuse and neglect.

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

The University adopts this Policy with a commitment to: (1) eliminating, preventing, and addressing the effects of Prohibited Conduct; (2) fostering a safe and respectful University community; (3) cultivating a climate where all individuals are well-informed and supported in reporting Prohibited Conduct; (4) providing a fair and impartial process for all parties in

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

the investigation and resolution of such reports; and (5) identifying the standards by which violations of this Policy will be evaluated and disciplinary action may be imposed. In addition, the University conducts ongoing prevention, awareness, and training programs for employees and students to facilitate the goals of this Policy.

A student or employee determined by the University to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the University. Third Parties who commit acts of Prohibited Conduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn. Registered Student Organizations that commit acts of prohibited conduct may have their registration revoked or be subject to other sanctions.

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

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

This Policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the Prohibited Conduct precedes the effective date of this Policy, the definitions of misconduct in effect at the time of the alleged incident(s) will be used.

II. TO WHOM THIS POLICY APPLIES

This Policy applies to: students as defined in UConn's Responsibilities of Community Life: The Student Code and students enrolled at UConn Health ("students"); University employees, consisting of all full-time and part-time faculty, University staff (including special payroll employees), UConn Health employees (including residents and fellows), professional research staff, and post-doctoral research associates ("employees"); contractors, vendors, visitors, guests or other third parties ("third parties"); and Registered Student Organizations as defined in Blueprints: The Official Handbook of RSOs at the University of Connecticut ("Registered Student Organizations"). This Policy pertains to acts of Prohibited Conduct committed by or against students, employees, third parties, and Registered Student Organizations when:

1. the conduct occurs on campus or other property owned or controlled by the University or a Registered Student Organization;

2. the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or

3. the conduct occurs outside the context of a University employment or education

program or activity, but has continuing adverse effects on or creates a hostile environment for students, employees or third parties while on campus or other property owned or controlled by the University or in any University employment or education program or activity.

III. APPLICABLE PROCEDURES UNDER THIS POLICY

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

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

A. WHERE THE RESPONDENT IS A STUDENT

Except as noted in Section IIIE, below, the procedures for responding to reports of Prohibited Conduct committed by students are detailed in Responsibilities of Community Life: The Student Code ("The Student Code") (http://community.uconn.edu/the-student-code-preamble/).

B. WHERE THE RESPONDENT IS AN EMPLOYEE

The procedures for responding to reports of Prohibited Conduct committed by Employees are detailed in the University of Connecticut & UConn Health Policy Against Discrimination, Harassment and Related Interpersonal Violence Grievance Procedures (https://inclusioncivilrights.uconn.edu/university-of-connecticut-uconn-health-policy-against-discrimination-harassment-and-related-interpersonal-violence-grievance-procedures/).

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

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

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

D. WHERE THE RESPONDENT IS A THIRD PARTY

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

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

Parties should contact the Office for Inclusion and Civil Rights by calling (860) 679-3563 or email: civilrights@uconn.edu. UConn's *Responsibilities of Community Life: The Student Code* does not apply to students enrolled in MD or DMD/DDS degree programs at UConn Health.

F. WHERE THE RESPONDENT IS A REGISTERED STUDENT ORGANIZATION

The procedures for responding to reports of Prohibited Conduct committed by Registered Student Organizations are set out in *Blueprints: The Official Handbook of RSOs at the University of Connecticut* (https://solid.uconn.edu/rso-handbook-blueprints/).

IV. TITLE IX COORDINATOR

Under Title IX:

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

The Title IX Coordinator is charged with monitoring the University's compliance with Title IX,

ensuring appropriate education and training, coordinating the University's investigation, response, and resolution of all reports under this Policy, and ensuring appropriate actions to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The Office for Inclusion and Civil Rights oversees reports involving students, employees, and third parties. The University may also designate Deputy Title IX Coordinators who may assist the Title IX Coordinator in the discharge of these responsibilities. The Title IX Coordinator and Deputy Title IX Coordinators receive ongoing appropriate training to discharge their responsibilities.

Concerns about the University's application of Title IX may be addressed to the Title IX Coordinator. Additionally, concerns about the University's application of Title VI, Title VII, ADA and/or other federal and state anti-discrimination laws may be addressed to the Office for Inclusion and Civil Rights.

