

University of New Haven

Title IX Formal Grievance Policy

Effective August 1, 2024

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University of New Haven  
Title IX Formal Grievance Policy

**I. Introduction**

The University of New Haven does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment. The University of New Haven values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the Grievance Procedures during what is often a difficult time for all those involved. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting goals of fairness and equity in all aspects of its educational programs and activities, the University has developed internal policies and procedures that provide a prompt, fair, and impartial process for addressing allegations of sex discrimination, including sex-based harassment, and for allegations of Retaliation.

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

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

**Barbara J. Lawrence, J.D., M.P.A.**

Vice President for Institutional Equity and Diversity, Chief Diversity Officer and  
Title IX Coordinator  
Maxcy Hall 226C  
(203) 932-7269  
blawrence@newhaven.edu

**Emily Guido**

Assistant Title IX Coordinator/Director of Title IX Compliance  
Peterson Library 203  
(203) 932-7264  
eguido@newhaven.edu

**Michael Karski**

Title IX Investigator  
Peterson Library 210D

(203) 932-7262  
mkarski@newhaven.edu

## **II. Scope of Policy**

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

This Policy will apply to sex based-discrimination in a University of New Haven "education program or activity" against a person in the United States. The University of New Haven will address allegations of sex-based harassment under its education program or activities, even when some conduct alleged to be contributing to the hostile environment occurred outside the University of New Haven's education program or activity or outside the United States. This policy applies to conduct that takes place on the campus or on property owned or controlled by the University, at University sponsored events, or in buildings owned or controlled by the University's recognized student organization. The Respondent must be a member of University community in order for its policies to apply.

Alleged misconduct subject to this Policy includes both sex discrimination prohibited by Title IX and allegations that do not meet the definitions under Title IX, but nonetheless violate the University's community standards as described in the Student Handbook, as discussed further in the Definitions (Section IV) below, together called "Prohibited Conduct".

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

## **III. Statement of Policy**

The University of New Haven is committed to fostering a living, learning and working environment free of discrimination and harassment. The University of New Haven is subject to Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §§1681, et seq., which states that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

The University adopts this Policy in furtherance of 1) preventing, eliminating, or addressing the effects of Prohibited Conduct; 2) fostering a climate where all individuals are well-informed and supported in preventing or reporting Prohibited Conduct; and 3) providing clear standards and a fair and impartial process for all Parties by which violations of this Policy will be addressed and disciplinary action imposed. The University will take prompt and effective action to eliminate Prohibited Conduct, prevent its reoccurrence, and remedy its effects all while maintaining our core commitment to fundamental fairness for all Parties; the rights of parents and guardians to support minor children; respect for freedom of speech and academic freedom; and respect for the autonomy that Complainants need and deserve when they come forward with a claim of sex discrimination.

#### **IV. Definitions**

Terms used in this Policy have the following meanings:

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

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

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

**Complaint:** An oral or written request that can objectively be understood to be a request to investigate and prepare a decision regarding discrimination based on sex, including harassment. A Formal Complaint can be signed by the Title IX Coordinator.

**Confidential Resources:** The following resources will be considered “Confidential Employees” under this Policy: On-Campus licensed professional counselors and staff at the University’s Counseling & Psychology services (CAPS), On-Campus Health Services provides and staff, and On-Campus members of the Clergy/Chaplains working within the scope of their licensure or ordination, which includes University’s Chaplin.

**Grievance Procedures:** A method of resolution designated by the University to address conduct that falls within the Policy included below, and which complies with the requirements of the Title IX regulations (specifically, 34 CFR 106.45).

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

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

*Investigator:* The individual(s) responsible for conducting the investigation of alleged prohibited conduct, as discussed in Section V. The Title IX Investigator is a full-time staff member at the University and will serve as the Title IX Investigator, unless the Title IX Coordinator determines that the use of an outside investigator is appropriate under the circumstances. The Assistant Title IX Coordinator may serve as the Investigator.

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

*Pregnancy or Related Conditions:* (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

*Prohibited Conduct:* Conduct that is prohibited within this policy, including Sex-Based Harassment, as well as Retaliation.

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

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

*Retaliation:* Intimidation, threats, coercion, or discrimination against any person by the University of New Haven, a student, or an employee or other person authorized by the University of New Haven to provide aid, benefit, or service under the University of New Haven's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, including in an informal resolution process or the Grievance Procedures.

