

CHOATE ROSEMARY HALL SEXUAL MISCONDUCT POLICY

I. PURPOSE

The Statement on Character and The Statement of Expectations serve as cornerstones for the Choate Rosemary Hall community. They identify integrity, respect, and compassion as central elements of character, and they call for all members of the community to respect other people both within and beyond the School, to treat all human beings with dignity, to support and promote a school climate that does not discriminate against any individual or group, and to observe safe behavior and report unsafe conditions or practices. The School's Sexual Misconduct Policy is built on these bedrock values and makes clear the School's commitment to addressing sexual misconduct in all its forms and creating a safe campus environment for all. It is intended to provide a single, easily accessible document for members of the community that defines key terms and behaviors related to sexual misconduct and outlines procedures for reporting, investigating, and resolving cases of sexual misconduct.

The School does not tolerate sexual misconduct, including sex discrimination, by students, faculty, or staff, regardless of gender identity or expression, or sexual orientation, whether on school property, on school-related trips off school property, at school-sponsored social functions, or elsewhere. The School does not tolerate sexual misconduct directed towards students, faculty, or staff by vendors, contractors, or other third-parties having agreements or contracts with the School, supporters of the School (donors, volunteers, alumni/ae, parents), or visitors to the School.

The Policy educates community members about sexual misconduct, reporting mechanisms, and key contact numbers; establishes protocols for investigating and adjudicating reports of sexual misconduct; defines the consequences of sexual misconduct; articulates how the School shares information about sexual misconduct; and describes the standards the School adheres to for training community members in these matters. If a conflict should arise between this policy and other school procedures, rules, or regulations, the provisions of this policy will govern and supersede in cases of alleged sexual misconduct. The School reserves the right to deviate from this policy as may be needed in the interest of fundamental fairness and to preserve the due process rights and other rights of the individuals involved.

Student Sexual Misconduct violations overlap with Major School Rules, which address behaviors that impact safety, and the Honor Code, which addresses issues of integrity. Instead of categorizing student sexual misconduct as a Major School Rule violation or an Honor Code violation, the School identifies Sexual Misconduct as a separate category that is reviewed by the Adjudication Board for Sexual Misconduct.

The School reserves the right to make changes in the policies, procedures, and standards outlined in the Sexual Misconduct Policy as it deems necessary and will make reasonable efforts to provide notification to the community when a change has been made.

Modifications of the policy as it relates to Choate Summer Programs, both on and off campus, including Study Abroad Programs, are found in numbered notes in red within each pertinent sub-section of the policy.

Nondiscrimination Policy: Choate Rosemary Hall prohibits in all its programs discrimination against or harassment of any member or group based upon age, gender, race, color, religion, disability, sexual orientation, gender identity or expression, national origin, genetic predisposition, ancestry or other categories protected by Connecticut or federal law. It does not discriminate on these bases in the administration of its admission process, educational policies, scholarship and loan programs, athletics, or other school-administered programs.

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III. STUDENTS AND SEXUAL INTIMACY AT CHOATE ROSEMARY HALL

Though discouraged, the School does not prohibit sexual intimacy between students. Sexual intimacy, while a normal and healthy aspect of adult life, is a particularly complicated issue at Choate Rosemary Hall given the mission of the School, the living arrangements, the range of student ages, and the diversity of values and beliefs for students and their families; therefore, the School discourages sexual intimacy between students on campus and prohibits sexual intimacy between adults and students. Furthermore, concern for the emotional and physical welfare of Choate students is paramount and the School is committed to helping students avoid sexually transmitted infections, pregnancy, and emotional complications that can accompany sexual intimacy. Students with questions about these concerns should go to the Pratt Health Center for guidance and resources.

Healthy romantic attachments do develop between students and the School seeks to support students as they search for appropriate ways to express affection towards one another while demonstrating respect for other members of our community. The School has equal expectations for all students regardless of their sexual orientation and expects all students involved in romantic relationships, whether same or opposite-sex, to respect their partner's privacy and the privacy of others. (See Appendix A: *Sexual Intimacy* – Choate Rosemary Hall Policy.)

IV. DEFINITIONS

Reporting Party:

aka: victim, alleged victim

The reporting party is the individual who shares information about being subjected to sexual misconduct. If someone other than the alleged victim makes the initial report, that individual will be referred to as a third party reporter.

Responding Party:

aka: respondent, accused party

The responding party is the individual alleged to have committed sexual misconduct.

Consent:

Consent is not limited to sexual activity and centers on the existence of empathy and mutual respect between individuals as they make decisions together. The School defines consent in an effort to develop a common language and understanding to facilitate productive conversation that will help students throughout their lives. While it is important to understand what consent means and why it matters, the existence of consent between students does not mean that sexual activity is appropriate at Choate. A lack of consent, however, would result in a disciplinary response and possibly legal consequences including triggering Choate's responsibility as a mandated reporter.

The State of Connecticut has established affirmative consent as the standard for institutions of higher education in Connecticut. According to the State, "affirmative consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person." Choate expands that definition with the following statements:

- consent is knowing, mutual, and conscious;
- consent cannot be provided by an individual who is asleep or otherwise mentally or physically incapacitated;
- consent cannot be inferred by the absence of "no;"
- consent must be on-going and can be revoked at any time by any person involved;
- consent cannot be obtained through coercion, which can be explicit (force or threat of violence) as well as implicit (manipulation, abuse of power relationship or social status);
- the existence of past consent does not mean consent exists in the present or future;

- consent to some acts does not indicate consent for all acts;
- when children younger than 16 are involved, there are situations where sex or sexual contact is illegal, even though both individuals agree to it (see following section on *Statutory Rape*).

Sexual Contact:

Sexual contact is any touching of the intimate parts of a person (the breasts, buttock, groin, or genitals), even if there is no penetration. This means any contact with the intimate parts of either the actor or the victim for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating the victim.

Sexual Intercourse:

Sex (sexual intercourse) means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital, oral, or anal opening of the victim's body.

Sexual Misconduct:

Sexual misconduct is a broad term encompassing any behaviors of a sexual nature that violate Choate Rosemary Hall's policies. Sexual misconduct includes but is not limited to sexual assault, sexual contests, sexual exploitation, sexual harassment, and stalking. Retaliation against any persons reporting alleged sexual misconduct violations is also against School policy and will result in disciplinary action.

Sexual Assault:

Sexual assault consists of a range of behaviors from nonconsensual sexual contact to nonconsensual sexual intercourse and is a violation of the School's policies (see Appendix B: *Connecticut State Law on Sexual Assault...*). Key aspects of sexual assault, as defined by Connecticut State Law, include the following:

Sexual assault in the first degree occurs when a person:

- 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 (if the victim is under 16 this is a class A felony subject to a sentencing enhancement);
- 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 intercourse.

Sexual assault in the second degree occurs when a person engages in sexual intercourse with another person and:

- such other person is 13 years of age or older but under 16 years of age and the actor is more than three years older than such other person;
- such other person is physically helpless;
- such other person is less than 18 years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare;
- the actor is a school employee and the victim is a student enrolled in a school in which the actor works;
- the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is the recipient of such coaching or instruction and is either a secondary school student who receives such coaching or instruction at school, or is under 18 years of age.

Sexual assault in the third degree occurs when such person:

- compels another person to submit to sexual contact: (1) by the use of force against the other person or a third person, or (2) 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 him or herself or a third person.

Sexual assault in the fourth degree occurs when a person:

- subjects the victim to sexual contact without the other person's consent;
- subjects another person to sexual contact who is: (1) under 13 years of age and the actor is more than two years older than such other person; or (2) 13 years of age or older but under 15 years of age and the actor is more than three years older than such other person; or (3) mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact; or (4) physically helpless; or (5) less than 18 years old and the actor is the victim's guardian or otherwise responsible for the general supervision of the victim's welfare; or (6) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person;
- subjects the victim 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 healthcare professional;
- is a school employee and subjects the victim to sexual contact and the victim is a student enrolled in the school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor;
- is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects the victim to sexual contact who is a recipient of coaching or instruction from the actor and the victim: (1) is a secondary school student and receives such coaching or instruction at school, or (2) is under 18 years of age;
- subjects the victim to sexual contact where the victim is under 18 years of age and the actor is over 20 years of age and is in a position of power, authority or supervision over the victim by virtue of the actor's professional, legal, occupational or volunteer status and the victim's participation in a program or activity.

Sexual Contests:

Sexual contest describes circumstances when individuals compete with one another to achieve sexual goals or milestones. Examples of sexual contests include, but are not limited to, keeping lists of sexual exploits, winning a prize for accomplishing a sexual goal, or being expected to accept a consequence for failure to achieve a sexual goal.

Sexual Exploitation:

Sexual exploitation is taking non-consensual, unjust, or abusive advantage of another in a sexual or intimate context. Sexual exploitation includes, but is not limited to, prostituting another person; engaging in, permitting, reproducing, or facilitating nonconsensual viewing, videotaping, photographing, or audio taping of sexual or intimate activity (such as dressing, showering, toileting, or similar activity); knowingly infecting another person with a sexually transmitted infection.

Sexual Harassment:

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 as well as Connecticut General Statute, S46a-60 (a) (8), and is a form of employment discrimination, prohibited by law. Sexual harassment may also occur in contexts other than the employment relationship, such as between teacher and student. According to the National Association of Independent Schools, "Sexual harassment is not social or courting behavior. It is best seen as an assertion of power." Sexual harassment can be overt or subtle.

Unwelcome sexual advances, requests for sexual favors, and other verbal, written, or electronic conduct of a sexual nature constitute sexual harassment when:

Adult to Student:

- submission to such conduct is either an explicit or implicit term or condition of the participation or evaluation of the student in any academic, co-curricular, or extracurricular activity; or
- the conduct has the purpose or effect of substantially interfering with a student's academic, co-curricular, or extracurricular activities, or creating an intimidating, hostile, or offensive environment.

Sexual relationships or deep emotional attachments between students and School faculty or staff members are not permissible and

are grounds for immediate termination of the faculty or staff member's employment. Sexual relationships or deep emotional attachments between students and former School faculty or staff members or between students and employees of a Choate vendor working on campus or at Choate functions are also strictly prohibited. Because of the relationship that exists between School employees and students, any sexual or deep emotional attachment that develops between a School employee and a recent Choate student is prohibited and will be subject to a sexual misconduct investigation. For the purposes of this policy, any former Choate student is considered a "recent Choate student" until the individual turns 21 AND five years have passed since being enrolled at Choate.

Student to Student:

- the conduct affects a student's emotional wellbeing or interferes with a student's academic performance or participation in co-curricular or extracurricular activities; or
- the conduct has the purpose or effect of creating an intimidating, hostile, or offensive learning or social environment.

Adult to Adult:

- submission to such conduct is either an explicit or implicit term or condition of employment or any employment decision (e.g., promotion, training, timekeeping, or overtime assignments, etc.); or
- the conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment

Examples of Sexual Harassment:

Verbal: sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats

Non-verbal: sexually suggestive objects, pictures, or messages, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.