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

Sarah Chipman
Director of Civil Rights Compliance
ADA, Title VI, and Title IX Coordinator
Office for Inclusion and Civil Rights
Storrs: Wood Hall, First Floor
UConn Health: Munson Road, Third Floor
sarah.chipman@uconn.edu
(860) 486-2943

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

V. UNDERSTANDING THE DIFFERENCE BETWEEN PRIVACY AND CONFIDENTIALITY

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

Privacy and confidentiality have distinct meanings under this Policy.

Privacy: Privacy means that information related to a report of Prohibited Conduct will be shared with University employees who need to know the information in order to assist individuals identified as having been impacted by the alleged conduct in the assessment, investigation, and resolution of the report. All employees who are involved in the University's response to reports of Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

The privacy of student education records will be protected in accordance with relevant privacy laws including the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the University's FERPA policy. (http://policy.uconn.edu/2011/05/24/ferpa-policy/).

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

VI. EMPLOYEE REPORTING AND INFORMATION SHARING RESPONSIBILITIES

A. DEAN, DIRECTOR, DEPARTMENT HEAD, AND SUPERVISOR REPORTING RESPONSIBILITIES

Under this Policy, Deans, Directors, Department Heads and Supervisors are required to report to the Office for Inclusion and Civil Rights all relevant details about any alleged incident of all forms of Prohibited Conduct (including but not limited to discrimination, discriminatory harassment, sexual harassment, and/or retaliation), inappropriate amorous relationships, or failures to fulfill reporting responsibilities outlined in this Policy, where the alleged incident involves any University employee as either the Complainant or the Respondent. Reporting is required when such Deans, Directors, Department Heads and Supervisors know (by reason of direct or indirect disclosure) or should have known of such incident.

B. TITLE IX REPORTING OBLIGATIONS

Most University employees are required to immediately report information about certain types of Prohibited Conduct to the University's Office for Inclusion and Civil Rights. An employee's responsibility to report under this Policy is governed by their role at the University. The University designates every employee as a Confidential Employee, Designated Confidential Employee, or a Responsible Employee.

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

- Student Health and Wellness (limited to Medical Services, Mental Health Services, and Sports Medicine)
- Employee Assistance Program

Designated Confidential Employee: An employee who is designated by the University as confidential for the purposes of providing services to persons related to disclosures of potential violations under this policy. Designated Confidential Employees include the Director of Diversity and Inclusion Initiatives within the Office for Inclusion and Civil Rights, as well as staff within the University's African American Cultural Center, Asian American Cultural Center, Puerto Rican and Latin American Cultural Center, Women's Center, Rainbow Center; Ombuds Office; and professional staff within Student Health and Wellness Health Promotion. Designated Confidential Employees will offer students and employees information about resources, support and how to report incidents of Prohibited Conduct to law enforcement and the University. Designated Confidential Employees will only report the information shared with them to the University if the student and/or employee requests that the information be shared (unless someone is in imminent risk of serious harm or a minor). Designated Confidential Employees do not have the ability to implement supportive measures in response to a disclosure. They will provide information about how students and employees may receive such measures.

On receiving disclosures of alleged sex-based discrimination, sexual harassment, sexual assault, stalking and/or intimate partner violence, Confidential or Designated Confidential Employees are encouraged to explain that they are not required to notify the Title IX Coordinator about such disclosures (except in the limited circumstances identified above), provide information on how to contact the Title IX Coordinator, and explain that the Title IX Coordinator may be able to offer and coordinate supportive measures and/or an investigation under the grievance procedures.

Responsible Employee: Any employee who is not a Confidential Employee or Designated Confidential Employee, and certain categories of student employees. Responsible Employees include (but are not necessarily limited to) faculty and staff, Resident Assistants, Post- Doctoral Research Assistants, Graduate Teaching Assistants,

Graduate Research Assistants, and any student-employees serving as Campus Security Authorities (CSAs) when disclosures are made to any of them in their capacities as employees.

Responsible Employees are required to immediately report to the University's Office for Inclusion and Civil Rights all relevant details (obtained directly or indirectly) about any incident of **Sexual Assault; Stalking and/or Intimate Partner Violence** involving a student in any capacity, regardless of when or where the incident occurred. The report should include all available information, including dates, times, locations, and names of parties and witnesses. Reporting is required when the Responsible Employee knows (by reason of a direct or indirect disclosure) of such an incident.

The University is not obligated to respond to information disclosed at public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs" or other public forums in which students may disclose incidents of Prohibited Conduct; collectively, "Public Awareness Events"). However, disclosures at Public Awareness Events will be evaluated to determine whether the information indicates an imminent and serious threat to the health or safety of a complainant, any students, employees, or other persons and will be used to inform the University's prevention efforts.

