

# Preventing and Responding to Sexual Misconduct:

*Building a Climate of Safety and Respect at Yale*



### **SHARE: Information, Advocacy, and Support**

<http://sharecenter.yale.edu/>

203.432.2000 (24-hr availability)

Professional, expert help for people who have experienced sexual misconduct, their friends and family

Coordinates medical treatment, evidence collection

Assists with contacting police and/or initiating a complaint

Strictly confidential services—anonymous if desired

### **University-Wide Committee on Sexual Misconduct**

<http://provost.yale.edu/uwc>

203.432.4441 (9 AM–5 PM weekdays)

Yale's internal disciplinary committee for cases of sexual misconduct

Members include faculty, staff, and students; supported by professional, independent fact-finders

Complainants can discuss options and seek resolution, remedies, and disciplinary action

Handles both informal and formal complaints

Confidential—shares certain information with the University  
Title IX Coordinator

### **Yale Police Department**

<http://publicsafety.yale.edu/>

203.432.4400 (24-hr availability)

Sworn police officers; Sensitive Crimes & Support Coordinator

Conducts criminal investigations

Provides assistance and services to victims

Will consult without requiring a police report to be filed

Confidential—shares certain information with the University  
Title IX Coordinator

### **Title IX Coordinators**

<http://provost.yale.edu/title-ix/coordinators>

203.432.4446 (9 AM–5 PM weekdays)

University Title IX Coordinator; Deputy Coordinators assigned to Yale College, the Graduate School, each professional school, and faculty and staff

Responsible for policies, programs, coordination of resources, tracking and investigating complaints

Inform complainants of criminal and disciplinary options, and assist with interim measures and remedies.

Take institutional action when necessary

Confidential—with limited exceptions



This guide provides an overview of the University's policies and the broad range of resources available to prevent and respond to sexual misconduct at Yale. For detailed information, please see the Sexual Misconduct Response website (<http://smr.yale.edu>).

**The most important thing that you need to know is:**

**You should expect to feel safe and respected at all times at Yale. If for any reason you do not, Yale will provide resources to support you and help you take action.**

## YALE SEXUAL MISCONDUCT POLICIES AND RELATED DEFINITIONS



Yale University is committed to maintaining and strengthening educational, working, and living environments founded on civility and mutual respect in which students, faculty, and staff are connected by strong bonds of intellectual dependence and trust. Sexual misconduct is antithetical to the standards and ideals of our community and will not be tolerated.

Yale aims to eradicate sexual misconduct through education, training, clear policies, and serious consequences for violations of these policies. The University Title IX Coordinator has responsibility for ensuring compliance with Yale's policies regarding sexual misconduct. The University-Wide Committee on Sexual Misconduct (UWC) and the Title IX Coordinators address allegations of sexual misconduct.

These policies apply to all members of the Yale community as well as to third parties (i.e., individuals who are neither students nor employees, including but not limited to guests and consultants) for conduct directed toward University students, faculty, or staff members. Conduct that occurs in the process of application for admission to a program or selection for employment is also covered by these policies.

Many forms of sexual misconduct are prohibited by Connecticut and federal law (including Title IX of the Education Amendments of 1972) and could result in criminal prosecution or civil liability.

## Definition of Sexual Misconduct

Sexual misconduct incorporates a range of behaviors including sexual assault, sexual harassment, intimate partner violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person.

Much sexual misconduct includes nonconsensual sexual contact, but this is not a necessary component. For example, threatening speech that is sufficiently severe or pervasive to constitute sexual harassment will constitute sexual misconduct. Making photographs, video, or other visual or auditory recordings of a sexual nature of another person without consent constitutes sexual misconduct, even if the activity documented was consensual. Similarly, sharing such recordings or other sexually harassing electronic communications without consent is a form of sexual misconduct. Both men and women are protected from sexual misconduct, and sexual misconduct is prohibited regardless of the sex of the harasser.

Violations of Yale's Policy on Teacher-Student Consensual Relations and its Policy on Relationships between Staff Members are also forms of sexual misconduct.

## Definition of Sexual Harassment

Sexual harassment consists of nonconsensual sexual advances, requests for sexual favors, or other

verbal or physical conduct of a sexual nature on or off campus, when: (1) submission to such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing; or (2) submission to or rejection of such conduct is used as the basis for employment decisions or for academic evaluation, grades, or advancement; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating or hostile academic or work environment. Sexual harassment may be found in a single episode, as well as in persistent behavior. Both men and women are protected from sexual harassment, and sexual harassment is prohibited regardless of the sex of the harasser.

## Definition of Sexual Assault

Sexual assault is any kind of nonconsensual sexual contact, including rape, groping, or any other nonconsensual sexual touching.