Stalking:

Stalking is defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety, for the safety of a third person, or to feel extreme emotional distress due to repetitive contact or the perception of such conduct. Stalking behaviors include, for example, non-consensual communication by any means; use of surveillance in person or via electronic means; collecting information about a person's routine, friends, family, or coworkers; uninvited visits to a residence, workplace, classroom, house of worship, or other locations where an individual is commonly found.

Dating Abuse:

Dating abuse is a pattern of behaviors one person uses to gain and maintain power and control over their partner. Dating abuse can include emotional and verbal abuse, abuse through digital media, stalking, and more. (See Appendix C: *Dating Abuse*.)

Statutory Rape:

The State of Connecticut defines Statutory Rape as follows: "Statutory rape is the commonly used name for the criminal offense that occurs when a person has sexual relations with another person who is not old enough to legally consent to having sexual relations... In Connecticut, the law says that there are some situations where having sex or sexual contact is illegal, even though both people agree to it; a person commits statutory rape when he or she engages in sexual activity with a minor (1) more than three years younger if the younger person is at least age 13 but under age 16 or (2) under age 13 if the actor is more than two years older... Also, in some cases when an older person has a position of power or influence over a person under 18, sex or sexual contact between those two people can be statutory rape. Examples of this would be any sexual contact between someone under 18 and his/her guardian, coach, probation officer, therapist, employer, or someone who works at a school in his/her district." (Source: <http://uwc.211ct.org/statutory-rape/>) (See Appendix B: *Connecticut State Law on Sexual Assault and Statutory Rape* or go to: <https://www.rainn.org/laws-your-state-connecticut>)

Statute of Limitations:

The statute of limitations for bringing civil lawsuits for damages resulting from sexual abuse of a minor is 30 years from the date the victim attains the age of majority.

The statute of limitations for criminal charges varies depending on the offense.

- There is no statute of limitations for Class A felonies, which include sexual assault in the first degree if the victim is under 16 and the perpetrator uses force, or if the victim is under 13.
- For offenses involving sexual abuse of a minor that are not Class A felonies, the state can prosecute the offender up to 30 years after the victim reaches age 18 or up to five years after the victim reports the crime, whichever is earlier.
- In cases of second-degree sexual assault where the victim is at least age 13 but under 16 and the offender is more than three years older, the case must be prosecuted within five years after the crime was committed.

V. AMNESTY

Choate Rosemary Hall recognizes that a student or students in violation of a school rule (e.g. drugs, alcohol, parietals, gross curfew, visitation) at or near the time of inappropriate intimidation, abusive conduct, sexual misconduct, etc., may be hesitant to report the behavior due to fear of potential consequences for violating a school rule. In cases where information about the incident would not otherwise be available to adults, the student complainant or reporting bystander may expect amnesty from potential discipline for breaking the school rule. (For example, a student subjected to sexual misconduct when under the influence of alcohol may report the incident without fearing punishment for the alcohol violation, if the School would not have otherwise known about it.) Out of concern for student welfare, violations of drug and alcohol rules will be referred for educational and counseling follow up.

VI. THE WELLNESS COORDINATOR

The Wellness Coordinator is primarily responsible for overseeing Choate's sexual misconduct prevention and response efforts; these include education and awareness efforts as well as compliance with federal and state laws. In addition to working closely with the Associate Head of School, the Coordinator works collaboratively with the Dean of Student's Office to oversee all aspects of the sexual misconduct reporting process, which includes: reporting (being point for receiving reports and ensuring reporting to DCF and police), investigation, notification, adjudication, sanction, and appeals, ensuring the process is sensitive, timely, impartial, and fair. The Coordinator also organizes the activities, including identification and training, of a Sexual Misconduct Policy Advisory Committee that works to provide a coordinated and comprehensive response and 24/7 advocacy services to victims of sexual assault. In addition, the Coordinator facilitates access to internal and external resources (including local response providers), ensures the availability of expertise and technical assistance for all sexual misconduct prevention initiatives, and serves as a resource for community members to ensure compliance and coordination with School policies and federal and state laws. (See Appendix D: Wellness Coordinator's Job Description.)

Sexual Misconduct Policy Advisory Committee

Under the leadership of the Wellness Coordinator, a group of Choate employees serves as an advisory council and oversees school policies regarding sexual misconduct issues, including prevention, training, reporting, advocacy, investigation, adjudication, and sanctions. The Sexual Misconduct Policy Advisory Council includes the Wellness Coordinator, two members of the Deans' Office, two members of the Health Services team, a victim advocate, and the chair of the Adjudication Board for Sexual Misconduct.

Note 1: An ad hoc advisory committee is established as needed during any Choate summer program and includes personnel available during the summer. (Programs operated by Choate during the summer include the on-campus "Choate Summer Programs" and Choate's various Study Abroad programs.)

VII. PROCEDURES FOR REPORTING SEXUAL MISCONDUCT

Any member of the Choate community, including students as well as current faculty and staff, may make a report of sexual misconduct by contacting:

- Dr. Holly Hinderlie, the Wellness Coordinator, at (203) 697-2374, hhinderlie@choate.edu or by stopping by her office (Hall 012).

Note 2: In the instance Dr. Hinderlie cannot be reached, individuals should contact Kathleen Lyons Wallace, Associate Head of School, using the contact information below.

Any alumni/ae as well as former faculty or staff member who wishes to report current or historic instances of sexual misconduct should contact:

- Kathleen Lyons Wallace, the Associate Head of School, at (203) 697-2496 or klw@choate.edu.

For all reports of sexual misconduct, present and past, best practices should be followed. (See Appendix E: *Best Practices for Taking a Sexual Misconduct Report.*) Even when an incident is first disclosed to another community member, all reports are ultimately shared with the Wellness Coordinator.

In the unlikely event that the Wellness Coordinator cannot be contacted, a student may reach out to any of the following individuals, who will connect them with the appropriate person:

- Choate Community Safety at (203) 697-2000 or (203) 697-2466,
- a Dean on Duty at (203) 430-0649 or (203) 430-1659 outside the academic day, or
- any trusted adult.

Members of the Choate community can file a criminal complaint by contacting the Wallingford Police at 135 N Main St, Wallingford, CT 06492 or (203) 294-2800, and in case of emergency, a call should be made to 911. Students who wish to notify law enforcement may request, and will receive assistance, from school officials (e.g. victim advocate) in making such a report. If an independently filed report first goes to the police, the reporting individual is also asked to make a report to the Wellness Coordinator.

If a School faculty or staff member has reasonable cause to suspect or believe that sexual misconduct has occurred, or if there is reason to believe that a student has been abused, neglected, or is placed in imminent risk of serious harm, that School faculty or staff member must report it to the Wellness Coordinator.

If a student has reasonable cause to suspect or believe that sexual misconduct has occurred, that student should report it to the Wellness Coordinator. Prefects who have reasonable cause to suspect or believe that a sexual assault has occurred are instructed to inform the Wellness Coordinator promptly. If the Wellness Coordinator cannot be contacted, the prefect is instructed to contact Community Safety, the Dean on Duty, or a trusted adult.

Students with generalized concerns about peers who may be involved in an unhealthy relationship may speak to any member of the Assessment Team. The Assessment Team is a group of fifth and sixth form students and faculty to whom anyone can go when concerned about a peer who may be experiencing problems or difficulties that put that student at risk. The Assessment Team will pass information about unhealthy relationships and possible sexual misconduct to a School counselor who will meet with the student who may be at risk to assess the situation. Information shared with the Assessment Team is kept confidential to the greatest extent possible under the circumstances presented.

Note 3: The Assessment Team does not convene in the summer. Concerns about a peer participating in any Choate summer program should be shared with a trusted adult affiliated with that program.

Complaints involving individuals who are not students or School employees should be brought forward through the same complaint process outlined above. The Wellness Coordinator will work with the Director of Human Resources or other school officials as necessary to make appropriate contacts with any outside individuals or organizations as needed to investigate the allegations and resolve the issues.

Examples of such outside individuals or groups are listed below:

- Vendors to or contractors of the School (e.g. building contractors, Sage, ABM, the on-campus childcare center, consultants, etc.)
- Supporters of the School (e.g., donors, volunteers, alumni/ae, parents)

- Visitors to the School

When the School learns of an instance of sexual misconduct, the School will contact the Connecticut Department of Children and Families as required under its responsibility as a mandated reporter. (See Appendix F: *Mandated Reporter Obligations*.) Such reports are also made, where appropriate, to the Wallingford Police.

Making an intentionally false report violates Choate's Honor Code and Statement of Expectations. False reports are defined as the act of making deliberate false and/or malicious accusations of policy violations to the School, as opposed to allegations, which even if erroneous, are made in good faith.

VIII. CONFIDENTIALITY

All complaints of sexual misconduct will be kept confidential to the greatest extent possible. Any student or adult member of the community who reports an incident of sexual misconduct must understand that in order for a comprehensive resolution to be reached, certain information about the complaint must be shared with individuals (school investigators, identified witnesses, the Wellness Coordinator, relevant Senior Officers, and members of the Adjudication Board), whether students or school employees, involved in and necessary to the investigation. Such individuals will be warned that breach of confidentiality associated with the claim, its investigation, and its resolution is grounds for disciplinary action up to and including dismissal for students and termination of employment for adults.

If investigation and adjudication result in major discipline (probation, suspension, or dismissal), the Dean of Students will report the responsible student's name, the charge, and the punishment to the faculty. Minimally necessary details will be included but the name of the reporting student and other students involved in the investigation will not be revealed. Public disclosure of pertinent information, through a timely warning notification, may also be made if the Dean of Students, in consultation with the Wellness Coordinator and Head of School, determines that disclosure is necessary to protect the safety of the larger community. Such a disclosure would not reveal the identity of the reporting student.

It is vital that any individual who feels victimized by sexual misconduct fully comprehend that the School and its representatives have a legal and ethical obligation to report incidents of sexual misconduct, investigate them, and resolve them as soon as possible. For this reason, complete confidentiality cannot be guaranteed. When a student reports an instance of sexual misconduct to an adult member of the community, the adult may not promise absolute confidentiality and must let the student know about their responsibility as an agent of the School and as a mandated reporter.

Who needs to know?

If a student reports being a victim of sexual misconduct, the Wellness Coordinator, Dean on Duty, Health Center Staff member, or Community Safety Officer will inform the Dean of Students and the accused student's form dean. If the initial report is not made to the Wellness Coordinator, the Wellness Coordinator will be informed as soon as possible. The Wellness Coordinator will inform a victim advocate and, if deemed appropriate, the Director of Health Services and the Director of Counseling. The Dean of Students will inform the Head of School who, in cases of sexual assault, will inform the Chair of the Board of Trustees. In addition, the Chair of the Board of Trustees will periodically be made aware of all sexual misconduct violations.