A Responsible Employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination is not required to report information received during the course of the study.

Aside from the reporting responsibilities set forth above, all members of the campus community are encouraged to report any conduct which they become aware of and which they believe in good faith to have been a violation of this policy, and as to which they do not have an obligation to report as set forth above.

This encouragement does not apply to Confidential and Designated Confidential Employees and is subject to limitations necessary to preserve confidentiality and privacy.

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

C. CLERY REPORTING OBLIGATIONS

Under the Clery Act, certain University employees are designated as Campus Security Authorities. CSAs generally include individuals with significant responsibility for campus security or student and campus activities. Based on information reported to CSAs, the University includes statistics about certain criminal offenses in its annual security report and provides those statistics to the United States Department of Education in a manner

that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain reported crimes that may pose a serious or continuing threat to students and employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information of Complainants when issuing timely warnings to the University community.

D. CHILD ABUSE REPORTING OBLIGATIONS

All University employees except student employees are **mandated reporters** of child abuse or neglect as defined by Connecticut General Statutes Section 17a-101(b) and must comply with Connecticut's mandated reporting laws.[3] All University employees should refer to UConn's Protection of Minors and Reporting of Child Abuse and Neglect Policy (http://policy.uconn.edu/?p=6754) for detailed definitions and reporting information.

E. PREGNANCY RELATED RESOURCES

All University employees are encouraged to provide to students who disclose a pregnancy or related condition the Title IX Coordinator's contact information and inform the student that the Title IX Coordinator can coordinate supportive measures and facilitate reasonable modifications to ensure the student's equal access to the University's programs and activities.

VII. COMPLAINANT OPTIONS FOR REPORTING PROHIBITED CONDUCT

A Complainant may choose to report to the University and/or to law enforcement when alleged Prohibited Conduct may also constitute a crime under the applicable laws. These two reporting options are not mutually exclusive. Therefore, Complainants may choose to pursue both the University process and the criminal process concurrently. The University will support Complainants in understanding, assessing and pursuing these options.

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

A. REPORTING TO LAW ENFORCEMENT

Conduct that violates this Policy may also constitute a crime under the laws of the jurisdiction in which the incident occurred. For example, the State of Connecticut

[3] See Connecticut General Statutes Sections 17a-101a to 17a-101d.

criminalizes and punishes some forms of Sexual Assault, Intimate Partner Violence, Sexual Exploitation, Stalking, and Physical Assault.[4] Whether or not any specific incident of Prohibited Conduct may constitute a crime is a decision made solely by law enforcement. Similarly, the decision to arrest any individual for engaging in any incident of Prohibited Conduct is determined solely by law enforcement and not the University. Such decisions are based on a number of factors, including availability of admissible evidence.

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

i. 911 (for emergencies)
ii. University Police (for non-emergencies):
    1. Storrs and Regional Campuses (860) 486-4800
    2. UConn Health (860) 679-2121
iii. State Police (for conduct occurring off campus in Connecticut) (800) 308-7633

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

B. <u>REPORTING TO THE UNIVERSITY</u>

Complainants (or others, including parents, guardians, or other authorized legal representatives with the legal right to act on behalf of a complainant, who become aware of an incident of Prohibited Conduct) are encouraged to report the incident to the University through the following reporting options:

By contacting the Office for Inclusion and Civil Rights by telephone, email, or in person during regular office hours (8am-5pm, M-F):

Office for Inclusion and Civil Rights(Storrs and Regionals) Wood Hall, First Floor

[4] See Title 53a of the Connecticut General Statutes for the State of Connecticut's Penal Code (https://www.cga.ct.gov/current/pub/title_53a.htm).