## Definition of Sexual Consent

Sexual activity requires consent, which is defined as positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent cannot be inferred from the absence of a "no"; a clear "yes," verbal or otherwise, is necessary. Consent to some sexual acts does not constitute consent to others, nor does past consent to a given act constitute present or future

consent. Consent must be ongoing throughout a sexual encounter and can be revoked at any time.

Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent.

Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated due to alcohol, drugs, or some other condition. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know—or reasonably should know—to be incapacitated constitutes sexual misconduct.

### Guidance Regarding Sexual Consent

Consent can be accurately gauged only through direct communication about the decision to engage in sexual activity. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted, and should not be considered as evidence for consent.

Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent. Talking with sexual partners about desires and limits may seem awkward, but serves as the basis for positive sexual experiences shaped by mutual willingness and respect.

### Definition of Intimate Partner Violence

Intimate partner violence (IPV) occurs when a current or former intimate partner uses or threatens physical or sexual violence. IPV also may take the form of a pattern of behavior that seeks to establish power and control by causing fear of physical or sexual violence. Stalking may also constitute IPV.

### Definition of Stalking

Stalking is repeated or obsessive unwanted attention directed toward an individual or group that is likely to cause alarm, fear, or substantial emotional distress. Stalking may take many forms, including following, lying in wait, monitoring, and pursuing contact. Stalking may occur in person or through a medium of communication, such as letters, email, text messages, or telephone calls. In some circumstances, two instances of such behavior may be sufficient to constitute stalking.

### Yale Policy on Teacher-Student Consensual Relations

The integrity of the teacher-student relationship is the foundation of the University's educational mission. This relationship vests considerable trust in the teacher, who, in turn, bears authority and accountability as a mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The

pedagogical relationship between teacher and student must be protected from influences or activities that can interfere with learning and personal development.

Whenever a teacher is or in the future might reasonably become responsible for teaching, advising, or directly supervising a student, a sexual relationship between them is inappropriate and must be avoided. In addition to creating the potential for coercion, any such relationship jeopardizes the integrity of the educational process by creating a conflict of interest and may impair the learning environment for other students. Finally, such situations may expose the University and the teacher to liability for violation of laws against sexual harassment and sex discrimination.

Therefore, teachers must avoid sexual relationships with students over whom they have or might reasonably expect to have direct pedagogical or supervisory responsibilities, regardless of whether the relationship is consensual. Conversely, a teacher must not directly supervise any student with whom he or she has a sexual relationship. Undergraduate students are particularly vulnerable to the unequal institutional power inherent in the teacher-student relationship and the potential for coercion, because of their age and relative lack of maturity. Therefore, no teacher shall have a sexual or amorous relationship with any undergraduate student, regardless of whether the teacher currently exercises



or expects to have any pedagogical or supervisory responsibilities over that student.

Teachers or students with questions about this policy are advised to consult with the University Title IX Coordinator, the Title IX Coordinator of his or her school, the department chair, the appropriate dean, the Provost, or one of his or her designees. A student or other member of the community may lodge a formal or informal complaint regarding an alleged violation of this policy with the University Title IX Coordinator, with the Title IX Coordinator of his or her school, or with the University-wide Committee on Sexual Misconduct.

Violations of the above policies by a teacher will normally lead to disciplinary action. For purposes of this policy, “direct supervision” includes the following

activities (on or off campus): course teaching, examining, grading, advising for a formal project such as a thesis or research, supervising required research or other academic activities, serving in such a capacity as Director of Undergraduate or Graduate Studies, and recommending in an institutional capacity for admissions, employment, fellowships or awards. “Teachers” includes, but is not limited to, all ladder and non-ladder faculty of the University.

It also includes graduate and professional students and postdoctoral fellows and associates only when they are serving as part-time acting instructors, teaching fellows or in similar institutional roles, with respect to the students they are currently teaching or supervising. “Students” refers to those enrolled in any and all educational and training programs of the University. Additionally, this policy applies to members of the Yale community who are not teachers as defined above, but have authority over or mentoring relationships with students, including athletic coaches, supervisors of student employees, advisors and directors of student organizations, Residential College Fellows, as well as others who advise, mentor, or evaluate students.

### **Yale Policy on Relationships Between Staff Members**

Staff are expected to avoid romantic or sexual relationships with employees and trainees for

whom they have or might reasonably expect to have supervisory or reporting responsibilities.

Under no circumstances can a supervisor directly supervise or evaluate any employee or trainee with whom he or she has a romantic or sexual relationship. If such a relationship exists or develops, the supervisor and employee must promptly disclose it to the Department Head or the Human Resources Generalist. Arrangements, which may include reassignment or relocation, will be made to address any issue of conflict of interest. Any decision affecting any aspect of employment (for example, transfer, promotion, salary, termination) must be made by disinterested and qualified supervisory personnel.

Violations of this policy will normally lead to disciplinary action, up to and including termination.