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

*Sex-based Harassment:* A form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the following bases:

(1) Quid pro quo harassment. An employee, agent, or other person authorized by the University of New Haven to provide an aid, benefit, or service under the University of New Haven's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University of New Haven's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

(i) The degree to which the conduct affected the Complainant's ability to access the University of New Haven's education program or activity;

(ii) The type, frequency, and duration of the conduct;

(iii) The Parties' ages, roles within the University of New Haven's education program or activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;

(iv) The location of the conduct and the context in which the conduct occurred; and

(v) Other sex-based harassment in the University of New Haven's education program or activity; or

(3) Specific offenses.

(i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the University of New Haven, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction;  
or

(iv) Stalking meaning engaging in a course of conduct directed at 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 substantial emotional distress.

#### **V. Obligation to Report:**

All employees, other than "Confidential Employees" as defined in Section IV above, who (1) have the authority to take corrective action, (2) hold administrative leadership responsibilities, or (3) hold teaching or advising responsibilities must notify the Title IX Coordinator or Assistant Title IX Coordinator. All other non-Confidential Employees have the option to either notify the Title IX Coordinator or Assistant Title IX Coordinator, or to provide the potential Complainant with the Title IX Coordinator's contact information and how to file a Complaint.

#### **VI. Pregnancy or Related Conditions:**

The University of New Haven prohibits discrimination against students, employees, or applicants based on pregnancy or related conditions. The University of New Haven takes actions to prevent sex discrimination and ensure equal access to its education program or activity, such as by providing reasonable modifications for students, reasonable break time for lactation for employees, and lactation space for students and employees. The University of New Haven is prohibited from requiring documentation from students to obtain reasonable modifications unless documentation is necessary and reasonable. Additionally, unless the employee reasonably believes that the Title IX Coordinator has been notified, all employees are required to promptly inform a pregnant student, or person who has a legal right to act on behalf of the student, of the Title IX Coordinator's contact information and inform them that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the University of New Haven's education program or activity. This obligation to provide the information arises when a student, or a person who has a legal right to act on behalf of the student, first informs that same employee of that student's pregnancy or related

conditions, and when the employee reasonably believes the Title IX Coordinator has not already been notified.

## **VII. The Grievance Procedures**

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

In order to commence Grievance Procedures, a Complainant must report, either verbally or in written form, a Complaint with an employee of the University of New Haven, or, as addressed below, an employee must otherwise have knowledge of potential sex discrimination.

There is no time limit within which a Complainant must report a Complaint. However, at the time a Complaint is reported for Title IX Sexual Harassment, the Complainant must be participating or attempting to participate in the University of New Haven's program or activities.

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

If the person receiving the Complaint is not the Title IX Coordinator or Assistant Title IX Coordinator, but is an employee other than a Confidential Employee, that employee must notify the Title IX Coordinator or Assistant Title IX Coordinator about the Complaint or when the employee becomes aware of any conduct that reasonably may constitute sex discrimination under Title IX, or provide the contact information of the Title IX Coordinator or Assistant Title IX Coordinator and information about how to make a Complaint to the person reporting it. If the person receiving the information about conduct that reasonably may constitute sex discrimination is a Confidential Employee, that Confidential Employee must explain to the person informing them of the conduct of their status as confidential for purposes of this Policy, including the circumstances in which the employee is not required to notify the Title IX Coordinator or Assistant Title IX Coordinator about conduct that reasonably may constitute sex discrimination, as well as how to contact the Title IX Coordinator or Assistant Title IX Coordinator and how to make a complaint of sex discrimination, and notice that the Title IX Coordinator or Assistant Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the Grievance Procedures.

Additionally, whether an employee has received a report or not, any non-confidential employee who has information or has seen conduct that reasonably may constitute sex discrimination is under an obligation to report it to the Title IX Coordinator or Assistant Title IX Coordinator. Upon receipt of any report of alleged sex discrimination, the Title IX Coordinator or Assistant Title IX Coordinator will treat the Complainant and Respondent equitably and promptly contact the Complainant to discuss the availability of supportive measures and explain the Grievance Procedures (or option for requesting an



informal resolution). The Title IX Coordinator or Assistant Title IX Coordinator will inform the Complainant of the availability of supportive measures and will consider the Complainant's wishes with respect to supportive measures.