Anyone accused of sexual misconduct generally will be notified within a reasonable amount of time that a complaint has been filed.

Note 4: When a complaint of sexual misconduct occurs during any Choate summer program, appropriate school personnel are notified; e.g. Wellness Coordinator, Associate Head of School (who oversees Summer Programs), Head of School, and/or others.

Note 5: Should any student participating in one of our summer programs report being subjected to inappropriate sexual conduct or be accused of violating this policy, the program will inform his/her parents.

IX. NON-RETALIATION

Choate Rosemary Hall will not retaliate against any individual who makes a complaint or who assists in investigating a complaint, nor will the School tolerate any other person, including anyone accused, doing so. Any student bringing such a complaint will not be adversely affected in terms or conditions of their participation in or evaluation of their academic, co-curricular, or extracurricular activity. Complaints of alleged retaliation will be promptly investigated, and if found valid, the individual(s) who engaged in the retaliatory conduct will be subject to disciplinary action, up to possible dismissal.

X. POST-REPORT RESPONSE

Immediate Response

After the Wellness Coordinator receives a report, the reporting student will be connected with an on-campus victim advocate, who will provide support and guidance throughout the investigation and possible adjudication process that follow. In accordance with mandated reporting responsibilities, the Wellness Coordinator will, if appropriate, contact the Connecticut Department of Children and Families (DCF) and the Wallingford Police Department. After the initial report, the Wellness Coordinator and Dean of Students, in consultation with the Head or Associate Head of School, will assess the safety of the reporting student, as well as the campus community, and then determine if there are grounds to proceed, if collaborative resolution is appropriate, or if a formal investigation is needed.

Note 6: Study abroad programs are not currently staffed to provide separate victim advocates for reporting students. However, appropriate adult support will be made available for any student reporting, or being alleged to have engaged in, misconduct under this policy.

Immediate emotional and physical support are available in the Pratt Health Center on campus. If a student needs medical attention, the student will be taken to the Pediatric Emergency Department at Yale New Haven Hospital, 1 Park Street, New Haven, (203) 688-3333. A member of the Choate Health Services team or an on-campus victim advocate will accompany the student and will remain with the student until a parent or guardian arrives or until the student has been examined and discharged to the care of the parent/guardian or to the care of the School.

Note 7: Students on a Choate Study Abroad program are provided care at a local health care facility identified by the director of that program.

Decisions to initiate a formal investigation depend on various factors, which may include the reporting party's decision to pursue an institutional complaint, the assessed risk of not proceeding further, and the nature of the allegation. For formal investigations, the form dean of the accused student (or the dean on duty) will investigate the report under the guidance of the Wellness Coordinator and Chair of the Adjudication Board. (Should there be a conflict of interest, as determined by the Dean of Students, the Wellness Coordinator and/or the chair of the Adjudication Board, a different form dean will lead the investigation.) At the conclusion of the investigation, an Adjudication Board caucus (see Appendix J: *Adjudication Board for Sexual Misconduct Constitution*) will meet to determine if a hearing is warranted.

Note 8: Given the unique structure and staffing for Choate Summer Programs, each of Choate's Summer Programs, including Study Abroad Programs, will determine the appropriate process for investigations and adjudication of alleged student sexual misconduct depending on the nature of the allegation and available personnel. In all instances, the process shall balance the rights of all parties involved, taking steps to maintain confidentiality and student privacy.

Interim Measures

Depending on the nature of the incident and its impact on the reporting student, the School may consider a number of interim measures, for example:

Academic: rescheduling assessments, providing extensions for papers, tests and presentations, forgiving assignments, changing the class schedule for either the complainant or respondent.

Housing: providing alternative housing arrangements if available.

Non-contact Agreement: working out a plan for the reporting and accused students to avoid one another to the fullest extent possible. (See Appendix G: *Sample Non-Contact Agreement*.)

Counseling and Medical Services: working with the Health Services Team to provide appropriate professional counseling and medical services as needed.

Required Leave: requiring the individual accused of the inappropriate behavior to leave campus during the investigation process.

Leave of Absence: allowing a reporting student to take a voluntary medical leave.

XI. COLLABORATIVE RESOLUTION

If, given the situation, the School feels a collaborative resolution for a report involving a student is appropriate, the Wellness Coordinator, Dean of Students, or designee will inform the reporting party of their option to resolve the report in this manner. If collaborative resolution is an appropriate option, the Wellness Coordinator, or designee, will meet with the responding party alleged to have engaged in the misconduct. This meeting may consist of a discussion with the accused individual regarding their behavior, school policies, definitions of sexual misconduct, and any appropriate interim actions. If a satisfactory resolution is reached through this collaborative process, the matter will be considered resolved. If this process is unsuccessful, a formal investigation may be requested. A collaborative resolution is never appropriate in cases of non-consensual sexual intercourse, sexual contest, sexual exploitation, stalking, or in any case involving a student and adult member of the community. A collaborative resolution is often an inappropriate response to cases of non-consensual sexual contact or sexual harassment. The reporting student may choose to end the collaborative resolution process at any time and request a formal investigation. The School may also choose to end the collaborative resolution process at any time, even if the reporting student disagrees, and move forward with a formal investigation.

XII. FORMAL INVESTIGATION PROCESS

When the Wellness Coordinator receives a student sexual misconduct report, the Dean of Students, Chair of the Adjudication Board, and the accused student's form dean will be informed. If the Wellness Coordinator and Dean of Students, in consultation with the Head of School or Associate Head of School, conclude that a formal investigation is needed, the accused student's form dean will investigate the accusation (see note below). Throughout the investigation, the form dean will consult with the chair of the Adjudication Board and will follow best practices. (See Appendix H: *Best Practices for Form Deans Investigating Reports of Student Sexual Misconduct*.) Results of the investigation will be shared with an Adjudication Board caucus (see Appendix J), which will either decide if there is insufficient evidence to proceed or if an Adjudication Board hearing is needed.

The School reserves the right to conduct and complete a formal investigation and Adjudication Board hearing regardless of the participation of the reporting party or the responding party. In the event that the accused student withdraws from School, the investigation and adjudication process will be completed so that a disciplinary decision will be made and recorded in the student's official file.

Note: If a conflict of interest exists for the accused student's form dean, another form dean will be assigned to lead the investigation.

Past Transgressions

Reports from alumni/ae or former faculty and staff will be referred to the law firm of Day Pitney LLP, which will independently investigate the accusation. If the report involves a current employee or student(s), the School reserves the right to require the individual accused of the inappropriate behavior to leave campus (see Appendix I). Day Pitney's findings will be shared with the Associate Head of School, Wellness Coordinator, and Head of School.

Working with Law Enforcement

The filing of a criminal complaint or conduct of a criminal investigation does not affect the School's intention to investigate allegations of sexual harassment.

The School will recognize and comply with requests by a law enforcement agency for information and cooperation. Such requests may require the School to suspend its investigation temporarily while the law enforcement agency gathers information. During the

temporary suspension, interim measures to protect the reporting party may be implemented or continued as applicable. The School will promptly resume its full investigation upon receipt of notification by the law enforcement agency that it has completed the evidence gathering process and will inform the parties that the investigation has resumed.

A law enforcement investigation or criminal report is not determinative of whether the incident of sexual misconduct violates the School's policy (e.g., it is possible for an incident of sexual misconduct to violate school policy when law enforcement does not complete an investigation or finds the individual not guilty).

Note 9: The form that investigations and adjudication of student sexual misconduct take during Choate Summer Programs, on and off campus, including study abroad, are determined at the time of the report and involve School personnel available at that time, as discussed above.

XIII. VICTIM ADVOCATES

Soon after receiving a sexual misconduct report, the Wellness Coordinator appoints a victim advocate to work with the reporting student. The victim advocate is selected from a group of trusted adult members of the community who are trained to work with sexual misconduct victims and are well versed with the School's Sexual Misconduct Policy. The appointed victim advocate is available to answer questions about School policy and procedures and serves as the reporting student's primary support throughout the recovery, investigation, and adjudication process. Students may also seek support from a victim advocate by going to a dean, calling the dean on duty, or asking for a referral from the Health Center; the Wellness Coordinator will be informed of such request and will appoint a victim advocate.

In order to fulfill their responsibilities, the victim advocate will:

- be physically present with the victim during investigation interviews and possible trips to medical appointments or the hospital;
- provide information about support services and help connect students with support services;
- share key contact information, including phone numbers, with the victim so the student can be in touch when needed;
- provide information about the reporting, investigation, and adjudication process;
- remain in phone contact with the victim's parent(s) or guardian(s) throughout the process.

During investigation interviews and Adjudication Board hearings, the victim advocate will be present to support the student, not to determine the outcome or to present evidence. The advocate may read a statement written by the student if the student chooses not to read his/her own statement but may not present information on the student's behalf and may not interfere with either the investigation or adjudication. In addition, the victim advocate will not participate in discussions of appropriate sanctions.

The victim advocate role is an ad-hoc, part-time responsibility that may be taken on by members of the Choate Rosemary Hall faculty or staff, but not by anyone outside the community. Members of the victim advocate group will not be assigned to a case if a potential conflict of interest exists. Victim advocates also work with the Wellness Coordinator to help facilitate on campus sexual misconduct training.

Note 10: As noted above, currently, victim advocates for a reporting student are available only on campus in Wallingford, not for study abroad. In the event of a report, appropriate adults will be made available for any student reporting, or being alleged to have engaged in, misconduct under this policy.

XIV. VICTIM RESOURCES

Students who experience sexual misconduct, whether occurring on or off campus, during the time when they are enrolled at Choate will be supported and assisted in obtaining medical treatment, counseling, and other resources to help them with the trauma they experienced.

On campus resources

Students can receive medical and counseling support by visiting the Pratt Health Center and working with members of Choate's Health Services team. Members of Choate's Spiritual Life team are also available to support students at any time. In addition, Choate Health Services has established relationships with local professionals with expertise working with victims of sexual misconduct; referrals to these off-campus professionals can be made by one of Choate's counselors, the nurse practitioner, or the school doctor.

Off-campus resources

Connecticut Alliance to End Sexual Violence

<https://endsexualviolencect.org>

Statewide 24-Hour Toll Free Hotline

English 1-888-999-5545

Español 1-888-568-8332

96 Pitkin Street

East Hartford, CT 06108

860-282-9881

860-291-9335

Contact info for staff:

<https://endsexualviolencect.org/who-we-are/our-team/>

Women & Families Center

http://www.womenfamilies.org/Content/Sexual_Assault_Crisis_Services.asp

Statewide 24-Hour Toll Free Hotline

English 1-888-999-5545

Español 1-888-568-8332

Meriden / Main Office:

169 Colony Street

Meriden, CT 06451

Tel: 203-235 - 9297

Fax: 203-237-7571

Middletown Office:

100 Riverview Center

Suite 150

Middletown, CT 06457

Tel: 860-344-1474

Fax: 860-346-5705

New Haven Office:

1440 Whalley Avenue

New Haven, CT 06511

Tel: 203-389-5010

Fax: 203-389-5595

Rape, Abuse, and Incest National Network

www.rainn.org

Website provides extensive resources

Website includes a 24/7 live chat option

24/7 help line: 800-656-4673

Note 11: Choate Health Services are available to support on-campus students during the summer. Students on a Choate Study Abroad program are provided care at a local health care facility identified by the director of that program.