Individuals with questions about this policy or staff concerned about a romantic or sexual relationship in violation of this policy are encouraged to speak with their supervisor, Human Resources Generalist, or any Title IX Coordinator.

*See Personnel Policies and Practices Manual.*

*Please also see “Appendix: Related Federal and State Laws and Definitions” at the end of this guide for definitions of these offenses under state and federal law.*





**The SHARE Center**  
**Information, Advocacy, and Support**  
**55 Lock Street, Lower Level**  
**Office hours: 9 AM–5 PM weekdays**  
**203.432.2000 (24/7 availability)**  
***<http://sharecenter.yale.edu>***

SHARE, the Sexual Harassment and Assault Response and Education Center, has trained counselors available at any time of day or night via its direct hotline, as well as drop-in counseling on weekdays during regular business hours. SHARE is available to members of the Yale community who wish to discuss any experience of sexual misconduct involving themselves or someone they care about. SHARE services are confidential and can be anonymous when desired. SHARE can provide professional help with medical and health issues (including accompanying students to the hospital), as well as assistance with contacting police and/or initiating a formal or informal complaint, and it offers ongoing counseling and support. SHARE works closely with the University-Wide Committee on Sexual Misconduct, the Title IX Coordinators, the Yale Police Department, and other campus resources.

If you wish to make use of SHARE's services, you can call the crisis number (203.432.2000) at any time for a phone consultation or to set up an in-person appointment. You may also drop in on weekdays during regular business hours. Some legal and medical options are time-sensitive, so if you have been assaulted, we encourage you to call SHARE

and/or the Yale Police as soon as possible. Counselors can talk with you over the telephone or meet you in person at Yale Health or the Yale-New Haven Hospital Emergency Room.

### **Title IX Coordinators**

**203.432.4446 (9 AM–5 PM weekdays)**

**<http://provost.yale.edu/title-ix>**

*See the inside back cover of this guide for additional contact information.*

Title IX of the Education Amendments of 1972 (see Appendix) protects people from sex discrimination in educational programs and activities at institutions that receive federal funding. Sex discrimination includes sexual harassment, sexual assault, and other forms of misconduct. The University is committed to providing an environment free from discrimination on the basis of sex.

The University Title IX Coordinator and the Deputy Title IX Coordinators are responsible for the design and implementation of relevant policies, development and implementation of educational programs, development and maintenance of support processes, investigation and resolution of complaints, coordination with law enforcement, and identification and implementation of measures to address patterns of discrimination and/or systemic problems. One of the central responsibilities of the University under Title IX is to conduct ongoing reviews to identify and develop measures to address

sexual discrimination and sexual misconduct. In keeping with this responsibility, the University Title IX Coordinator and Deputy Title IX Coordinators conduct periodic assessments of Yale's campus climate to seek input from the campus community on how things are working and what might be improved.

Yale College, the Graduate School of Arts and Sciences, and the professional schools have each designated a senior administrator or faculty member as Deputy Title IX Coordinator, and the Director of the Office for Equal Opportunity Programs serves as the Senior Deputy Title IX Coordinator for faculty and staff. The Deputy Title IX Coordinators report to the University Title IX Coordinator. The coordinators also work closely with the SHARE Center, the University-Wide Committee on Sexual Misconduct, and the Yale Police Department.

### **University-Wide Committee (UWC)**

**203.432.4441 (9 AM–5 PM weekdays)**

**<http://provost.yale.edu/uwc>**

The University-Wide Committee on Sexual Misconduct (UWC) is an internal disciplinary board available to students, faculty, and staff across the University for complaints of sexual misconduct, as described in the committee's procedures. The UWC is an accessible, representative, and trained body established to fairly and expeditiously address formal and informal complaints of sexual

misconduct. UWC members can answer informal inquiries about procedures and the University definition of sexual misconduct. In cases where formal resolution is sought, investigations are conducted by professional, independent fact finders.

### **Yale Police**

**101 Ashmun Street**

**203.432.4400 (24/7 availability)**

**<http://publicsafety.yale.edu/police/sensitive-crimes-support>**

The Yale Police Department (YPD) operates 24/7 and is comprised of highly-trained sworn police officers, including a Sensitive Crimes & Support Coordinator. The YPD has the capacity to perform full criminal investigations. In addition, the YPD can provide information on available victims' assistance services, safety planning, and other related issues. The YPD works closely with the New Haven Police Department, the New Haven State's Attorney, the SHARE Center, the University's Title IX Coordinators, and various other departments within the University.



*Contact information for additional resources is provided at the end of this guide.*



Preventing sexual misconduct is a community-wide effort. Everyone can play a role in making our campus safer and more respectful.