241 Glenbrook Road Storrs, Connecticut (860) 486-2943
civilrights@uconn.edu
www.titleix.uconn.edu
inclusioncivilrights.uconn.edu

Office for Inclusion and Civil Rights (UConn Health) 16 Munson Road, Third Floor
Farmington, Connecticut (860) 679-3563
civilrights@uconn.edu
inclusioncivilrights.uconn.edu

There is no time limit to report Prohibited Conduct to the University under this Policy;[5] however, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the University. If the Respondent is no longer affiliated with the University, the University will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

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

VIII. ACCESSING CAMPUS AND COMMUNITY RESOURCES AND SUPPORTIVE MEASURES

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

Sexual assault, sexual exploitation, intimate partner violence, sexual or gender-based harassment, and stalking: www.titleix.uconn.edu

- Discrimination and discriminatory harassment where the Respondent is an employee or third party: inclusioncivilrights.uconn.edu

- Related violations of The Student Code where the Respondent is a student: www.community.uconn.edu

Available resources include, but are not limited to: emergency and ongoing assistance; health, mental health, and victim-advocacy services; options for reporting Prohibited Conduct to the University and/or law enforcement; available support with academics, housing, and

[5] This statement does not relieve Responsible Employees of their obligation to report Sexual Assault, Intimate Partner Violence and/or Stalking involving a student immediately to the Office for Inclusion and Civil Rights.

employment. For more information about resources and support measures, please visit www.titleix.uconn.edu.

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

The University will maintain the privacy of any remedial and protective measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures. The University has the discretion to impose and/or modify any remedial or protective measure based on all available information.

The University will provide reasonable remedial and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the University.

IX. PROHIBITED CONDUCT UNDER THIS POLICY[6]

Conduct under this Policy is prohibited regardless of the protected class(es) of the Complainant or Respondent. Prohibited Conduct includes the following specifically defined forms of behavior: Discrimination, Discriminatory Harassment, Sexual or Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Complicity, and Retaliation.

A. DISCRIMINATION

Discrimination is any unlawful distinction, preference, or detriment to an individual that is based upon an individual's actual or perceived race, color, ethnicity, religious creed, age, sex (including pregnancy or pregnancy-related conditions), marital status, national

[6] These definitions may overlap with Connecticut criminal statutes in some cases, and provide greater protection in other instances. Connecticut's Penal Code may be found in Title 53a of the Connecticut General Statutes. (https://www.cga.ct.gov/current/pub/title_53a.htm)

origin, ancestry, sexual orientation, genetic information, physical or mental disabilities (including learning disabilities, intellectual disabilities, past/present history of a mental disorder), veteran status, status as a victim of domestic violence and/or sexual assault and/or trafficking in persons as defined by Connecticut law, prior conviction of a crime, workplace hazards to reproductive systems, gender identity or expression, or membership in other protected classes set forth in state or federal law and that: (1) excludes an individual from participation; (2) denies the individual the benefits of; (3) treats the individual adversely; or (4) otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a University program or activity.

Discrimination may include failing to make good faith efforts to provide reasonable accommodation, consistent with state and federal law and University policy, to persons with disabilities. The University of Connecticut is committed to achieving equal educational and employment opportunities and full participation for persons with disabilities.

Discrimination also may include failing to make good faith efforts to provide reasonable modifications to University policies, practices, or procedures, consistent with state and federal law and University policy, related to pregnancy, including childbirth, termination of pregnancy, recovery, related medical conditions, and lactation.[7] The University of Connecticut is committed to achieving equal educational and employment opportunities and full participation for persons experiencing pregnancy and all related conditions.

Discrimination also may include failing to make good faith efforts to provide reasonable accommodations, consistent with state and federal law and University policy, for persons' sincerely held religious practices or beliefs. The University of Connecticut is committed to providing welcoming and inclusive learning environments and will make good faith efforts to provide reasonable religious accommodations to faculty, staff, and students.[8]

B. DISCRIMINATORY HARASSMENT AND SEXUAL HARASSMENT

Discriminatory Harassment consists of verbal, physical, electronic, or other conduct based upon an individual's actual or perceived race, color, ethnicity, religious creed, age, sex (including pregnancy and pregnancy-related conditions), marital status, national origin, ancestry, sexual orientation, genetic information, physical or mental disabilities (including learning disabilities, intellectual disability, past/present history of a mental disorder), veteran status, status as a victim of domestic violence and/or sexual assault and/or trafficking in persons as defined by Connecticut law, prior conviction of a crime, workplace hazards to reproductive systems, gender identity or expression, or

[7] See Lactation Policy. (https://policy.uconn.edu/2016/12/21/lactation-policy/).
[8] See Religious Accommodations Policy (https://policy.uconn.edu/2018/08/01/religious-accommodation-policy/).

membership in other protected classes set forth in state or federal law that interferes with that individual's educational or employment opportunities, participation in a University program or activity, or receipt of legitimately-requested services or benefits. Such conduct is a violation of this Policy when the circumstances demonstrate the existence of either *Hostile Environment Harassment* or *Quid Pro Quo Harassment* as defined below.