XV. ADJUDICATION PROCESS

Note 12: The form that investigations and adjudication of student sexual misconduct take during Choate Summer Programs, on and off campus, including study abroad, are determined at the time of the report and involve School personnel available at that time.

At the conclusion of a formal investigation, the investigating form dean reports to an Adjudication Board caucus. The caucus consists of four people: The Adjudication Board chair, the Wellness Coordinator, the Dean of Students, and the investigating form dean. During the caucus, the investigating dean shares evidence uncovered during the investigation, that information is discussed, and the Adjudication Board chair and vice chair then decide if an Adjudication Board hearing should be held. The caucus may determine that:

- there is insufficient evidence to conclude the accused violated the School's sexual misconduct policy, in which case there will be no further action and investigation status will be *no finding*; **or**
- the evidence supports a finding of *responsibility*, based on a preponderance of evidence standard, in which case the caucus will refer the case to an Adjudication Board hearing; or
- the evidence supports a violation of the School's Honor Code and would be better referred to the Judicial Committee.

The Adjudication Board for Sexual Misconduct consists of five faculty members: a chair, vice chair, and three form deans, who will be identified during the caucus. The Board hears sexual misconduct cases that involve only students and recommends sanctions to the Dean of Students, who will accept, alter, or reject them. The Dean of Students' decision is final. Appeals of the Dean of Students' decisions may only be made based on questions of process and should be submitted in writing to the Associate Head of School.

Adjudication Board hearings are confidential sessions and are not open to parents, family members, lawyers, or any other individuals not specified in the Board's constitution.

In rare circumstances when the Adjudication Board is unable to meet, sexual misconduct cases may be resolved by an ad hoc meeting of the Adjudication Board.

For more detailed information about the Adjudication Board for Sexual Misconduct, refer to its constitution. (See Appendix J: *Adjudication Board for Sexual Misconduct – Constitution*.)

Sanctions

In cases where the accused student is determined to be "responsible," possible sanctions depend on the nature of violation as indicated below.

- A student found responsible for non-consensual or forced sexual intercourse will be dismissed.
- A student found responsible for non-consensual or forced sexual contact or sexual exploitation should expect to be suspended and may be dismissed depending on the severity of the violation and previous disciplinary violations.
- A student found to have engaged in a sexual contest will, at a minimum, be placed on probation but should expect to be suspended and may be dismissed depending on the severity of the violation and previous disciplinary violations.
- A student found responsible for sexual harassment should expect, at a minimum, to be censured, but depending on the severity of the incident and previous disciplinary violations is liable to sanctions up to dismissal.
- A student found responsible for stalking will, at a minimum, be placed on probation, but depending on the severity of the incident and previous disciplinary violations is liable to sanctions up to dismissal.

Sanctions may also include no-contact orders and modifications of the responsible student's academic schedule or housing.

A faculty or staff member found responsible for sexual assault, sexual harassment, sexual exploitation, or stalking will have their

employment terminated immediately.

XVI. SHARING INFORMATION ABOUT SEXUAL MISCONDUCT CASES

When the School learns of an instance of sexual misconduct, the School will contact the Connecticut Department of Children and Families as required under its responsibility as a mandated reporter. (See Appendix F: *Mandated Reporter Obligations*.) A report will also be made, where appropriate, to the Wallingford Police. All cases of sexual contact (see *Sexual Contact*) involving a School employee and a student will be reported, where appropriate, to both the Connecticut Department of Children and Families and the local police.

The School will be fully cooperative with law enforcement in connection with any governmental or police investigation. To protect the privacy of the victim and those who participated as witnesses in the investigation, most of whom will be minors, Choate will disclose information about the complaint and ensuing process only to those who it determines have a need to know, subject to legitimate concerns about privacy, confidentiality, and privilege. (For more information, see *Working with Law Enforcement*).

When a student is found responsible for sexual misconduct and is dismissed, the School will not recommend the student to another high school, college, university, or potential employer (see *Note* below). Records of the incident will be kept in the student's permanent file in the Deans' Office and will stay in the file when it moves to the Alumni Office after the student's class graduates. The School will also follow its policy regarding notifying other educational institutions to which the student may apply.

For details about sharing information within the Choate Rosemary Hall community, refer to the section on Confidentiality.

XVII. PREVENTION EFFORTS

The School strives to create a campus environment in which everyone is safe from sexual misconduct. In an effort to achieve this goal, the School maintains open avenues for reporting sexual misconduct, follows through with investigation and adjudication in a timely basis, regularly evaluates campus culture by conducting climate surveys, annually evaluates all spaces on campus to identify potentially unsafe locations, annually reviews the sexual misconduct policy, monitors state and federal law, and makes adjustments to the sexual misconduct policy as needed. In addition, initial and periodic background checks are conducted on all adult members of the community and regular training is provided for faculty and staff. Efforts to maintain a safe campus environment are also made through the admission process, health and wellness education program, annual training for all students, and specific training for prefects and members of the Assessment Team.

Adult Members of the Community:

Background Checks

Volunteers who are in routine contact with students and all employees are required to undergo a thorough background check before beginning work at Choate. In order to ensure the safety of our campus and compliance with employment best practices, background checks will be repeated every five years or more frequently at the school's discretion.

Other adults residing on campus (e.g. faculty spouses/partners moving into School-owned housing) are also subject to background checks, which must be completed before the adult moves into School-owned housing and will be repeated periodically. (See Appendix J: *Background Check Policy*.)

Training

Every year all school employees are required to read the Statement of Expectations and undergo training regarding harassment, mandated reporting responsibilities, confidentiality, amnesty, retaliation, and/or sexual misconduct. All of these topics will be covered on a rotating basis. In addition, all faculty members and those staff likely to receive sexual misconduct reports (e.g. community safety officers and health center staff), are taught how to receive a report in a victim-centered manner, with whom to share the report, and where to direct a victim for support. All new faculty members go through targeted sexual misconduct training before the start of the

academic year, and all new employees will go through sexual misconduct training within their first 60 days working at Choate. Faculty who work in dorms, form deans, community safety officers, and members of the Health Services team and Health Center staff are trained as first responders.

Certain groups on campus (e.g. the Health Center staff, form deans, and community safety officers) receive additional training specific to their responsibilities. The Health Center staff, along with members of the Spiritual Life team, who sometimes serve as counselors, are trained on how to support sexual assault victims, who to inform about a sexual assault, where sexual assault victims go for medical care, and where victims can go for other support services. This training is required within the first month for all new hires, and annual training about responding to sexual assault cases and providing updated information about local sexual assault support programs is provided for the counseling team, school doctor, and nurse practitioner.

All new form deans complete extensive training that includes detailed information about the sexual misconduct policy, teaches them how to be a first responder, prepares them to investigate sexual misconduct cases, and helps them understand how to provide trauma-informed care. Training is provided for deans on a triennial basis.

All new community safety officers receive first responder training within their first month on the job and refresher training on a biennial basis. In addition, they are instructed whom to contact, both on campus and off campus, in the event of a sexual misconduct report.

Students

Admission process

The Admission Office will contact sending schools to learn details of disciplinary cases that are reported during the application process. If school officials are unwilling or unable to provide clarity regarding the incident that led to the applicant's disciplinary sanction, the Admission Office will seek clarity from the family. If a complete and candid account of the disciplinary event is not provided, Choate will not consider the application for admission. Students disciplined at other schools for sexual assault will not be admitted to Choate. If sexual misconduct at a previous school is discovered after the completion of the admission process, the School reserves the right to rescind the offer of admission or dismiss the student from Choate.

Health and Wellness Education Program

The Life Long Wellness curriculum covers topics related to human sexuality and sexual misconduct that include, but are not limited to, healthy relationships, consent, sexual assault, sexually transmitted infections, and birth control. Life Long Wellness classes are also designed to help strengthen bystander intervention skills, train students how to report sexual misconduct, and inform students about victim support resources available on and off campus.

Health Services Team

An on-campus team of professionals provides health and counseling support for students. To appropriately serve the students, the School endeavors to maintain a Health Services team that reflects the diversity of backgrounds of the student body. The Health Services team will play an active role in sexual assault awareness and the School's Health and Wellness Education Program. In addition, Health Services will educate students so they understand policies and goals of the Health Center and know what happens when the Health Services team receives a report of sexual misconduct. It is important for students to understand that in the vast majority of cases, students who work with the Health Services team receive support while continuing as active members of the community and that medical leaves are both rare and a last resort.

Education and Training

Early in each academic year, students take part in conversations to review the School's Sexual Misconduct Policy and expectations around consent, healthy relationships, appropriate boundaries, bystander intervention, and sexual misconduct reporting. Such conversations are tailored to specific age groups with older students receiving additional guidance in how to navigate unhealthy sexual boundaries. The School will endeavor to schedule biennial special programs that focus on topics related to sexual misconduct. Additionally, prefects and Assessment Team members, whose positions as student leaders increase the possibility that they will learn of sexual misconduct, receive specific training about how to respond if they have reason to believe sexual misconduct has

occurred.

Note 13: Education and training occur during Choate Summer Programs, though the form they take differs from that conducted during the academic year.

XVIII. RESOURCES FOR ADULT REPORTERS OF SEXUAL MISCONDUCT

Confidentiality

In cases involving an adult school employee, information acquired during the reporting, investigation, and adjudication process will be shared only with school investigators, identified witnesses, the Wellness Coordinator, relevant Senior Officers, and members of the Head of School's Sexual Misconduct Advisory Board. Only those individuals who need to be informed of the report will have access to that information. If the investigation and adjudication procedure find the School faculty or staff member "responsible" and the individual's employment is terminated, the Head of School will report the responsible School faculty or staff member's name, the violation, and the sanction to the faculty and staff. Minimally necessary details will be included but the name of the complainant and other individuals involved in the investigation will not be revealed. Public disclosure of pertinent information, through a timely warning notification, may also be made if the Dean of Faculty or Director of Human Resources, in consultation with the Wellness Coordinator and Head of School, determines that disclosure is necessary to protect the safety of the larger community. Such a disclosure would not reveal the identity of the reporting individual, unless that person chooses to be identified.

Who needs to know:

If an adult reports being a victim of sexual misconduct, the Wellness Coordinator will inform the Dean of Faculty or the Director of Human Resources. The Dean of Faculty or the Director of Human Resources will inform the Head of School who, in cases of sexual assault, will inform the Chair of the Board of Trustees.