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

In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator or Assistant Title IX Coordinator may conduct a limited, threshold investigation to determine whether to initiate a Complaint of sex discrimination that complies with the Grievance Procedures by considering the following factors:

1. The Complainant's request not to proceed with initiation of a Complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
3. The risk that additional acts of sex discrimination would occur if a Complaint is not initiated;
4. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary Sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the Parties, including whether the Respondent is an employee of the University of New Haven;
6. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
8. Whether the University of New Haven could end the alleged sex discrimination and prevent its recurrence without initiating its Grievance Procedures

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

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

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

A. Notice of Allegations

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

The NOIA will include:

- i. Notice of the University of New Haven Grievance Procedures and informal resolution process by providing access to this policy.
- ii. Notice of the allegations potentially constituting sex-based discrimination, including sufficient details known at the time. Sufficient details are defined in the Title IX Regulations to include:
  - The identities of the Parties involved in the incident, if known;
  - The conduct allegedly constituting sexual harassment;
  - The date and location of the alleged incident, if known.
- iii. Per the Title IX Regulations, the written notice must also include the following statements:
  - The Respondent is presumed not responsible for the alleged conduct
  - A determination regarding responsibility is made at the conclusion of the Grievance Procedures
  - The Parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
  - The Parties may inspect and review evidence
  - The Parties are prohibited from knowingly making false statements or knowingly submitting false information during the Grievance Procedures
  - The notice must be given as soon as practicable and with sufficient time to prepare a response before any initial investigation interview
  - Details on how the Party may request disability accommodations during the interview process
  - A link to the University’s Know Your Rights & Options (VAWA Compliant) Brochure
  - The name(s) of the Investigators(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator/Assistant Title IX Coordinator any conflict of interest that the Investigator(s) may have
  - An instruction to preserve any evidence that relevant to the allegations
  - Retaliation is prohibited

- iv. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges. If the University of New Haven intends to investigate allegations not included in the original NOIA, additional notice will be provided prior to commencing the investigation.

### *B. Emergency Removal*

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

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

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

The Title IX Coordinator or Assistant Title IX Coordinator will notify the Respondent of the terms imposed in connection with an emergency removal. The Respondent has the opportunity to challenge the emergency removal upon receipt of that notice. In order to challenge the emergency removal, the Respondent shall submit their challenge via email to [blawrence@newhaven.edu](mailto:blawrence@newhaven.edu) within five (5) calendar days from the date of the notice of emergency removal, explaining why the emergency removal is not appropriate. The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration.

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

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

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

### C. Supportive Measures

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

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties, to restore or preserve access to the University of New Haven's education program or activity, including measures designed to protect the safety of the Parties or the University of New Haven's educational environment, and/or deter sex-based discrimination, sexual harassment, misconduct, and/or Retaliation.

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

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

Supportive measures may include, but are not limited to:

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

A student or employee's failure to abide by the terms of any supportive measure may result in discipline and, depending on the circumstances, could be deemed to constitute retaliation. Violations of No Contact Orders will be referred to the appropriate student or employee conduct processes for

enforcement. Orders of Protection, No Contact Orders, restrictive or similar orders issued by a criminal, civil, or tribal court will be administered by the University of New Haven as written.

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

*D. Recording of Interviews*

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

*E. Investigation Process*

The Title IX Coordinator or Assistant Title IX Coordinator will appoint an Investigator to investigate the allegations subject to the Grievance Procedures. All investigations are thorough, reliable, impartial, and fair. The Grievance Procedures will include reasonably prompt timeframes for the major stages of the Grievance Procedures, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the Parties that includes the reason for the delay. Major stages include, for example, evaluation (i.e., the University of New Haven's decision whether to dismiss or investigate a Complaint of sex discrimination); investigation; determination; and appeal, if any. The Grievance Procedures also will ensure that reasonable steps are taken to protect the privacy of the Parties and witnesses during the pendency of the University of New Haven's Grievance Procedures, provided that the steps do not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses, consult with their family members, confidential resources, or advisors, or otherwise prepare for or participate in the Grievance Procedures.

