

Sexual Misconduct Cases Involving a Student Respondent

Introduction

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

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

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

Definitions

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

- **Complainant** refers to any person who believes that said person has been a victim of another student's misconduct. If the complainant is a student, that student will have the same rights under *The Student Code* as are provided to the respondent, even if another member of the University community referred or reported the allegation itself.
 - If, at any time, the complainant decides to no longer participate in the student conduct process, the Office of Community Standards, based on the amount of information known and possible impact to the community, may continue with the student conduct process without the complainant's participation. If this occurs, the complainant will be notified by the Office of Community Standards.
- **Respondent** refers to any student accused of violating *The Student Code*.
 - The respondent will be notified of the allegation and have the opportunity to respond and provide information regarding the allegation.
 - If the respondent chooses to not participate in the student conduct process, the Office of Community Standards will proceed with the student conduct process without the respondent's participation.
- **Support person** refers to any person who accompanies a respondent or complainant for the limited purpose of providing support and guidance. A support person may not directly address the

hearing body, case manager(s), question witnesses, or otherwise actively participate in the student conduct process, including hearings.

- A support person cannot serve in a dual role such as a serving as both a support person and a witness.
- **Witness** refers to any individual who has direct knowledge of an incident. Character witnesses are not part of the student conduct process.

Interim Actions and Supportive Measures

Upon receiving a report of sexual misconduct, Community Standards may initiate an interim administrative action(s) as allowed by *The Student Code*. An interim administrative action is a necessary restriction(s) on a student prior to a student conduct resolution. Such action may be taken when, in the professional judgment of a University official, a threat of imminent harm to persons or property exists. Interim administrative action is not a sanction. It is taken in an effort to protect the safety and well-being of the respondent, of the complainant, of others, of the University, and/or of property. Interim administrative action is preliminary in nature; it is in effect only until there is a resolution of the student conduct matter.

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

Investigation

Upon receiving a complaint, the Office of Community Standards will assign a case manager to review and determine if a complaint alleges or addresses a potential violation of *The Student Code*. If so, the case manager will immediately begin a fair and impartial investigation and strive to reach a resolution within an appropriate timeframe; however, there are circumstances that may extend this resolution timeline (e.g., gathering witness information, scheduling, holding an administrative hearing).

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

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

Determination of Facts Relative to an Alleged Violation

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

Resolution

After reviewing the incident and the investigation with the respondent and complainant, if any, the case manager will determine whether the case may be resolved by way of an administrative agreement/case resolution form or an administrative hearing. A student who agrees to resolve any violation(s) without an

administrative hearing shall have no right to appeal.

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

Sanctions

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

The University has four major sanctions: **Warning, University Probation, University Suspension, or University Expulsion**. When a student is found responsible for a violation(s), one of these sanctions will be imposed.

Privacy versus Confidentiality

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

Retaliation

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

UConn Police

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

Criminal Proceedings

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

Proceedings under *The Student Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Director of Community Standards.

Determinations made or sanctions imposed under *The Student Code* shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the defendant in the criminal matter.