### General Strategies

- **Surround yourself with people who respect each other.** You're safest in communities that share values of mutual respect. Don't tolerate disrespect or pressure in your communities; even small incidents can contribute to a negative climate.
- **Look out for people around you.** Simply stepping in to act when you see a troubling situation can make a big difference. If you see something that causes you concern—even if you're not sure—check in. Call on friends, allies, and authority figures to help if necessary.
- **Respond to even minor issues.** Serious situations can often be averted by response at the first sign of trouble. SHARE, the Title IX Coordinators, and the Yale Police are always available to discuss such incidents. If you are in a position of authority, you have a responsibility to establish and maintain a respectful environment. If you are a supervisor, you must report any sexual misconduct that comes to your attention to a Title IX Coordinator.
- **Be alert to patterns, not just isolated actions.** Sometimes, sexual misconduct can take the form of patterns of behaviors that might not be worrying in isolation, but that together constitute a problem. Take repeated disrespect,

intimidation, and threats seriously, even if they seem small alone.

## Strategies for Specific Forms of Misconduct

### *Sexual Harassment*

- **Be a role model.** A community free from sexual harassment requires effort from all of us. Engage respectfully with your peers and colleagues, and think carefully about how words or actions that may seem insignificant to you could hurt someone else. If you are a teacher or supervisor, set high standards for your community and model the behavior you expect.
- **Remember: we are all entitled to study and work in a respectful environment.** If there are elements of an environment that feel hostile, seek ways to intervene. Call on friends, colleagues, and other allies, as well as authority figures including Title IX Coordinators, supervisors, deans, and professors, who should be able to help you.

### *Stalking*

- **Take repeated, unwanted attention seriously.** Stalking can sometimes seem merely annoying or even flattering, especially if it is happening primarily online or via phone. But the intrusive nature of stalking must be taken seriously, and it can escalate to a pressing threat quickly. Don't dismiss concerns—either your own or others'.

- **Be safe.** In an emergency, you should always call 911. If you need to make a longer-term plan for your safety, SHARE and the Yale Police can help.

### *Intimate Partner Violence*

- **Look out for your friends.** Sometimes, people worry that expressing concern about a friend's relationship will be perceived as meddling. If you're worried about a friend, SHARE can guide you on how to help.
- **Be alert to patterns.** Relationships are complicated, and IPV can be difficult to identify. Individual actions may not seem troubling in isolation, but may work together in dangerous ways. Be on the lookout for patterns of isolation, control, and intimidation.

### *Sexual Assault*

- **Take sexual pressure seriously.** Many sexual assaults begin with low-level sexual pressure. Though sexual pressure and disregard don't always lead to assault, you deserve to have your boundaries respected, not pushed.
- **Hold out for enthusiasm.** In general, it's easy to tell if someone is enthusiastic about an encounter or not. Take any signs of reluctance or refusal, including nonverbal signs, very seriously. If the signs are ambiguous, be sure to stop, and then check in or ask questions.

- **Be wary of extreme drunkenness.** While drunkenness does not cause or excuse sexual misconduct, drunk people are more likely to disregard other people's signals.
- **Communicate with your sexual and romantic partners.** Open discussion of desires and limits is a critical part of building a positive sexual culture.

### Bystander Intervention

Sexual violence is often permitted by cultural patterns of disrespect and pressure—patterns that let aggression pass unchecked. However, you can interrupt these patterns. Interventions don't have to be large or dramatic. Small interventions—asking a friend to leave a party with you, redirecting a conversation with a joke, or pushing in as a third wheel—are very effective.

#### *Steps to Action:*

- **Pay attention: be alert to things that make you uncomfortable.** In particular, look out for signs of sexual pressure, unwanted attention, or disrespect, extreme drunkenness, or signs of fear and confusion. Keep an eye on anything worrying: don't ignore "little" things.
  - **Decide: should someone intervene?** Is the situation heading in a bad direction? Does someone need help? If you can, check in with the person you're aiming to help—but if you can't, trust your instincts.
- **Make a plan: fit your intervention to the situation.** Determine who is in the best position to act. You can call on friends, allies, hosts, and authority figures, or you can do something yourself.
  - **Make it happen: Follow your plan, and be ready to get help if you need it.** Look for allies, and be alert for others trying to help. Start with the smallest possible intervention. Act even if you feel awkward or nervous.

#### *Techniques to Try:*

- **De-escalate.** Be calm and respectful. Shift the focus away from the problem.
- **Offer help.** Signal your concern and willingness to act. It's okay if you are turned down at first or altogether: simply offering to help can change the dynamics.
- **Slow things down.** Give people time to extricate themselves, if that's what they want.
- **Disrupt the situation.** Intrude. Make a joke. Change the topic. Spill something. Be a third wheel.
- **Above all—Be safe.** If you think you are in danger, step back and get help.