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

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

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

The investigation file should contain all information gathered during the investigation that is potentially relevant to the alleged misconduct; the Investigator should not filter or exclude evidence or decide the

weight or credibility of evidence, unless the evidence is clearly irrelevant or not pertinent to the facts at issue.

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

Evidentiary Considerations:

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

Investigation Report:

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

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

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

Hearing Notice/Referral for Hearing:

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

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

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

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures
- The date, time, and location of the hearing
- Information about the option for the live hearing to occur with the Parties located in separate rooms using technology that enables the Hearing Facilitator(s) and Parties to see and hear a Party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- Any technology that will be used to facilitate the hearing
- Information on how the hearing will be recorded
- A list of those who will be attending the hearing

- A statement that if any Party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and any statements given prior to the hearing will not be considered by the Decisionmaker(s).
- Requirement of an Advisor for the day of the hearing for any questions they may desire to ask (the Party must notify the Title IX Coordinator or Assistant Title IX Coordinator if they do not have an Advisor, and the University of New Haven will appoint one, provided however, the University is not required to appoint an attorney-advisor, even if the other Party has an attorney-advisor). This includes the ability for each Party to propose questions that the Party wants asked of any Party or witness and have those questions asked by the Decisionmaker and allows each Party's Advisor to ask any Party or witness such questions, each subject to the relevancy requirements. Such questioning must never be conducted by a Party personally. If a Party does not have an Advisor to ask questions on their behalf, the University of New Haven will provide the Party with an Advisor, without charge to the Party, for the purpose of Advisor-conducted questioning.
- An invitation to each Party to submit to the Hearing Facilitator an impact statement pre-hearing that the Hearing Facilitator will review during any Sanction determination.
- An invitation to contact the Title IX Coordinator or Assistant Title IX Coordinator to arrange any disability accommodations, such as: language assistance and/or interpretation services that may be needed at the hearing, at least seven (7) business day prior to the hearing.

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

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

#### *F. Dismissal(s)*

1. At any time during the investigation or hearing, the University of New Haven may dismiss the Complaint or any of its allegations if:
  - a. The Respondent is unidentifiable even after a reasonable attempt to identify the respondent
  - b. The Respondent is not participating in the educational program or activities or is not employed by the University of New Haven
  - c. The Complainant voluntarily withdraws some or all of the allegations and any remaining allegations would not constitute sex-based discrimination under Title IX, in which case the University of New Haven will obtain the Complainant's withdrawal in writing
  - d. The allegations, even if proven, would not violate Title IX after reasonable efforts have been made to clarify the allegations with the Complainant



- e. At the time of the complaint, a complainant is not participating in or attempting to participate in the recipient's education program or activity.
2. In all such circumstances, supportive measures may be continued.
3. Under F.1.b.:
  - a. The Respondent's student or employment records may be marked to indicate their departure during a disciplinary process (which may resume if they return to the University of New Haven but will not indicate that such Respondent was found or assumed responsible for any alleged misconduct pending at the time of departure).
  - b. The Respondent may be required to notify the Title IX Coordinator or Assistant Title IX Coordinator if they intend to visit any building owned or controlled by the University of New Haven or a student organization that is officially recognized by the University of New Haven, or if they otherwise seek to attend any University of New Haven education program or activity or event, so that the Complainant may be given an opportunity to receive supportive measures if needed.
4. If dismissal is granted under this section, the Grievance Procedures will cease. Under the Title IX Regulations, no further investigation will occur, and no disciplinary Sanctions or actions can be imposed against the Respondent. The University of New Haven will provide the Parties, simultaneously, with written notice of the dismissal and the basis for the dismissal, except if the dismissal occurs before the Respondent has been notified of the allegations, in which case written notice will be provided only to the Complainant.
5. A dismissal may be appealed.

#### G. Adjudication

- i. Adjudication via hearing
  - a. The University of New Haven's Grievance Procedures will culminate in a live hearing before one or more Hearing Facilitators, who will consider all evidence presented (subject to the terms below) and determine whether a Respondent is responsible or not responsible for a violation of this Policy, based on a preponderance of evidence standard. Under that standard, the burden of proof is met, and a Respondent may be found responsible for a policy violation, if the Decisionmaker(s) determines that it is more likely than not that the Respondent committed the conduct alleged. Respondents are entitled to, and will receive the benefit of, a presumption that they are not responsible for the alleged conduct until the Grievance Procedures concludes and a determination regarding responsibility is issued. If the Respondent is found responsible for a violation of this policy, the Respondent may be subjected to Sanctions.

