

**Procedures for Addressing Sexual Misconduct Involving a UConn Student Respondent: New
Procedures as required by the Final Rule under Title IX dated April 19, 2024**

I. General Provisions

The procedures apply to all allegations of potential violations of the University of Connecticut's *Policy Against Discrimination, Harassment, And Related Interpersonal Violence ("Policy")* where the incident occurred entirely on, or after, August 1, 2024, and the responding party is a UConn student. For incidents occurring prior to August 1, 2024, the Office of Community Standards (OCS) will follow the policies and procedures in effect at the time.

The University of Connecticut will treat complainants and respondents equitably throughout the process.

The University of Connecticut requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Parties involved in the following investigation process may be accompanied by one advisor of their choice (which may be an attorney) to any meeting or proceeding. OCS will not assign an advisor for the purposes of these proceedings. If a party chooses to have an advisor, the party should provide OCS with the advisor's contact information for the purpose of scheduling. The advisor may act as a support person for their party, assist the party in navigating the process, and help formulate questions for the hearing. The advisor may not participate in lieu of the party in any capacity.

An allegation that an individual or individuals violated the *Policy* does not constitute an assumption that the behaviors occurred as alleged or that a policy violation occurred. Determinations of responsibility are only made at the conclusion of the process described in these procedures.

OCS may implement supportive measures, including no contact directives, consistent with the *Policy*. Supportive measures are available to both parties, non-punitive, and put in place to restore or preserve a person's access to UConn's education program or activity or provide support during these investigation procedures. Any party impacted by the supportive measure implementation or denial may appeal the decision by emailing OCS's Director of Community Standards. The appeal should clearly state why the party believes the measure is deficient and may include a recommended alternative measure. The appeal will be reviewed by OCS's Director, the Title IX Coordinator, or designee. Any impacted parties will be notified of the outcome in writing within ten (10) business days of receipt of the appeal.

OCS will make appropriate arrangements with the Center for Students with Disabilities (CSD) to ensure that individuals with disabilities are provided the services they need throughout our process.

The University of Connecticut will take reasonable steps to protect the privacy of the parties and witnesses during its investigation procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses. The parties cannot engage in retaliation, including against witnesses.

If there is a determination that a violation of the *Policy* occurred, UConn may impose appropriate disciplinary sanctions, up to, and including, separation from the institution. UConn may also provide remedies to restore access to the University's education program or activity.

II. Timeline

OCS is committed to the prompt and thorough resolution of complaints under the *Policy*. As such, OCS will complete an *initial review* of all reports within ten (10) business days of receipt. The *fact gathering* will be completed within forty (40) business days of the conclusion of the initial review, and the *hearing* will be scheduled within twenty (20) business days of the conclusion of the fact gathering. Parties will receive *written notice of outcome* within ten (10) business days of the hearing.

These procedures allow for reasonable extensions of timeframes on a case-by-case basis for good cause, which includes but is not limited to: investigations where additional time is necessary to ensure the integrity and completeness of the investigation; to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of parties and/or witnesses; to account for University breaks or vacations; to account for complexities of a case, including the number of witnesses and volume of information provided by the parties; or for other legitimate reasons. Parties will receive written notice, including rationale, for any significant departure from the prescribed timeline.

III. Standard of Evidence

All determinations will be based on the *preponderance of evidence* standard. Meaning the evidence must prove that it is more likely than not that the incident occurred as alleged. The standard of proof requires the decisionmaker(s) to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker(s) is not persuaded by the evidence that a violation of the *Policy* occurred, whatever the quantity of the evidence is, the decisionmaker(s) will not determine that a violation occurred.

IV. Review of Evidence

Relevant evidence is evidence that has some value or tendency to prove a matter of fact significant to the case. Relevant evidence may pertain to a party's or witness's credibility.