## Communication and Consent Educators (CCEs)

Yale College  
<http://yale.edu/cce>  
[cce@yale.edu](mailto:cce@yale.edu)

The CCEs are a diverse group of undergraduates working together to foster a more positive sexual and social climate on the Yale College campus. The CCEs aim to end sexual violence by transforming our community into one where respect, mutuality, and mindfulness are the norms. A safe campus is critically important, but the CCEs aim higher: for Yale to be a place where everyone can thrive.

Through workshops, trainings, and conversations, the CCEs help students identify troubled dynamics, develop skills for effective interventions, and work on strategies for avoiding problems altogether. CCE

teams often collaborate with other student groups to change the campus environment, reimagining traditional events and practices to maximize opportunities for our ideals to flourish.

CCEs run workshops for all freshmen and sophomores on consent and bystander intervention. Most of their work, though, takes place within their own communities and residential colleges. The CCEs are always happy to collaborate with student groups, so get in touch with your college CCEs if you have ideas.



### Your Options and Rights if You Experience Sexual Misconduct

Sexual assault, harassment, and other forms of sexual misconduct can have profound impacts on personal, professional, and academic life. If you have experienced sexual misconduct of any kind, the University urges you to take action to seek the help and support that you need, which may include filing a report and pursuing criminal and disciplinary sanctions.

Individual experiences of sexual misconduct vary widely, as do people's needs. At Yale, you have choices about what to do and when – and people who can explain the options, answer your questions, and support you along the way.

#### Steps you should consider taking:

- **Get support.** You should not have to cope with this experience alone. There are many places to turn, but SHARE offers particular expertise – the SHARE staff can provide information and advocacy as well as support, all with strict confidentiality. SHARE can also help you take any of the steps below.
- **Seek medical treatment.** If you have experienced physical or sexual violence, it's important to get care as soon as possible. Even if you feel okay, you may be injured or at risk of contracting a sexually transmitted infection



or becoming pregnant. If you were sexually assaulted within the past 72 hours, you should strongly consider having physical forensic evidence collected at the time of your medical examination. SHARE will coordinate with the hospital ER and the police to make arrangements and guide you through this process.

- **Collect and preserve evidence.** Prompt collection of physical forensic evidence is particularly important, as discussed above. Other pieces of evidence are also important to save. Voicemail, emails, and text messages, for example, can be very powerful in building a strong case. Even if you don't initially plan to pursue a disciplinary or criminal complaint, it is good to keep those options open by retaining evidence. SHARE can help you to work with the Title IX Coordinators and the police to identify evidence and understand collection processes.
- **Report the incident.** If you have experienced (or learned about) sexual misconduct involving a member of the Yale community, you may file a report with a Title IX Coordinator, the UWC, or the Yale Police. (See the Resources section for contact information.) By reporting the incident, you alert the University and enable administrators to respond appropriately both to your case and to broader patterns of concerning behavior. Reporting also allows you to discuss your options and gives you immediate access to various accommodations.

At the time you make a report, you will receive written materials outlining the services, options, and rights available for those who have experienced sexual misconduct. Making a report does not ordinarily commit you to pursuing a complaint; in rare situations where there is an acute threat to individual or community safety, a Title IX Coordinator may take independent action.

- **Pursue a complaint.** Individuals come to the complaint process with different needs and goals, so it is important that there is a range of options for pursuing a complaint: criminal and disciplinary; formal and informal; and via the UWC, the Title IX Coordinators, and the YPD. These three groups work hard, along with SHARE, to streamline and coordinate complaint processes, so it does not matter where you begin. The options are not mutually exclusive; you can pursue any or all of them as you wish. Whenever possible, the choices are left up to you.

*See pages 18-19 for more details on reporting and complaint processes. These details are also available at <http://smr.yale.edu>.*

- **Continue to get support.** The impact of sexual misconduct will likely ebb and flow over time as different challenges arise. You deserve support at every stage, helping you thrive despite this experience.

### UNDERSTANDING CONFIDENTIALITY

Privacy concerns are often at the forefront when someone has experienced sexual misconduct. It is useful to know the degree of confidentiality that individuals can expect from each of the University resources. University officials are trained in the importance of confidentiality and the protocols for maintaining that confidentiality.

#### **SHARE is strictly confidential and can be anonymous.**

Except in rare, extreme circumstances, SHARE staff will not reveal any information without explicit permission. (This level of confidentiality is also provided by other mental health providers, physicians, and clergy when consulted in their professional capacities.)

#### **Other University services are mostly confidential.**

The other people listed in the Additional Yale Resources section are committed to protecting your privacy, but they also have an obligation to protect campus safety. They will share information with the Title IX Coordinators. Other administrators may learn some limited information on a “need to know” basis.