- b. The Hearing Facilitator/Decisionmaker(s) will be selected by the Title IX Coordinator or Assistant Title IX Coordinator and may vary based on the enrollment or employment status of the Respondent.
    - Employee and faculty-Respondent cases typically will be adjudicated by the Executive Director for Human Resources.
    - The Hearing Facilitator(s) will not be the same person as the Title IX Coordinator, Assistant Title IX Coordinator, or the Investigator.
  - c. At the request of either Party, the University of New Haven will allow the live hearing to take place with the Parties located in separate rooms. Technology must enable the adjudicator(s) and Parties to simultaneously see and hear the Party or witness answering questions. Live hearings may, then, be conducted with the Parties physically present in the same location, or any or all parties, witnesses and other participants may appear at the live hearing virtually.
- ii. Information Submission
- a. The Title IX Coordinator or Assistant Title IX Coordinator will identify the Hearing Facilitator(s) to the Parties five (5) days in advance of the hearing. Either Party may challenge a named Hearing Facilitator if believed to have a conflict of interest or bias. A challenge must be delivered in writing to the Title IX Coordinator at least two days in advance of the hearing, specifying the reasons for such belief. The Title IX Coordinator has sole discretion to keep or replace the challenged Hearing Facilitator, and if replaced, will postpone the hearing to allow for a replacement Hearing Facilitator.
  - b. Five (5) days in advance of the hearing, the Parties will identify their expected attendees (including any advisor) and their expected witnesses (including themselves), including the witnesses' expected sequence, via writing to the Title IX Coordinator or Assistant Title IX Coordinator, who will supply the disclosure to the other Party so that they can be prepared. The Parties will not be strictly bound to their disclosures, but they should be submitted in good faith.
  - c. Typically, the Parties will be in charge of choosing and supplying their own witnesses at the hearing. When necessary for the pursuit of truth and to gather evidence sufficient to reach a determination, the Decisionmaker(s) will have discretion to ask the Title IX Coordinator or Assistant Title IX Coordinator to request additional witnesses after receipt of the Parties' witness lists recognizing, however, that the school has no ability to compel any witness to attend. Any such requested witness will be disclosed to the Parties.

- d. The Hearing Facilitator(s) may choose to convene a pre-hearing meeting(s) with the Parties and/or their Advisors to invite them to go over the process/procedures of the hearing and allow Parties and/or their Advisors to ask procedural questions. The Hearing Facilitator(s), with full agreement of the Parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report and/or during the hearing if needed.

At each pre-hearing meeting with a Party and their Advisor, the Hearing Facilitator(s) will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Hearing Facilitator(s) may rule on these arguments pre-hearing and will exchange those rulings between the Parties prior to the hearing to assist in preparation for the hearing. The Hearing Facilitator(s) may consult with legal counsel or ask either or both to attend pre-hearing meetings.

### iii. Evidence

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

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

1. The Title IX Regulations state that questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless:
  - a. “offered to prove that someone other than the Respondent committed the conduct alleged” or
  - b. “if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.”

2. Impermissible evidence must be excluded regardless of relevance.
  - What is impermissible evidence?
    - Evidence under privilege protected by law or provided to confidential employee, unless there is a voluntary waiver
    - Treatment records, unless there is voluntary, written consent
3. If a Decisionmaker determines that a Party's question is relevant and not otherwise impermissible, then the question must be asked except that a postsecondary institution must not permit questions that are unclear or harassing of the Party or witness being questioned. The Decisionmaker must give a Party an opportunity to clarify or revise a question that the Decisionmaker has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question to satisfy the terms of this paragraph, the question must be asked.
4. Refusal to respond to questions and inferences based on refusal to respond to questions. A Decisionmaker may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible. The Decisionmaker must not draw an inference about whether sex-based discrimination occurred based solely on a Party's or witness's refusal to respond to such questions.