Sexual Harassment: Discriminatory Harassment that consists of unwelcome conduct of a sexual nature. This may include, but is not limited to, unwanted sexual advances, requests for sexual favors, inappropriate touching, acts of sexual violence, or other unwanted conduct of a sexual nature, whether verbal, non- verbal, graphic, physical, written or otherwise. Such conduct is a violation of this Policy when the conditions for *Hostile Environment Harassment* or *Quid Pro Quo Harassment* are present, as defined below.

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

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

C. SEXUAL ASSAULT

Sexual Assault consists of (1) Sexual Contact and/or (2) Sexual Intercourse that occurs without (3) Consent.[9]

1. **Sexual Contact** (or attempts to commit) is the intentional touching of another person's intimate body parts, clothed or unclothed, if that intentional touching can reasonably be construed as having the intent or purpose of obtaining sexual arousal or gratification.

2. **Sexual Intercourse** (or attempts to commit) is any penetration, however slight, of a bodily orifice with any object(s) or body part. Sexual Intercourse includes

[9] Sexual assault includes any offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

vaginal or anal penetration by a penis, object, tongue or finger, or any contact between the mouth of one person and the genitalia of another person.

3. **Consent** is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. The lack of a negative response is not consent. An individual who is incapacitated by alcohol and/or other drugs both voluntarily or involuntarily consumed may not give consent. Past consent of sexual activity does not imply ongoing future consent.

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

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

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

   c. **Incapacitation** is a state where an individual cannot make rational, reasonable decisions due to the debilitating use of alcohol and/or other drugs, sleep, unconsciousness, or because of a disability that prevents the individual from having the capacity to give consent. Intoxication is not incapacitation and a person is not incapacitated merely because the person has been drinking or using drugs. Incapacitation due to alcohol and/or drug consumption results from ingestion that is more severe than impairment, being under the influence, drunkenness, or intoxication. The question of incapacitation will be determined on a case-by-case basis. Being intoxicated or incapacitated by drugs, alcohol, or other medication will not be a defense to any violation of this Policy.

D. <u>SEXUAL EXPLOITATION</u>

Sexual Exploitation is taking advantage of a person due to their sex and/or gender identity for personal gain or gratification. It is the abuse of a position of vulnerability, differential power, or trust for sexual purposes. Examples include, but are not limited to:

- Recording, photographing, disseminating, and/or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without consent;
- Threatening to disseminate sensitive personal materials (e.g. photos, videos) by any means to any person or entity without consent;
- Allowing third parties to observe private sexual activity from a hidden location without consent (for example through a hidden location (e.g., closet) or through electronic means (e.g., livestreaming of images);
- Fetish behaviors including stealing articles of clothing for personal gain and/or satisfaction;
- Manipulation of contraception;
- Peeping or voyeurism;
- Prostituting another person;
- Intentionally or knowingly exposing another person to a sexually transmitted infection or virus without the other's knowledge; or
- Possessing, distributing, viewing or forcing others to view illegal pornography.

E. INTIMATE PARTNER VIOLENCE

Intimate Partner Violence includes any felony or misdemeanor crime, act of violence, or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship.[10] Intimate Partner Violence may include any form of Prohibited Conduct under this Policy, including Sexual Assault, Stalking (as defined herein) and/or physical assault. Intimate Partner Violence may involve a pattern of behavior used to establish power and control over another person through fear and intimidation, or may involve one-time conduct. A pattern of behavior is typically determined based on the repeated use of words and/or actions and inactions in order to demean, intimidate, and/or control another person. This behavior can be verbal, emotional and/or physical.

F. STALKING

Stalking means engaging in a course of conduct directed at a specific individual that would cause a reasonable person to fear for their safety or the safety of others, or for the individual to suffer substantial emotional distress.

Stalking includes unwanted, repeated, or cumulative behaviors that serve no purpose other than to threaten, or cause fear for another individual.

[10] Intimate partner violence may also occur between individuals that cohabitate, or have cohabitated, as spouses or intimate partners, share a child in common, or when an individual commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the relevant jurisdiction.

Common stalking acts include, but are not limited to: harassing, threatening or obscene phone calls, excessive and/or threatening communication, following, vandalism of personal property, and/or leaving/giving unwanted gifts or objects. Stalking includes cyberstalking.