- **Information shared with Title IX Coordinators**

As part of the University’s general monitoring process, all information about incidents of sexual misconduct are shared with the University Title IX Coordinator, who is charged with taking steps to end the sexual misconduct, prevent its recurrence, and repair the harms. Students in

official roles—such as CCEs or freshman counselors—are also required to make such reports. If a Title IX Coordinator receives information about an incident of sexual misconduct, he or she may reach out to you to offer to explain options and accommodations, and to assess the situation. In cases of sexual assault or other criminal conduct, the Title IX Coordinator will share information with the YPD, and will advise you about the resources and assistance the police can provide.

If you decide to pursue remedies and/or a complaint, a few more people may become involved in your case, but your privacy will still be respected and safeguarded to the fullest extent possible. You can also ask that a complaint not be pursued, or that a complaint be pursued only if you remain anonymous—your request will be accommodated to the extent possible, balanced against the need to maintain campus safety. In situations where a confidentiality request limits an investigation or prevents the University from taking direct disciplinary action, it will take other reasonable steps to minimize the effects of the reported misconduct and to prevent its recurrence.

- **Information shared with YPD**

The YPD may receive reports from a Title IX Coordinator, or directly from you. The YPD can offer confidential consultations regarding possible criminal investigation. They are subject to state requirements for investigating and responding to reports of crime, but ordinarily the decision about whether or not to press criminal charges is up to you. In cases of sexual misconduct, the YPD

will share information with the Title IX Coordinator, and will advise you about the resources and assistance the University can provide.

The confidentiality of a police report shifts over time. Once a case is closed, it becomes a matter of public record. This does not mean it is widely released, but it will be available upon request. It is the practice to redact (black out) the names of victims, along with any other identifying information. So while it is not “confidential,” your name would not be public.

- **Information shared with the broader community**

- **Timely Warnings (aka “Messages from the Chief”)**

- Under the Clery Act, the University is responsible for issuing “timely warnings” in response to some reports. Only specific crimes, such as sexual assault, trigger a warning; the crime must have occurred within the officially-designated campus area; and there must be a serious or ongoing threat to the community. If you report an incident of misconduct that meets these strict criteria, a message will be sent out from the Yale Chief of Police. The warning message will contain a brief description of the crime, and may indicate the location where the incident occurred. It will not include any information that would identify you or other individuals involved. In all but exceptional circumstances, you would be informed in advance of distribution of the message.

## **Publications**

The University issues regular publications—such as the semi-annual Report of Complaints of Sexual Misconduct and the annual Campus Safety Report—to inform the community and the public in general about complaints of sexual misconduct brought to the University’s attention. These reports are written with great care to preserve the privacy of the individuals involved by omitting names and providing only minimal descriptions or statistical summaries.

### Seeking Accommodations, Remedies, and Protective Measures

If you have experienced sexual misconduct, there are steps the University can take to help minimize the impact of the incident, decrease the chance of recurrence, and provide a safe educational and work environment. Many steps can be taken regardless of whether or not you chose to pursue a complaint. Usually, a Title IX Coordinator will organize accommodations, remedies, and protective measures; SHARE, the YPD, and Human Resources are often involved too. As always, your privacy will be safeguarded as these arrangements are made. The steps taken will be determined on a case-by-case basis, responding to your needs, the nature of the incident, and other contextual factors, including the need to ensure individual and community safety. Measures can include steps such as no contact orders, residential reassignments, changes to employment or academic assignments, and temporary suspensions.

### Pursuing a Complaint

Complaints may be pursued with the Yale Police, the Title IX Coordinators, and the University-Wide Committee—all of whom receive comprehensive annual training on relevant laws, regulations, and disciplinary codes; the dynamics and patterns of sexual misconduct; the importance of confidentiality, fair process, and impartiality; safety considerations

when determining interim measures; and appropriate criminal and disciplinary sanctions. These officials coordinate closely to streamline complaint processes. In the absence of an acute threat to individual or community safety, you may decide which among the available options you wish to pursue. These options are not mutually exclusive.

Whichever path(s) you choose, you have the right to have an advisor present at every stage. SHARE staff members are commonly chosen as advisors, but you may select whomever you wish to fill this role. Respondents also have the right to an advisor of their choice. All proceedings are designed to be fair, prompt, and impartial.

- ***Yale Police***

The Yale Police Department has sworn police officers with full powers of law enforcement and arrest who receive advanced training in crimes of interpersonal violence. They can assist in determining whether the conduct experienced was criminal in nature, and launch an investigation accordingly. If an incident occurs outside the YPD's jurisdiction, the YPD can assist in contacting the appropriate alternative law enforcement agency. Criminal proceedings use “beyond a reasonable doubt” as the standard of evidence.