Non-Retaliation

Choate Rosemary Hall will not retaliate against any individual who makes a complaint of sexual misconduct or who assists in investigating a complaint, nor will the School tolerate any other person, including anyone accused, doing so. Any employee bringing a sexual harassment complaint, or assisting in bringing or investigating a complaint, will not be adversely affected in terms and conditions of employment or association with the School, nor discriminated against or dismissed because of the complaint.

Complaints of alleged retaliation will be promptly investigated under the appropriate structure as described below and, if found valid, the individual(s) who engaged in the retaliatory conduct will be subject to the same disciplinary action.

Post Report Response

Immediate Response

After receiving a report of sexual misconduct, the Wellness Coordinator will share pertinent information with the Director of Human Resources, the Head of School, and the Dean of Faculty, as applicable. The Wellness Coordinator will contact the law firm of Day Pitney LLP, which will conduct any investigation that may be needed. After Day Pitney's findings are shared with the School, the Head of School's Sexual Misconduct Advisory Board will review the report and recommend sanction to the Head of School.

Adults are strongly encouraged to report instances of sexual assault to the Wallingford Police and can avail themselves of immediate medical care at a local hospital, such as Yale-New Haven or Midstate Medical Center.

After receiving Day Pitney's LLP findings, the Wellness Coordinator will share the report of sexual misconduct with the Wallingford Police, where appropriate.

Support for Adult Reporters of Sexual Misconduct

Adult victims of sexual misconduct can access support by contacting the Employee Assistance Program at 800-526-3485 or by going to www.solutions-eap.com. In addition, adult victims can ask Choate's Counseling Team for a referral to a local mental health professional

for counseling support. Adult victims can also work with support services such as the Connecticut Alliance to End Sexual Violence (<https://endsexualviolencect.org>, phone: 888-999-5545) or the Rape, Abuse, and Incest National Network (www.rainn.org or 800-656-4673).

Note 14: Adults affiliated with Choate off-campus programs should seek appropriate care from local resources.

Interim Measures

Depending on the nature of the incident, the School may consider a number of interim actions that include, but are not limited to the following:

Non-contact Agreement: working out a plan for the reporting adult and accused adult to avoid one another to the fullest extent possible.

Required Leave: requiring the individual accused of the inappropriate behavior to leave campus during the investigation process. (See Appendix I: *Faculty and Staff Policy Administrative Leave During School Investigations.*)

Leave of Absence: allowing a reporting faculty or staff member to take a voluntary leave of absence during the investigation and adjudication process.

Collaborative Resolution

If, given the situation, the School feels collaborative resolution is appropriate for a report involving only adults, the Wellness Coordinator, Dean of Faculty, Director of Human Resources, or designee will inform the reporting party of their option to resolve the report in this manner. If collaborative resolution is an appropriate option, the Wellness Coordinator, or designee, will meet with the responding party alleged to have engaged in the misconduct. This meeting may consist of a discussion with the accused individual regarding their behavior, school policies, definitions of sexual misconduct, and any appropriate interim actions. If a satisfactory resolution is reached through this collaborative process, the matter will be considered resolved. If this process is unsuccessful, a formal investigation may be requested. A collaborative resolution is never appropriate in cases of non-consensual sexual intercourse, sexual contest, sexual exploitation, stalking, or in any case involving a student and an adult member of the community. A collaborative resolution is often an inappropriate response to cases of non-consensual sexual contact or sexual harassment. The reporting employee may choose to end the collaborative resolution process at any time and request a formal investigation. The School may also choose to end the collaborative resolution process at any time, even if the reporting employee disagrees, and move forward with a formal investigation.

XIX. RESPONDING TO REPORTS OF SEXUAL MISCONDUCT BY ADULTS

Formal Investigation

All employees have a responsibility to cooperate fully with the investigation of a sexual misconduct complaint. Investigations will vary from case to case, depending upon the circumstances. Anyone who is afraid to cooperate in an investigation, for any reason, should be frank about the nature of her or his concern when speaking with the School investigator.

Anyone accused of sexual misconduct will generally be notified within a reasonable amount of time that a complaint has been filed. However, the School reserves the right to withhold the name of the complainant in certain limited circumstances where it considers it to be in the best interest of the School and those involved. Anyone accused must cooperate completely and honestly in the investigation, whether she or he believes the accusations to be true or false. Anyone accused may be asked not to communicate with certain individuals during the investigation. Witnesses will be asked to truthfully recount the details of alleged incidents involving complainant and accused. If an investigation corroborates the alleged misconduct, disciplinary action will be taken, up to and including dismissal or termination of employment of the responsible party. The individual who made the allegations will be advised of the disposition of the claim.

In cases involving adults only, when collaborative resolution is inappropriate, reports of sexual misconduct by faculty or staff

members will be referred to the law firm of Day Pitney LLP, which will independently investigate the accusation. All cases involving an adult respondent of sexual misconduct against a student will be referred to the law firm of Day Pitney LLP, which will independently investigate the accusation. If a faculty member has been accused, Day Pitney will share its findings with the Head of School and Dean of Faculty and/or the Director of Human Resources. If a staff member has been accused, Day Pitney will share its findings with the Head of School, Director of Human Resources, and the Senior Officer to whom the staff member reports. During the investigation process, the School reserves the right to require the individual accused of the inappropriate behavior to leave campus. (See Appendix I: *Faculty and Staff Policy Administrative Leave During School Investigations.*)

Note 15: In the case of off-campus programs, the School reserves the right to conduct investigations of adult misconduct using available in-country personnel as appropriate. As with on-campus programs, the School may place a school employee accused of misconduct on leave pending the results of an investigation or require volunteers and other non-employee adults associated with the program who are accused of misconduct to leave the program with which they are affiliated.

Adjudication Process

At the conclusion of Day Pitney's investigation, its findings will be shared with the Wellness Coordinator who will share the information with the Head of School and the Dean of Faculty or the Director of Human Resources. The Head of School's Sexual Misconduct Advisory Board will then meet to consider the findings. The Board will be comprised of four people: The Dean of Faculty (for investigations into faculty misconduct) or Senior Officer to whom a staff member reports (for investigations into staff misconduct), and three faculty and/or staff members. The Advisory Board will recommend a sanction to the Head of School, who may accept, alter, or reject it.

After Day Pitney's LLP findings, the Wellness Coordinator will share the report of sexual misconduct with the Wallingford Police, where appropriate.

Sanctions:

A faculty or staff member found responsible for sexual assault, sexual harassment, sexual exploitation, or stalking will have their employment terminated immediately.

Sharing Information about Sexual Misconduct Cases and School Records

Choate Rosemary Hall does not assist former employees terminated for sexual misconduct in finding new employment. The School will make every good-faith effort to inform potential employers of such individuals about the School's finding of sexual misconduct. The School will not provide recommendations or favorable references for any employee found responsible for sexual misconduct. This includes misconduct against students or other adults. The School cannot, however, be aware of every application submitted by former employees and will not be able to inform potential employers if unaware of applications.

The School replies to any employment verification requests received about former employees, verifying dates of service, position held, and/or salary earned. In responding to any employment verification request regarding a former employee found responsible for sexual misconduct, the School will include information about the misconduct, abuse, or neglect findings. The School will not provide positive narrative recommendations (in writing or orally) about individuals terminated for sexual misconduct.

In all instances when Choate is contacted by a public or private school about a current or former faculty or staff member, it will respond within five days and provide a written statement regarding whether such individual has:

- Been the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation currently pending with any current or prior employer, state agency or municipal police department or which has been substantiated;
- Been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct;
- Had a professional or occupational license, certificate, authorization or permit suspended or revoked or ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct.

In the event the school requests additional information concerning Choate's response, Choate will respond to the new request within five days.

For purposes of the bullets above, Sexual Misconduct against a student is defined as "any verbal, nonverbal, written or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature and any other sexual, indecent or erotic contact with a student." Connecticut General Statutes § 10-222c(k). For purposes of this Policy, Abuse or Neglect is defined as "abuse or neglect as described in Section 46b-120, and includes any violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a." Connecticut General Statutes § 10-222c(k). These statutes may be amended from time to time.

The School will not enter into any contracts or agreements, or take action that would:

- Suppress information relating to an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;
- Otherwise affect the ability of the school to report suspected abuse, neglect or sexual misconduct to authorities; or
- Require the school to expunge information about allegations or findings of suspected abuse, neglect or sexual misconduct from any documents maintained by the school, unless the allegation is dismissed or found to be false.

The School complies with all relevant state laws regarding personnel files. Any material regarding sexual misconduct that the School shares with third parties will be maintained in separate security files.

APPENDIX A:

Choate Rosemary Hall's Policy on Sexual Intimacy for Students (also found in the Student Handbook)

Sexual intimacy, while a normal and healthy aspect of adult life, is a particularly complicated issue at Choate Rosemary Hall given the mission of the School, the living arrangements, the range of student ages, and the diversity of values and beliefs for students and their families; therefore, the School discourages sexual intimacy on campus. Furthermore, the School is concerned about the emotional and physical welfare of students and wants to help students avoid sexually transmitted infections, pregnancy, and emotional complications that can accompany sexual intimacy. Students with questions about these concerns should go the Pratt Health Center for guidance and resources.

Healthy romantic attachments do develop and the School affirms students as they search for appropriate ways to express affection towards one another while demonstrating respect for other members of our residential community. The School has equal expectations for all students regardless of their sexual orientation and expects all students involved in romantic relationships, whether same or opposite-sex, to respect their partner's privacy and the privacy of others.

The School addresses issues of human sexuality in a variety of settings including, but not limited to, Sophomore Seminar, dormitories, and in private conversations between adults and students. We address specific concerns about incidents of sexual intimacy through Health and Counseling Services in conjunction with the Deans' Office. When incidents of sexual intimacy are reported, the range of responses may include a required meeting with a member of the Choate Health Services Team, notification of the students' parents, and loss of visitation privileges (for heterosexual couples). Same sex couples will be required to have permission for future room visits and will not be granted permission to sleep over in one another's rooms.

Sexual intimacy in a public place is a violation of propriety and may be treated as a violation of the personal integrity portion of the Honor Code. The School retains the right to require a student to withdraw or to take other action for any subsequent violation of the sexual intimacy standard. (*From Choate Rosemary Hall Student Handbook.*)

Note 16: A forum (such as Sophomore Seminar) that addresses human sexuality education is not available for students during Choate Summer Programs, however, these students are expected to comply with Choate rules regarding sexual intimacy (e.g., visitation).