G. RETALIATION

Retaliation means any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this Policy, including requesting supportive measures (remedial and/or protective), for the purpose of interfering with any right or privilege secured by this Policy. Retaliation includes threatening, intimidating, discriminating, harassing, coercing, interfering with potential witnesses or a potential proceeding under this Policy, or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct. In determining whether an act constitutes retaliation, the full context of the conduct will be considered, including the individual right to freedom of speech.

Retaliation can include, but is not limited to, actions taken by the University, actions taken by one student against another student, actions taken by an employee against another employee or student, actions taken by a Registered Student Organization against a student, or actions taken by a third party against a student or employee. See the University's Non-Retaliation Policy (http://policy.uconn.edu/2011/05/24/non-retaliation-policy/).

H. COMPLICITY

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

X. INAPPROPRIATE AMOROUS RELATIONSHIPS

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

A. INSTRUCTIONAL/STUDENT CONTEXT

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

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

1. Undergraduate Students

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

2. Graduate Students

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

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

3. Graduate Students in Positions of Authority

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

they may unexpectedly be placed in a position of responsibility for another student's instruction or evaluation.

4. Pre-existing Relationships with Any Student

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

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

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

5. If an Amorous Relationship Occurs with Any Student

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

   In addition to the amorous relationship itself, a faculty, staff or graduate student's failure to report the existence of an inappropriate amorous

relationship with a student is also a violation of this Policy. The University encourages immediate self-reporting, and will consider this factor in the context of any resolution that may be able to be reached.

B. EMPLOYMENT CONTEXT

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

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

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

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

2. If an Amorous Relationship Occurs or has Occurred Between a Supervisor and Their Subordinate Employee

If, despite these warnings, a University employee enters into an amorous relationship with someone over whom they have supervisory, decision-making, oversight, evaluative, or advisory responsibilities, that employee must disclose the existence of the relationship immediately to the Office for Inclusion and Civil Rights. Labor Relations and the applicable dean or vice president will determine whether the conflict of interest can be eliminated through termination of the situation of authority. The final determination will be at the sole discretion of the relevant dean or vice president. In most cases, it will be likely that an acceptable resolution to the conflict of interest will be possible. If the conflict of interest cannot be eliminated, the supervisor's employment standing may need to be adjusted. In addition to the amorous relationship itself, a supervisor's failure to report the existence of the relationship with a subordinate employee is also a violation of this Policy. The University encourages immediate self-reporting, and will consider this factor in the context of any resolution that may be able to be reached.

XI. PREVENTION, AWARENESS AND TRAINING PROGRAMS

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

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

XII. OBLIGATION TO COOPERATE AND PROVIDE TRUTHFUL INFORMATION

All University employees are expected to cooperate and to provide all relevant information of which they are aware and/or in their possession as deemed necessary in connection with investigating allegations under this policy. Further, all University community members are expected to provide truthful information in any report, investigation, or proceeding under this Policy. Submitting or providing false or misleading information in bad faith or in an effort to achieve personal gain or cause intentional harm to another in connection with an incident of Prohibited Conduct, or employees failing to cooperate in the investigation process, is prohibited and subject to disciplinary sanctions under The Student Code (for students), The Code of

Conduct (for employees), General Rules of Conduct (for employees), and any other applicable and appropriate University policy or policies. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

XIII. RELATED POLICIES

A. STUDENTS

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

B. EMPLOYEES AND THIRD PARTIES

- Protection of Minors and Reporting of Child Abuse and Neglect Policy: http://policy.uconn.edu/?p=6754
- Non-Retaliation Policy: http://policy.uconn.edu/?p=415
- Policy Statement: Affirmative Action and Equal Employment Opportunity: http://policy.uconn.edu/?p=102
- Age Act Policy: http://policy.uconn.edu/?p=2007
- Code of Conduct (employees): http://policy.uconn.edu/?p=140
- General Rules of Conduct (employees): https://policy.uconn.edu/2011/05/24/general-rules-of-conduct/
- Code of Conduct for University of Connecticut Vendors: http://policy.uconn.edu/?p=2718
- Policy on Employment and Contracting for Service of Relatives: http://policy.uconn.edu/?p=357

XIV. ENFORCEMENT

Violations of this policy may result in appropriate disciplinary measures in accordance with University By-Laws, Code of Conduct, General Rules of Conduct, applicable collective bargaining agreements, and the University of Connecticut Student Code.

XV. POLICY REVIEW

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

Revised March 4, 2026