- ***Title IX Coordinators***

Any Title IX Coordinator can resolve complaints and assist with informal remedies. The Title IX Coordinators do not conduct formal hearings but may investigate complaints and work with the complainant and the respondent to achieve resolution of the complaint. In cases involving faculty and staff respondents, a Title IX resolution may result in reassignment, employment limitations, warning, reprimand, probation, suspension, and termination as possible sanctions. The standard used for determinations is the “preponderance of the evidence” (i.e., if it is more likely than not that misconduct occurred).

- ***University-Wide Committee: Formal Complaint***

As the primary disciplinary board for addressing complaints of sexual misconduct, the University-Wide Committee utilizes an independent fact-finder to gather evidence and then holds a hearing to determine whether a violation of University policy has occurred, based on the “preponderance of the evidence” standard (i.e., if it is more likely than not that such a violation occurred).

Advisers may accompany the complainant and respondent at every stage, but they may not speak during interviews with a fact-finder or during a formal hearing. All notifications from the UWC will be provided in writing to both parties at the same time.

Normally, the formal complaint process takes about 60 days. The chair may extend the process if necessary due to illness, holidays, the absence of witnesses from campus, the complexity of the case, or competing demands on UWC members or decision makers. UWC sanctions can include mandated training, reprimand, probation, suspension, and termination/expulsion.

The full UWC procedures are available online at <http://provost.yale.edu/uwc/procedures>. There is also a set of videos made by and for undergraduates that offer an accessible overview for anyone in the community; these are available at <http://yale.edu/cce>.

- ***University-Wide Committee: Informal Complaint***

At the request of the complainant, the UWC can instead conduct an informal resolution of the complaint, which does not include formal investigation or a formal hearing. Informal UWC resolution will not result in a formal finding or discipline, but can result in other remedial actions. The pursuit of an informal resolution does not preclude the option of pursuing a formal complaint in the future, should the complainant so wish.



The following summary of federal and state laws related to sexual misconduct is provided for reference only. For the Yale policies and definitions, please see the Yale Sexual Misconduct Policies and Definitions section in this guide. For additional information on Yale's policies and resources, see the Sexual Misconduct Response website at <http://smr.yale.edu>.

### **Title IX of the Education Amendments of 1972 (20 USC §1681)**

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.

### **Connecticut Public Act 14-11**

An Act Concerning Sexual Assault, Stalking, and Intimate Partner Violence on Campus

### **Campus SaVE Act**

Section 304 of the Violence Against Women Reauthorization Act of 2013

## Sexual Assault

### *Federal Definition*

**42 U.S.C.A. § 13925.** The term “sexual assault” means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

**20 U.S.C.A. § 1092.** The term “sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

### **Sex Offenses Definitions From the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program**

**Sex Offenses**—Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. Rape—The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

B. Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because

of his/her age or because of his/her temporary or permanent mental or physical incapacity.

C. Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

D. Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Sex Offenses—Nonforcible** Unlawful, nonforcible sexual intercourse.

A. Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

**Connecticut Definition**

**C.G.S. Sec. 53a-70.** Sexual assault in the first degree: Class B or A felony. (a) A person is guilty of sexual assault in the first degree when such person (1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or (4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.

**C.G.S. Sec. 53a-70a.** Aggravated sexual assault in the first degree: Class B or A felony. (a) A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in section 53a-70, and in the commission of such offense (1) such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon, (2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a

member or organ of the victim's body, such person causes such injury to such victim, (3) under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, or (4) such person is aided by two or more other persons actually present. No person shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

**C.G.S. Sec. 53a-71.** Sexual assault in the second degree: Class C or B felony. (a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or (2) such other person is mentally defective to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the



sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age.

**C.G.S. Sec. 53a-72a.** Sexual assault in the third degree: Class D or C felony. (a) A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact

(A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.

**C.G.S. Sec. 53a-72b.** Sexual assault in the third degree with a firearm: Class C or B felony. (a) A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in section 53a-72a, and in the commission of such offense, such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. No person shall be convicted of sexual assault in the third degree and sexual assault in the third degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

**C.G.S. Sec. 53a-73a.** Sexual assault in the fourth degree: Class A misdemeanor or class D felony. (a) A person is guilty of sexual assault in the fourth degree when: (1) Such person intentionally subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years

of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) mentally defective or mentally incapacitated to the extent that such other person is unable to consent to such sexual contact, or (D) physically helpless, or (E) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (F) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board

of education which employs the actor; or (7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (8) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age.

### Sexual Harassment

#### *Federal Definition*

**29 C.F.R §1604.11.** (a) Harassment on the basis of sex is a violation of section 703 of title VII. <sup>1</sup> Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance

or creating an intimidating, hostile, or offensive working environment.

(b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

(c) [Reserved]

(d) With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

(e) An employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases the Commission will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees.

(f) Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under title VII, and developing methods to sensitize all concerned.