Parties will be provided with equal opportunity to present evidence during the investigation process. Additionally, OCS will take reasonable steps to obtain relevant evidence which may not be in the parties' control. The decision-maker will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence¹. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by OCS to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

¹ Inculpatory evidence is evidence that tends to prove that the respondent engaged in the alleged behavior, while exculpatory evidence is evidence that is favorable to the respondent.

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a student, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless OCS obtains that party's or witness's voluntary, written consent for use in its investigation procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

V. Initial Review

Upon receipt of a referral, OCS will evaluate the referral to determine whether the alleged conduct is within OCS' investigative authority as prescribed in the *Policy*. Where the alleged conduct does not fall under the *Policy* but may constitute behaviors prohibited by other University policies, OCS will promptly refer the matter to the appropriate authority and notify the impacted party of the referral in writing.

VI. Discretionary Dismissal

The University of Connecticut may dismiss a complaint if:

- OCS is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the University of Connecticut's education program or activity;
- OCS obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Director of OCS and or the Title IX Coordinator decline to initiate a complaint, and OCS determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute a potential violation of the *Policy*; or
- OCS determines the conduct alleged in the complaint, even if proven, would not constitute a violation of the *Policy*. Before dismissing the complaint, OCS will make reasonable efforts to clarify the allegations with the complainant.

A discretionary dismissal may occur at any point in the investigation proceeding prior to the final determination, including before initiating the formal fact finding. Any impacted parties will receive notification of dismissal in writing and may request review of a discretionary dismissal, consistent with section X of these procedures.

VII. Investigation

Where the alleged conduct is within OCS's investigative authority, the impacted party is seeking an investigation, and the report is not otherwise dismissible, OCS will initiate an investigation.² Upon initiating an investigation, OCS will provide written notice to the parties with sufficient time for the parties to prepare a response before any initial interview.

After providing notice, OCS will conduct an adequate, reliable, and impartial investigation into the complaints. The burden is on the investigator – not the parties- to conduct an investigation that gathers sufficient evidence to determine whether a policy violation occurred. As such, OCS maintains full authority to determine whether certain evidence or witnesses are necessary to conduct a thorough investigation.

OCS will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate. OCS will provide equal opportunity for parties to present information, both inculpatory and exculpatory, and recommend fact witnesses. On a case-by-case basis, OCS may allow for parties to present expert witnesses equally.

At the conclusion of the fact gathering, OCS will provide at least ten (10) business days for the parties to review³ all relevant and not otherwise impermissible evidence, to which the parties may submit a written response for consideration by the decision-maker(s). During the same period, parties will be given the opportunity to submit questions, in writing, to the decision-maker(s), which the decision-maker(s) will review for relevancy prior to the hearing. The decision-maker will explain to the submitting party any decisions to exclude questions based on relevance, impermissibility, lack of clarity, or harassment of another party. Parties will be given a reasonable opportunity to clarify or revise the excluded question(s) prior to the hearing.

The unauthorized disclosure of information and evidence obtained solely through these investigation procedures is prohibited, and OCS will take reasonable steps to prevent and address any disclosures.

VIII. Hearing

At the conclusion of the fact gathering, OCS will schedule an administrative hearing. The parties, the decision-maker(s) (trained hearing officers), and where applicable the parties' advisors will be invited. Further, witnesses may be invited to participate in the hearing if the decision-maker and/or the parties have relevant questions for the witness(es). The hearing will be recorded for appellate purposes and will be available to parties, if necessary, to facilitate a request for review.

At the hearing, the decision-maker(s) will ask all relevant questions, including their own questions and questions submitted by the parties. No party or advisor will be permitted to directly question any party or witness. After the initial round of questions, the decision-maker(s) will suspend the hearing for at least fifteen (15) minutes for the parties to consider and submit any follow-up questions in writing to the

² In the absence of a participating complainant, OCS may institutionally initiate an investigation after consideration of the specific facts and circumstances consistent with federal and state law.

³ To protect the privacy of everyone involved, parties will not be allowed to retain evidence or investigative materials.

decision-maker(s). The decision-maker(s) will reconvene the hearing and ask all relevant follow-up questions to the appropriate parties.