APPENDIX B:

Connecticut State Laws Sexual Assault, Statutory Rape

Sexual Assault:

Definition of terms from CT State Law – Section 53a-65

Sec. 53a-65. Definitions. As used in this part... the following terms have the following meanings:

- (1) “Actor” means a person accused of sexual assault.
- (2) “Sexual intercourse” means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Its meaning is limited to persons not married to each other. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim’s body.
- (3) “Sexual contact” means any contact with the intimate parts of a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person.
- (4) “Mentally defective” means that a person suffers from a mental disease or defect which renders such person incapable of appraising the nature of such person’s conduct.
- (5) “Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling such person’s conduct owing to the influence of a drug or intoxicating substance administered to such person without such person’s consent, or owing to any other act committed upon such person without such person’s consent.
- (6) “Physically helpless” means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
- (7) “Use of force” means: (A) Use of a dangerous instrument; or (B) use of actual physical force or violence or superior physical strength against the victim.
- (8) “Intimate parts” means the genital area, groin, anus, inner thighs, buttocks or breasts.
- (9) “Psychotherapist” means a physician, psychologist, nurse, substance abuse counselor, social worker, clergyman, marital and family therapist, mental health service provider or other person, whether or not licensed or certified by the state, who performs or purports to perform psychotherapy.
- (10) “Psychotherapy” means the professional treatment, assessment or counseling of a mental or emotional illness, symptom or condition.
- (11) “Emotionally dependent” means that the nature of the patient’s or former patient’s emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to know that the patient or former patient is unable to withhold consent to sexual contact by or sexual intercourse with the psychotherapist.
- (12) “Therapeutic deception” means a representation by a psychotherapist that sexual contact by or sexual intercourse with the psychotherapist is consistent with or part of the patient’s treatment.
- (13) “School employee” means a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or a private elementary or secondary school or working in a public or private elementary or secondary school.

From RAINN website –

<https://www.rainn.org/laws-your-state-connecticut>

Sexual Assault in the First Degree

A person commits sexual assault in the first degree when such person:

- 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 (if the victim is under 16 this is a class A felony subject to a sentencing enhancement);
- engages in sexual intercourse with another person and such other person is under 13 years of age and the actor is more than two years older than such person (class A felony subject to a sentencing enhancement);
- commits sexual assault in the second degree (§ 53a-71) and in the commission of such offense is aided by two or more other persons actually present; or
- 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 intercourse.

Aggravated Sexual Assault in the First Degree

A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree (§ 53a-70), and in the commission of such offense:

- 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; or
- with intent to disfigure the victim seriously or 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; or
- 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
- such person is aided by two or more other persons actually present.

Sexual Assault in the Second Degree

A person commits sexual assault in the second degree when such person engages in sexual intercourse with another person and:

- Such other person is 13 years of age or older but under 16 years of age and the actor is more than three years older than such other person;
- Such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse;
- Such other person is physically helpless;
- Such other person is less than 18 years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare;
- 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;
- The actor is a psychotherapist and the victim is a patient or former patient and the act occurs during a psychotherapy session, while the patient is emotionally dependent on the actor, or by means of therapeutic deception;
- The actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a healthcare professional;
- The actor is a school employee and the victim is a student enrolled in a school in which the actor works or a school under in the jurisdiction of the local or regional board of education which employs the actor;
- The actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is the

recipient of such coaching or instruction and is either a secondary school student who receives such coaching or instruction at school, or is under 18 years of age;

- The actor is 20 years of age or older and stands in a position of power, authority or supervision over such other person who 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 18 years of age; or
- Such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

Sexual Assault in the Third Degree

A person commits sexual assault in the third degree when such person:

- compels another person to submit to sexual contact: (1) by the use of force against the other person or a third person, or (2) 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 him or herself or a third person; or
- engages in sexual intercourse with another person whom the actor knows to be the actor's parent, grandparent, child, grandchild, sibling, parent's sibling, sibling's child, stepparent or stepchild.

Sexual Assault in the Fourth Degree

A person (the actor) commits sexual assault in the fourth degree when:

- The actor subjects another person to sexual contact who is: (1) under 13 years of age and the actor is more than two years older than such other person; or (2) 13 years of age or older but under 15 years of age and the actor is more than three years older than such other person; or (3) mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact; or (4) physically helpless; or (5) less than 18 years old and the actor is the victim's guardian or otherwise responsible for the general supervision of the victim's welfare; or (6) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person;
- The actor subjects the victim to sexual contact without such other person's consent;
- The actor engages in sexual contact with an animal or dead body;
- The actor is a psychotherapist and subjects the victim to sexual contact and the victim is: a patient of the actor and the sexual contact occurs during the psychotherapy session; or a patient or former patient of the actor and is emotionally dependent upon the actor; or a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception;
- The actor subjects the victim 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 healthcare professional;
- The actor is a school employee and subjects the victim to sexual contact and the victim is a student enrolled in the school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor;
- The actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects the victim to sexual contact who is a recipient of coaching or instruction from the actor and the victim: (1) is a secondary school student and receives such coaching or instruction at school, or (2) is under 18 years of age;
- The actor subjects the victim to sexual contact where the victim is under 18 years of age and the actor is over 20 years of age and is in a position of power, authority or supervision over the victim by virtue of the actor's professional, legal, occupational or volunteer status and the victim's participation in a program or activity; or
- The actor subjects the victim to sexual contact and the victim is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over the victim.

Note 17: Acts of sexual assault or misconduct that occur during Choate Summer Abroad Programs are evaluated against the

standards of Connecticut state laws regarding sexual assault. However, all students in off-campus programs must also abide with the laws regarding criminal conduct in the country where their program is located.

APPENDIX C:

Dating Abuse (from RAINN website: <http://www.loveisrespect.org/is-this-abuse/types-of-abuse/#tab-id-1>)

Physical Abuse:

Physical abuse is any intentional and unwanted contact with you or something close to your body. Sometimes abusive behavior does not cause pain or even leave a bruise, but it's still unhealthy. Examples of physical abuse include:

- Scratching, punching, biting, strangling or kicking.
- Throwing something at you such as a phone, book, shoe or plate.
- Pulling your hair.
- Pushing or pulling you.
- Grabbing your clothing.
- Using a gun, knife, box cutter, bat, mace or other weapon.
- Smacking your bottom without your permission or consent.
- Forcing you to have sex or perform a sexual act.
- Grabbing your face to make you look at them.
- Grabbing you to prevent you from leaving or to force you to go somewhere.

Emotional/Verbal Abuse:

Emotional abuse includes non-physical behaviors such as threats, insults, constant monitoring or "checking in," excessive texting, humiliation, intimidation, isolation or stalking.

There are many behaviors that qualify as emotional or verbal abuse, including:

- Calling you names and putting you down.
- Yelling and screaming at you.
- Intentionally embarrassing you in public.
- Preventing you from seeing or talking with friends and family.
- Telling you what to do and wear.
- Damaging your property when they're angry (throwing objects, punching walls, kicking doors, etc.)
- Using online communities or cell phones to control, intimidate or humiliate you.
- Blaming your actions for their abusive or unhealthy behavior.
- Accusing you of cheating and often being jealous of your outside relationships.
- Stalking you.
- Threatening to commit suicide to keep you from breaking up with them.
- Threatening to harm you, your pet or people you care about.
- Using gaslighting techniques to confuse or manipulate you.
- Making you feel guilty or immature when you don't consent to sexual activity.

- Threatening to expose your secrets such as your sexual orientation or immigration status.
- Starting rumors about you.
- Threatening to have your children taken away.

Is Emotional Abuse Really Abuse?

A relationship can be unhealthy or abusive even without physical violence. Verbal abuse may not cause physical damage, but it does cause emotional pain and scarring. It can also lead to physical violence if the relationship continues on an unhealthy path.

Sometimes verbal abuse is so bad that you actually start believing what your partner says. You begin to think you're stupid, ugly or worthless. You agree that nobody else would ever want to be in a relationship with you. Constantly being criticized and told you aren't good enough causes you to lose confidence and lowers your self-esteem. As a result, you may start to blame yourself for your partner's abusive behavior.

Sexual Abuse:

Note: Many of the behaviors described below are violations of state laws regarding sexual assault

Sexual abuse refers to any action that pressures or coerces someone to do something sexually they don't want to do. It can also refer to behavior that impacts a person's ability to control their sexual activity or the circumstances in which sexual activity occurs, including oral sex, rape or restricting access to birth control and condoms.

It is important to know that just because the victim "didn't say no," doesn't mean that they meant "yes." When someone does not resist an unwanted sexual advance, it doesn't mean that they consented. Sometimes physically resisting can put a victim at a bigger risk for further physical or sexual abuse.

Some think that if the victim didn't resist, that it doesn't count as abuse. That's not true. This myth is hurtful because it makes it more difficult for the victim to speak out and more likely that they will blame themselves. Whether they were intoxicated or felt pressured, intimidated or obligated to act a certain way, sexual assault/abuse is never the victim's fault.

Some examples of sexual assault and abuse include:

- Unwanted kissing or touching.
- Unwanted rough or violent sexual activity.
- Rape or attempted rape.
- Refusing to use condoms or restricting someone's access to birth control.
- Keeping someone from protecting themselves from sexually transmitted infections (STIs).
- Sexual contact with someone who is very drunk, drugged, unconscious or otherwise unable to give a clear and informed "yes" or "no."
- Threatening someone into unwanted sexual activity.
- Pressuring or forcing someone to have sex or perform sexual acts.
- Using sexual insults toward someone.

Keep in Mind

- Everyone has the right to decide what they do or don't want to do sexually. Not all sexual assaults are violent "attacks."
- Most victims of sexual assault know the assailant.
- People of all genders can be victims of sexual abuse.
- People of all genders can be perpetrators of sexual abuse.
- Sexual abuse can occur in same-sex and opposite-sex relationships.
- Sexual abuse can occur between two people who have been sexual with each other before, including people who are married

or dating.

Digital Abuse:

Digital dating abuse is the use of technologies such as texting and social networking to bully, harass, stalk or intimidate a partner. Often this behavior is a form of verbal or emotional abuse perpetrated online.

In a healthy relationship, all communication is respectful whether in person, online or by phone. It is never okay for someone to do or say anything that makes you feel bad, lowers your self-esteem or manipulates you. You may be experiencing digital abuse if your partner:

- Tells you who you can or can't be friends with on Facebook and other sites.
- Sends you negative, insulting or even threatening emails, Facebook messages, tweets, DMs or other messages online.
- Uses sites like Facebook, Twitter, foursquare and others to keep constant tabs on you.
- Puts you down in their status updates.
- Sends you unwanted, explicit pictures and/or demands you send some in return.
- Pressures you to send explicit video or sexts.
- Steals or insists on being given your passwords.
- Constantly texts you and makes you feel like you can't be separated from your phone for fear that you will be punished.
- Looks through your phone frequently, checks up on your pictures, texts and outgoing calls.
- Tags you unkindly in pictures on Instagram, Tumblr, etc.
- Uses any kind of technology (such as spyware or GPS in a car or on a phone) to monitor you.