(g) Other related practices: Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

### ***Connecticut Definition***

**C.G.S. Sec. 46a-60.** Discriminatory employment practices prohibited. (a) It shall be a discriminatory practice in violation of this section:

(8) For an employer, by the employer or the employer's agent, for an employment agency, by itself or its agent, or for any labor organization, by itself or its agent, to harass any employee, person seeking employment or member on the basis of sex. "Sexual harassment" shall, for the purposes of this section, be defined as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (A) submission to such

conduct is made either explicitly or implicitly a term or condition of an individual's employment,

(B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (C) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

### Intimate Partner Violence

#### *Federal Definition*

**42 U.S.C.A. § 13925.** The term “dating violence” means 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:
  - (i) The length of the relationship.
  - (ii) The type of relationship.
  - (iii) The frequency of interaction between the persons involved in the relationship.
    - (i) The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with

whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

#### *Connecticut Definition*

**C.G.S. Sec. 10a-55m.** “Intimate partner violence” means any physical or sexual harm against an individual by a current or former spouse of or person in a dating relationship with such individual that results from any action by such spouse or such person that may be classified as a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a, stalking under section 53a-181c, 53a-181d or 53a-181e, or family violence as designated under section 46b-38h.

### Stalking

#### *Federal Definition*

**42 U.S.C. § 13925.** The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to--

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.

### ***Connecticut Definition***

**C.G.S. Sec. 53a-181c.** Stalking in the first degree: Class D felony. (a) A person is guilty of stalking in the first degree when he commits stalking in the second degree as provided in section 53a-181d and (1) he has previously been convicted of this section or section 53a-181d, or (2) such conduct violates a court order in effect at the time of the offense, or (3) the other person is under sixteen years of age.

**C.G.S. Sec. 53a-181d.** Stalking in the second degree: Class A misdemeanor. (a) A person is guilty of stalking in the second degree when, with intent to cause another person to fear for his physical safety, he wilfully and repeatedly follows or lies in wait for such other person and causes such other person to reasonably fear for his physical safety.

**C.G.S. Sec. 53a-181e.** Stalking in the third degree: Class B misdemeanor. (a) A person is guilty of stalking in the third degree when he recklessly causes another person to reasonably fear for his physical safety by wilfully and repeatedly following or lying in wait for such other person.



## Additional Yale Resources

*(see inside front cover for primary resources)*

**Communication & Consent Educators** are a large, diverse group of undergraduates working together to foster a more positive sexual and social climate in Yale College.  
<http://cce.yalecollege.yale.edu>

**Counseling and Support Services** is a free, confidential program provided to employees and their families by Magellan Health Services.  
1.800.327.9240  
[www.yale.edu/hronline/benefits/employeeAssistance.html](http://www.yale.edu/hronline/benefits/employeeAssistance.html)

**Human Resource Generalists** can assist staff with matters related to policy, administration and employee relations.  
203.432.5552  
[www.yale.edu/hronline/hrgeneralist/](http://www.yale.edu/hronline/hrgeneralist/)

**Mental Health & Counseling** provides care related to the psychological concerns of undergraduate, graduate, and professional school students.  
203.432.0290  
[www.yalehealth.yale.edu/mentalhealth](http://www.yalehealth.yale.edu/mentalhealth)

**Office for Equal Opportunity Programs** can assist with concerns related to affirmative action, equal opportunity, sexual harassment, racial harassment, or fairness in admissions or employment at Yale.  
203.432.0849  
<http://www.yale.edu/equalopportunity>

**Office of International Students and Scholars** serves as a resource on immigration matters and is Yale's liaison to the U.S. federal agencies that are concerned with matters related to international students and scholars studying and working at Yale.  
203.432.2305  
[www.yale.edu/oiss](http://www.yale.edu/oiss)

**Resource Office on Disabilities** facilitates individual accommodations for all students with disabilities.  
203.432.2324  
<http://yalecollege.yale.edu/student-services/resource-office-disabilities>

## Resources Beyond Yale

**Sexual Assault Crisis Services** offers support services and support groups for survivors of sexual violence and their loved ones.  
1.888.999.5545 (English)  
[www.womenfamilies.org/Content/Sexual\\_Assault\\_Crisis\\_Services.asp](http://www.womenfamilies.org/Content/Sexual_Assault_Crisis_Services.asp)

**RAINN Hotline** is the nation's largest anti-sexual assault organization.  
800.656.4673 (hotline) or 202.544.1034  
[www.rainn.org/](http://www.rainn.org/)

**New Haven Police Department** works closely with the Yale Police.  
203.946.6333  
[www.cityofnewhaven.com/police](http://www.cityofnewhaven.com/police)

**The Umbrella Center for Domestic Violence Services** provides services for victims and their children.  
203.736.2601  
[www.bhcare.org/page/16596--Center-for-Domestic-Violence-Services](http://www.bhcare.org/page/16596--Center-for-Domestic-Violence-Services)

#### **University Title IX Coordinator**

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