#### iv. Recording Hearings

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

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

#### v. Cross-examination

1. As stated above, each Party may be accompanied to the hearing by the Advisor of their choice. The Advisor may be, but is not required to be, an attorney. Advisors may be present solely to advise or support the Party and are prohibited from speaking directly to the investigator, Hearing Facilitator(s), other parties, or witnesses during the hearing, except for conducting cross examination.
2. At the hearing, each Party's Advisor is permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross examination at the live hearing must be conducted directly, orally, and in real time by the Party's Advisor of choice, and never by a Party personally. However, the Hearing Facilitator(s) will typically ask questions before either Advisor.

3. If a Party does not have an Advisor present at the live hearing, the University of New Haven will provide without fee or charge to that Party, an Advisor who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that Party.
    - If a Party does not have an Advisor for the hearing, the Party must notify the Title IX Coordinator or Assistant Title IX Coordinator no later than the Party's pre-hearing disclosures. Otherwise, the hearing may be delayed, and the appointed Advisor may have less time to prepare for the hearing.
    - Process for appointing Advisor: The Title IX Coordinator or Assistant Title IX Coordinator will assign based on a pool of trained advisors.
  4. Only relevant cross-examination and other questions may be asked of a Party or witness. Before a Party or witness answers a cross-examination or other question, the Hearing Facilitator(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
  5. If a Party or witness does not submit to cross-examination at the live hearing, the Hearing Facilitator(s) must not rely on any statement of that Party or witness in reaching a determination regarding responsibility. However, the Hearing Facilitator (s) cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- vi. Deliberation, Determination Regarding Responsibility, and Standard of Proof
1. The Hearing Facilitator (s) will issue a written determination following the hearing. Based on the preponderance of the evidence, the Decisionmaker(s) will decide if the Respondent is responsible for engaging in Prohibited Conduct, and if so, what disciplinary action may be appropriate.
  2. The written determination will include:
    - a. Identification of the allegations potentially constituting sex-based discrimination;
    - b. A description of the procedural steps taken from the receipt of the Complaint through the determination;
    - c. Findings of fact supporting the determination;
    - d. Conclusions regarding the application of this Policy to the facts;
    - e. A statement of, and rationale for, the result as to each allegation, including:
      - A determination regarding responsibility;
      - If the Respondent is found responsible, any disciplinary Sanctions the Decisionmaker(s) imposes on the Respondent;
      - Whether remedies designed to restore or preserve equal access to the University of New Haven's education program or activity will be provided to the Complainant; and
    - f. Procedures and permissible bases for the Parties to appeal the determination.

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

vii. Sanctions and Remedies

1. Sanctions: If the Respondent is found responsible for any Prohibited Conduct, the Title IX Coordinator or Assistant Title IX Coordinator will provide the Hearing Facilitator with the Respondent's prior conduct record for consideration in the Hearing Facilitator's assignment of a Sanction or Sanctions. The range of available Sanctions includes:
  - Students found responsible for committing Prohibited Conduct in violation of this Policy will likely receive a Sanction ranging from written reprimand to expulsion, depending upon the severity of the incident and any previous violations of the Student Code of Conduct or this Policy. Faculty or staff found responsible for violating this Policy will likely receive a Sanction ranging from written reprimand to termination.
  - Employees found responsible for violating this policy in regard to sex-based discrimination will likely receive a Sanction ranging from a written reprimand to termination, depending upon the severity of the incident and any previous violations of employment policies.
  - The Hearing Facilitator(s) will sanction students found responsible for violations of the Student Code of Conduct not related to this Policy in accordance with sanctions used in the general Student Conduct Process. The Hearing Facilitator(s) may, at the discretion of Human Resources, issue sanctions for violations of the employment policies not related to this policy.