You never deserve to be mistreated, online or off. Remember:

- Your partner should respect your relationship boundaries.
- It is okay to turn off your phone. You have the right to be alone and spend time with friends and family without your partner getting angry.
- You do not have to text any pictures or statements that you are uncomfortable sending, especially nude or partially nude photos, known as "sexting." (*Note: sending sexts violates the School's acceptable use policy*)
- You lose control of any electronic message once your partner receives it. They may forward it, so don't send anything you fear could be seen by others.
- You do not have to share your passwords with anyone.
- Know your privacy settings. Social networks such as Facebook allow the user to control how their information is shared and who has access to it. These are often customizable and are found in the privacy section of the site. Remember, registering for some applications (apps) requires you to change your privacy settings.
- Be mindful when using check-ins like Facebook Places and foursquare. Letting an abusive partner know where you are could be dangerous. Also, always ask your friends if it's okay for you to check them in. You never know if they are trying to keep their location secret.

APPENDIX D:

Wellness Coordinator's Job Description

The Wellness Coordinator is a 46-week Associate Faculty position reporting to the Associate Head of School. The Wellness Coordinator is primarily responsible for overseeing Choate's sexual misconduct prevention and response efforts; these include

education and awareness efforts as well as compliance with federal and state laws. The Wellness Coordinator also serves as a part-time member of Choate Health Services. In addition to working closely with the Associate Head of School, the Coordinator works collaboratively with the Dean of Student's Office.

1. To fulfill responsibilities related to sexual misconduct prevention and response, the Wellness Coordinator:

- Oversees all aspects of the sexual misconduct report process, which includes reporting (being point for receiving reports and ensuring reporting to DCF and police), investigation, notification, adjudication, sanction, and appeals, ensuring the process is timely, impartial, and fair;
- Coordinates the activities, including identification and training, of a team that works to provide a coordinated and comprehensive response to victims of sexual assault;
- With this team, provides 24/7 advocacy services;
- Coordinates access to internal and external resources, including local response providers;
- Provides expertise and technical assistance for all sexual misconduct prevention initiatives;
- Serves as a resource for community members to ensure compliance and coordination with School policies and federal and state laws;
- Coordinates with School counsel to ensure compliance with applicable laws;
- Monitors the outcomes of complaints and continuously evaluates trends and patterns, both internal and external, that could impact the institutional climate;
- Maintains a list of campus (internal) and community (external) referrals and support services to meet victims' practical, emotional, spiritual, and economic needs;
- Develops relationships with external practitioners;
- Serves at the main point of contact for all training efforts related to reporting and investigations;
- Develops an annual training plan that lays out the strategy for content, audiences to reach, and means of delivery;
- Reviews annually all training related to the sexual misconduct report process to account for emerging best practices and adjustments to federal guidance and laws;
- Serves as the main point of contact in the creation, implementation, and revision of all sexual misconduct-related policies; and
- Participates in the development, implementation, and refinement of the School's Life Long Wellness Program.

Note: Reports of sexual misconduct could be current or historical, and could concern student-on-student behaviors, adult-on-student behaviors, student-on-adult behaviors, or adult-on-adult behaviors, though reports involving adults are referred to outside investigative counsel.

2. The Wellness Coordinator, in their role as a member of Choate Health Services, would not be involved in counseling the victim, accused, or witnesses involved in any sexual misconduct report received. To fulfill responsibilities related to being a part-time member of Choate Health Services, the Wellness Coordinator (within the scope of the individual's license, training, and experience, and as these responsibilities intersect appropriately with sexual misconduct prevention and response):

- Completes clinical assessments;
- Provides individual and group counseling (positively involving parents and families);
- Is available to respond to students' emotional and mental health crises;
- Maintains electronic case notes and other documentation as required by State law and Health Services policies and procedures;
- Adapts counseling techniques to ensure equitable and respectful care and support for students with diverse cultural beliefs and

practices, from varied backgrounds, and with varying degrees of health and wellness literacy;

- Practices as part of, and consulting with, our interdisciplinary, inter-professional team of mental health and medical professionals;
- Engages and collaborates with faculty members and administration;
- Consults and coordinates care with outside providers; and
- Assists in the preparation of periodic and required departmental reports.

3. The Wellness Coordinator teaches in the Life Long Wellness program.

4. The Wellness Coordinator takes on other duties as assigned by the Head of School or Associate Head of School.

Note 18: The Wellness Coordinator is a year-round employee and as such is available, and an important point of contact, during Choate Summer Programs, both on and off campus, including study abroad programs.

APPENDIX E:

Best Practices for Taking a Sexual Misconduct Report

- 1) When someone – the reporter – approaches an employee other than the Wellness Coordinator to report (it could be verbal, written, casual, etc.) an incident of sexual misconduct, the employee documents exactly what was said, including time, date, etc., but should not actually take the report; the employee should refer the person to the Wellness Coordinator.
- 2) If the reporter keeps talking, the employee documents exactly what was said, including time, date, place, and who said what. Nothing more is to be included, no opinions, no interpretation of what was said.
- 3) The employee reaches out immediately to the Wellness Coordinator, sharing what they know.
- 4) As the Wellness Coordinator proceeds, she documents the details of the conversation, the date and time of the report, and steps taken. In the conversation, the Wellness Coordinator will ask the reporting individual to provide a detailed account of the incident(s) in question—names, dates, locations, possible witnesses, and other pertinent information.
 - a) For cases involving current faculty, the Dean of Faculty is informed.
 - b) For cases involving only current students, the Dean of Students is informed and the Deans’ Office takes over the case but continues to consult with the Wellness Coordinator.
 - c) For cases involving past transgressions when none of the involved parties attend or work at Choate, the Associate Head of School is informed and takes care of steps 5-12.
- 5) The Wellness Coordinator consults with school counsel and/or retained expert, as needed.
- 6) A course of action is decided upon which likely involves the Wellness Coordinator reaching out to the “reporter” who brought the incident to the School’s attention.
- 7) The Wellness Coordinator and the “reporter” meet or have a telephone interview, followed up by a meeting based on what is learned from the conversation. One other person (another Choate employee, school counsel, or retained expert), to be determined on a case-by-case basis, is present at this meeting. One of those present acts as scribe and witness.
- 8) After that meeting, the Wellness Coordinator consults with the appropriate person – Head of School, Dean of Faculty or Dean of Students – and others as necessary.
- 9) Further follow-up is agreed upon.
- 10) The report and follow-up efforts are documented and filed.

Record Keeping for Past Transgressions

- 1) A searchable system is maintained of reports such that names and cases can be accessed electronically and from off-campus, as

needed. Access to this file is limited.

- 2) The Director of Strategic Planning and Communications has the responsibility of maintaining a (hard-copy) binder with historic knowledge of such cases at other schools.

APPENDIX F:

Mandated Reporter Obligations

Whether information emerges through a sexual misconduct report, the Complaint and Resolution Procedure, or other means, students should be aware that School employees have obligations as mandated reporters. The Faculty and Staff Handbook describes these responsibilities as follows:

Employees who have regular contact with students are, in most instances, mandated reporters, as defined by Connecticut General Statutes § 17a-101(b) and Connecticut General Statutes § 53a-65, must comply with Connecticut's mandated reporting laws, Connecticut General Statutes §§ 17a-101a to 17a-101d. Any employee who has questions about whether he or she is a mandated reporter and/or about the reporting obligations should consult with the Associate Head of School, Dean of Students, Director of Health Services, or any member of the counseling team immediately.

Mandated reporters are required to report to the Department of Children and Families or a law enforcement agency when, in the ordinary course of their employment or profession, they have reasonable cause to suspect or believe that a child under the age of 18 has been abused, neglected, or is placed in imminent risk of serious harm.

Child abuse occurs where a child has had physical injury inflicted upon him or her other than by accidental means, has injuries at variance with history given of them, or is in a condition resulting in maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment. Connecticut General Statutes §46b-120.

Child neglect occurs where a child has been abandoned, is being denied proper care and attention physically, emotionally, or morally, or is being permitted to live under conditions, circumstances or associations injurious to his well-being. Connecticut General Statutes §46b-120.

Mandated reporters must report orally to the Department of Children and Families' (DCF) Hotline or a law enforcement agency within 12 hours of suspecting that a child has been abused or neglected and must submit a written report (DCF-136 form) to DCF within 48 hours of making the oral report. The Department of Children and Families 24-hour hotline for reporting suspected child abuse or neglect is 1-800-842-2288.

Mandated reporters are required by statute to submit a copy of the written report to the School. To comply with this provision, written reports should be submitted to the Associate Head of School or Dean of Students. Whenever possible, it is preferable for a faculty member to share the written report with the Associate Head of School or Dean of Students before submitting it to DCF to ensure it is filled out properly. However, if sharing the report with either in advance is infeasible, the faculty member is still responsible for meeting DCF's required timeline under law. The faculty member should alert the Associate Head of School or Dean of Students that a report has been made as soon as possible thereafter, and must provide a copy as required by law.

Choate will not tolerate discrimination or retaliation against employees who in good faith make a report pursuant to Connecticut General Statutes §§ 17a-101a to 17a-101d. Any violation of this should be reported to the Director of Human Resources.

Providing appropriate support for all of our students is of the utmost importance, and compliance with these laws and procedures is one important professional responsibility for all school employees.

For additional guidance on who must report, what must be reported, and how to report, please refer to the Department of Children and Families website: <http://www.ct.gov/dcf/cwp/view.asp?a=2556&Q=314384>

Note 19: School employees have obligations as mandated reporters in all Choate Summer Programs, both on and off campus,

including study abroad programs.

APPENDIX G:

Non-contact Agreement for student A and student B – SAMPLE

1) For the *x* period of time, Student A and Student B will avoid one another to the fullest extent possible.

Details about Daily routine:

Student A (the respondent)

- Breakfast: Monday and Tuesday, before 8 am, Wednesday and Thursday after 8:00 am, Friday in dining hall but not in senior section
- Conference Period: avoids dining hall, may be in St. John
- After D block class, exits HB 308 by going to the north stair
- Lunch: eats during E block
- Goes to practice through the gym, does not use outside path on the north side of the athletic center
- Dinner: eats at table on south side of senior section at any time, eats off campus at any time, on eats in Tuck Shop after 6:30 pm – *preferred restaurants need to be discussed – mutual agreement where to go and not to go needs to be made through form deans*
- During school meeting, special programs, and form meeting, Student A will sit near the north side of the audience

Student B (the reporting student)

- Breakfast: Monday and Tuesday, after 8 am, Wednesday and Thursday before 8:00 am, Friday in the senior section
- Conference Period: may be in dining hall, may not be in St. John
- Lunch: eats during D block
- Going into E block class, approaches HB 307 through the south stair case
- Goes to practice using the path on the north side of the athletic center
- Dinner: eats at table on north side of senior section at any time, eats off campus at any time, on eats in Tuck Shop before 6:30 pm – *preferred restaurants need to be discussed – mutual agreement where to go and not to go needs to be made through form deans*
- During school meeting, special programs, and form meeting, Student A will sit near the south side of the audience

Social Events:

- Student A will not attend any arts recitals / concerts.
- If Student A wishes to attend the musical, Student A and Student B will arrange separate dates to attend through their form deans.
- Student A will not attend social events organized by the Student Activities Staff on the weekends of xx/xx/xx and xx/xx/xx.