All parties present at the hearing are subject to the rules of decorum and may be removed from the proceedings for engaging in disruptive or harmful behavior⁴.

The decision-maker may consider a party's level of participation in the hearing process in their determination, but a finding that a party engaged in prohibited conduct under the *Policy* may not be solely based on a party's refusal to participate in the hearing or answer specific questions.

Following the hearing, the decision-maker(s) will objectively consider all relevant evidence obtained during the fact finding and at the hearing, consistent with sections I, III, and IV of these procedures to determine what occurred and whether what occurred constitutes a violation of the *Policy*.

IX. Determination

Within ten (10) business days of the hearing, OCS's Director, the decision-maker, or trained designee will issue a written notice of outcome to the parties simultaneously. The notice of outcome will include a description of the allegations, information about the *Policy* and these procedures, the decision-maker's evaluation of the relevant and not otherwise impermissible evidence, the policy determination(s), information on sanctions, referrals, and remedies, and information regarding requests for review. The determination regarding responsibility becomes final either on the date that the written determination of the result of any request for review is issued, or, if no party requests review, the date on which the request for review would no longer be considered timely as defined in section X of this policy.

As applicable, OCS's Director, the Title IX Coordinator, or designee will coordinate the implementation of remedies, the imposition of any disciplinary sanctions, and take further appropriate action to ensure that violations of the *Policy* do not continue or recur.

X. Written Response and Request for Review

At the conclusion of OCS's investigation process, outlined above, any party may submit an appeal to the outcome.

A decision rendered through the administrative hearing process may be appealed by the respondent(s) or UConn student complainant(s) to the next level of student conduct authority within five (5) business days of the decision. All findings and or/sanctions are in effect at the conclusion of the appeal process. All appeals shall be in writing and shall be delivered to the designated appellate body via the mechanism identified by the Office of Community Standards.

A party's request for review must identify at least one of the three grounds for review and provide sufficient detail to understand the basis for the request. Mere disagreement with the outcome is not sufficient grounds for review.

⁴ Throughout the process, students are subject to [The Student Code](#)

Except as required to explain the basis of new information, an appeal shall be limited to a review of the student case file. The audio recording of the administrative hearing shall be available to the appellate body for review as necessary. The review shall be for one or more of the following purposes:

- a. To determine whether the administrative hearing was conducted in conformity with prescribed procedures giving the complainant a reasonable opportunity to prepare and to present information that The Student Code was violated and giving the respondent a reasonable opportunity to prepare and to present a response to those allegations.
- b. To determine whether the sanction(s) imposed were appropriate for the determined violation(s) of The Student Code.
- c. To consider new information, sufficient to alter a decision, or other 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 original administrative hearing.
- d. The investigator, decision maker, and/or the Title IX Coordinator, had a conflict of interest or bias for or against complaints or respondents generally or the individual complainant or respondent that would change the outcome.

If an appeal is granted by the appellate body, the matter shall either be referred to the original hearing body for reopening of the administrative hearing to allow reconsideration of the original determination, or the appellate body will determine any change in sanctions. If an appeal is denied, the matter shall be considered final and binding upon all involved.

XI. Related Policies

[Policy Against Discrimination, Harassment, and Related Interpersonal Violence | University Policies \(uconn.edu\)](#) (effective August 1, 2024)

[Affirmative Action & Equal Employment Opportunity, Policy Statement: | University Policies \(uconn.edu\)](#) (effective October 3, 2022)

[People with Disabilities, Policy Statement: | University Policies \(uconn.edu\)](#) (effective November 15, 2011)

[Religious Accommodation Policy | University Policies \(uconn.edu\)](#) (effective August 1, 2018)

[Non-Retaliation Policy | University Policies \(uconn.edu\)](#) (effective October 22, 2021)

[Responsibilities of Community Life: The Student Code | Community Standards \(uconn.edu\)](#) (effective August 20, 2024)