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

2. Remedies: The Title IX Coordinator or Assistant Title IX Coordinator is responsible for the implementation of remedies designed to restore or preserve equal access to the University of New Haven's education program or activity. While remedies might constitute supportive

measures, they also might involve the Title IX Coordinator implementing Sanctions imposed by the Decisionmaker(s).

viii. Finality

The determination regarding responsibility becomes final either:

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

*H. Appeals*

Both Parties may file a request for an appeal from a determination regarding responsibility, or from a dismissal of a Complaint or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator(s), or Hearing Facilitator(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

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

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

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

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

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

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

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

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

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

*1. Long Term Remedies/Other Actions*

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

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

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



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

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

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

- i. At any time prior to reaching a determination regarding responsibility, the University of New Haven may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. Both Parties must agree to participate, in writing, in an informal resolution process, and if they do, the Grievance Procedures do not start and or stop. Either Party may withdraw from the informal process and start or re-start the Grievance Procedures at any time before an informal resolution is reached. The University of New Haven will not require the Parties to participate in an informal resolution process and will not require them to waive their rights to the Grievance Procedures.
- ii. The University of New Haven will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- iii. The University of New Haven may decline to offer an informal resolution even if both Parties request an informal resolution, for example, if the University determines the alleged conduct would present a future risk of harm to others.
- iv. Prior to facilitating an informal resolution process, the University of New Haven will:
  1. Provide written notice to the Parties disclosing the following:
    - a) The allegations;
    - b) The requirements of the informal resolution process, including the circumstances under which an informal resolution agreement would preclude the Parties from resuming a Complaint arising from the same allegations;
    - c) The fact that, at any time prior to agreeing to an informal resolution, any Party may withdraw from the informal resolution process and resume the Grievance Procedures;
    - d) Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
    - e) The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
    - f) What information the University of New Haven will maintain and whether and how the University of New Haven could disclose such information for use during the Grievance Procedures if Grievance Procedures are initiated or resumed.
  2. Obtain the Parties' voluntary, written consent to the informal resolution process.

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

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

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

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

### **VIII. Retaliation**

Retaliation that relates to sex-based discrimination and occurs in an educational program or activity may violate Title IX. The University of New Haven prohibits members of the University of New Haven community from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

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

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

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

## **IX. University of New Haven & Community Resources**

### **On Campus Resources:**

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

**Barbara J. Lawrence, J.D., M.P.A.**

Vice President for Institutional Equity and Diversity, Chief Diversity Officer and  
Title IX Coordinator  
Maxcy Hall 226B  
(203) 932-7269  
blawrence@newhaven.edu

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

**University Emergency Line:** (203) 932-7070

**University Routine Line:** (203) 932-7014

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

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

Myatt Center for Diversity & Inclusion: The Director for the Myatt Center for Diversity & Inclusion is knowledgeable about campus and local services; provides support to student victims; and works closely with the Dean of Students Office to provide proactive initiatives to educate the campus community on issues related to sexual misconduct.

Gerber Hall, Lower Level: (203) 932-7427

Campus Resource Team (CRT): In an ongoing effort to enhance the University's response to sexual violence and harassment, the University President has appointed a Campus Resource Team; involved in responding to sexual misconduct incidents.

To learn more about the CRT, please call: (203) 932-7445

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

Sheffield Hall, Lower Level: (203) 932-7333

University Health Services (Confidential): Health Services is open to all currently enrolled University students without charge, Monday through Friday during the academic year. Staff members provide crisis and follow-up care for victims of sexual assault and make referrals to local hospitals for the administration of sexual assault evidence collection kits (also known as a rape kit). For immediate medical needs during hours when Health Services is closed, students should seek emergency services, i.e., local hospital emergency rooms, University Police Department, local police, and local rape crisis center.

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

#### **Off Campus/Other Resources:**

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

24-hour Confidential Hotline  
(203) 878-1212  
mrcc@newhaven.edu

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

24-hour Confidential Hotline  
Statewide: (888) 774-2900  
Greater New Haven and Shoreline: (203) 789-8104  
Lower Naugatuck Valley: (203) 736-9944

#### **National & Statewide Resources:**

Connecticut Coalition Against Domestic Violence:

(888) 774-2900 – 24-hour hotline

Connecticut Alliance to End Sexual Violence:

(888) 999-5545 English Hotline

(888) 568-8332 Spanish Hotline

<https://endsexualviolence.org/>

Stalking Prevention, Awareness & Resources Center (SPARC)

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

National Suicide Prevention Lifeline

(800) 273-8255 English Hotline

(800) 628-9454 Spanish Hotline

National Center for Victims of Crime

(855) 484-2846

Online Chat Feature: <https://chat.victimsofcrime.org>

Male Survivor: Critical Resources for Male Survivors of Sexual Trauma

[www.malesurvivor.org](http://www.malesurvivor.org)