Senior Events:

- Student A will not attend the class of xxx gathering or senior / faculty dinner.
- Student A will not attend senior dance lessons or senior SAC events on Thursday nights.
- Decisions about the senior class trip, the Last Hurrah, the senior gathering on the night before Graduation will be made at a

- Prepare questions in advance of all interviews. Questions for the accused should not directly, or through inference, identify the accuser. If the respondent asks if the accusation came from a particular individual, neither confirm nor deny the source.
- When the investigating dean interviews the reporting student, the victim advocate must be included along with another form dean, who take notes. The investigating dean may ask the student to tell their story and may ask for clarification about the event and the student's relationship with the accused. It is not appropriate to inquire about the reporting student's sexual relationship(s) with anyone other than the accused and cross-examination style questions need to be avoided.
- All parties may be asked to provide written statements in lieu of or in addition to interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing.
- Legal representation for the student is not permitted during interviews. If a family involves a lawyer, the form dean should not talk with the lawyer. Instead the form dean should alert the Dean of Students, who will involve school counsel.

Gathering Information

- When several students are involved in an incident, approach the students simultaneously (other people from the Deans' Office will need to help), keep them separate (or have them sit together under the supervision of an adult), confiscate their electronic devices (e.g. cell phone, iPad, computer) so they cannot communicate, and speak to them one at a time, but try to have the conversations in close succession.
- If the form dean believes viewing the contents of a student's electronic device (e.g. cell phone) or electronic records (e.g. email) would be helpful, the form dean may ask the student for permission to view it and help in opening the device. If the student refuses, the form dean needs permission from the appropriate Senior Officers (see "Electronic Searches" in the Student Handbook) before proceeding with a search. The form dean may hold on to the electronic device(s) until the Senior Officer(s) responds to the request.

Witnesses

- Interview witnesses identified by the responding and reporting parties. Witnesses are expected to cooperate with and participate in the School's formal investigation and will be instructed that they are required to maintain confidentiality regarding the allegations out of consideration for those involved in the investigation.
- Any witness who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later in a hearing (if a hearing is held). Failure of a witness to cooperate with and/or participate in the investigation constitutes a violation of policy and may be subject to discipline.

Follow Up

- Write a summary of the information gathered during each interview for each relevant party, and then give each party interviewed an opportunity to review the summary of their interview for accuracy so they can make corrections.
- Both the reporting and responding students will have the opportunity to present witnesses, impact statements, and other evidence to the form dean.
- Keep the victim advocate and the accused student up to date as to the status of the investigation through its conclusion. Regular updates should be provided and can be made by email, phone, or in person.
- Notify the adviser that their advisee faces a difficult situation, but do not share the nature or details of the accusation; however, the responding student may choose to share information with their adviser.
- If a case is referred to an Adjudication Board hearing, the student's adviser (or faculty support person) needs to be fully informed about the situation.
- Let the accused student know about available support (e.g. counseling team, adviser). An accused student may choose to inform a trusted faculty member, but the form dean must remind that adult about the importance of maintaining confidentiality.

- After the initial meeting with the accused student, contact the student’s parent(s) or legal guardian(s) to let them know about the investigation process, but do not predict an outcome. The dean may give the range of sanctions as they are listed in the Sexual Misconduct Policy, but should not rule any of them out or fall into the trap of saying, “but I would be surprised if this is X level.”

Final Report and Next Steps

- At the conclusion of the investigation, the dean will write a summary report, which along with copies of all relevant materials (e.g. physical evidence, notes, summaries, witness statements, etc.) will be retained in the accused student’s official file. Copies of such materials must be shared with the Wellness Coordinator.
- The report will be presented to an Adjudication Board caucus, which determines how to proceed.

Note: During the investigation process, the School reserves the right to require the individual accused of the inappropriate behavior to leave campus. As a result, some conversations with accused students may need to occur in a remote location on campus, off campus, or by an electronic means (e.g. phone or video conference but NOT email or text).

APPENDIX I:

Faculty and Staff Policy

Administrative Leave During School Investigations

In the event a report or allegation is made that involves or implicates an employee of the School and the School determines that an investigation of the circumstances by the School is warranted, the School reserves the right to place the employee on administrative leave during the pendency of its investigation. If the employee lives in School-owned housing, whether in a dorm apartment or separate residence, the School also reserves the right to require the employee and the employee’s family to leave the residence and campus immediately and not return or attend any School activity or event for any reason without written permission from the Head of School until the School advises the employee in writing that the administrative leave has concluded. The administrative leave will be with pay and benefits, and Choate will provide a stipend to help defray housing costs if the employee lives in School-owned housing and the employee is asked to leave his/her residence. Upon conclusion of the investigation, the School will advise the employee of the outcome of its investigation. If the outcome of the investigation includes the employee’s termination of employment or if the employee quits during the pendency of the investigation, the employee will be obligated to reimburse the School for the full amount of the salary and the stipends that the School has provided to the employee during the administrative leave. During the administrative leave, the employee will be expected to cooperate fully with the School in its investigation.

In the event reports or allegations are made that involve or implicate a family member, partner, associate, or friend of an employee of the School who is routinely or intermittently present on campus and the School determines that an investigation of the circumstances by the School is warranted, the School reserves the right to require that such individual leave the School’s campus immediately and not return or attend any School activity or event for any reason without written permission from the Head of School until the School advises such individual and the School employee in writing that these restrictions are no longer in effect. Such individual and the School employee will be expected to cooperate fully with the School in its investigation.

Note 21: In addition to being placed on leave, employees in a summer program may also be required to physically leave the location of the program, wherever located.

APPENDIX J:

Note 22: The Adjudication Board does not convene during Summer Programs; the form that investigations and adjudication of student sexual misconduct take during Choate Summer Programs, on and off campus, including study abroad, are determined at the time of the report and involve School personnel available at that time.

ADJUDICATION BOARD FOR SEXUAL MISCONDUCT CONSTITUTION

Article I: Composition and Appointments

1. There will be a committee established on campus to adjudicate student sexual misconduct violations, as determined by the Dean of Students in consultation with a caucus group (made up of the form dean, the Dean of Students, the Chair of the Adjudication Board, and the Wellness Coordinator).
2. The group will be known as the Choate Rosemary Hall Adjudication Board for Sexual Misconduct.
3. The Adjudication Board will consist of five voting adults, two of whom are permanent members, and three other adult members of the Choate Rosemary Hall community:
 - a. the chair will ensure that proper procedures are adhered to, will help guide the investigation process prior to a hearing, will be the ranking authority regarding the introduction and relevance of precedent, will work with the vice chair, and will vote. The chair will be appointed by the Dean of Students, in consultation with the Wellness Coordinator, for a minimum of one year. If the chair of the Adjudication Board should experience a conflict of interest in a case, the chair's role will be filled by the vice chair;
 - b. the vice chair will serve as the Adjudication Board's scribe and will be responsible for sharing relevant precedent during the hearing, and will serve in the place of the chair if a conflict of interest exists;
 - c. three form deans, one will be the presenting dean's partner, the other two will be selected during the caucus. At least one male and one female form dean will be part of each Adjudication Board hearing;
4. Other community members will attend Adjudication Board hearings. These individuals are:
 - a. the Dean of Students, or the Dean's designee, may observe any hearing and will observe hearings involving sexual assault. The Dean or designee will not vote, and will not ask questions or participate in the deliberations, except when called upon by the Board, though the Dean of Students may call for a recess at any time to discuss questions or issues with the chair of the Adjudication Board;
 - b. the accused student's form dean (the presenting dean), who will present fully the facts of the case and important background information, asking and answering questions to clarify facts, but who will not vote. The presenting dean may also contribute to the discussion phase of the hearing but will refrain from arguing either for or against a specific outcome to the hearing. Should there be a conflict of interest, as determined by the Dean of Students and the chair of the Adjudication Board, an alternate form dean will appear in this role;
 - c. the accused student's adviser, who will not be a voting member of the Board. The adviser will participate in helping to establish the facts of the case and important background information, asking and answering questions to clarify issues. The adviser may also contribute to the discussion phase of the hearing, but the adviser will refrain from arguing either for or against a specific outcome to the hearing;
 - d. if requested by the accused student, an adult member of the Choate Rosemary Hall community, who will serve primarily in the role of emotional support. The supporting person may choose to remain with the student at all times, absenting themselves from the deliberations of the Board, or may choose to sit with the Board for the length of the hearing. The supporting person may not serve in both capacities. Should the supporting person choose to remain with the Board, they may contribute to the discussion phase of the hearing but will refrain from arguing either for or against a specific outcome to the hearing;
 - e. the reporting student's victim advocate (only in cases when the reporting student attends the hearing). The victim advocate will provide emotional support for the reporting student, will remain with the reporting student at all times, and will only be in the hearing during the reporting student's testimony;
 - f. newly appointed Board members, including newly appointed form deans who may be called upon to serve on the Board, will receive appropriate training as determined by the Wellness Coordinator and Chair of the Adjudication Board.

Note 1: Adjudication Board hearings are not open to parents, family members, lawyers, or any other individuals except those specifically identified above.

Note 2: If a faculty child appears before the Adjudication Board, the student may not bring the faculty parent as the adult support person.

Note 3: In all cases where a conflict of interest occurs, as determined by the Dean of Students and the Chair of the Adjudication Board, voting members will not be allowed to participate in the proceedings.

Note 4: Hearings may proceed with members absent, but every effort should be made to replace absent members with appropriate substitutes.

5. When either the chair or vice chair of the Adjudication Board is scheduled to leave at year's end, a replacement will be appointment by the Dean of Students in consultation with the Dean of Faculty; the appointment will occur by the start of the spring term so the new chair or vice chair can participate in the Board's meetings and hearings but not assume office or vote until the beginning of the next academic year.

Article II: Powers and Restrictions

1. The Adjudication Board for Sexual Misconduct will serve as part of the disciplinary decision-making process of the school. Its role will be an advisory one. All decisions of the Board will be recommended by the chair to the Dean of Students who will accept, alter, or reject them. If the recommendation of the Board is not accepted, the Dean of Students will explain to the chair the reasons and, if asked to, will present them in writing to the group.
2. Adjudication Board hearings are confidential sessions. Breaching confidentiality is a serious matter and such breaches will be reported to the Dean of Faculty, who will determine an appropriate response, and may affect a faculty member's employment status;
3. The Adjudication Board will meet at least once per term to review procedures, and to discuss precedents as well as possible situations.

Article III: Procedures

1. When a case of sexual misconduct is reported to the Wellness Coordinator, the accused student's form dean investigates the matter in consultation with the Wellness Coordinator and Chair of the Adjudication Board. After the student's dean has attempted to establish all relevant facts and pertinent evidence, the dean will meet with a caucus group (described in Article I, #1) to determine if the case should go before the Adjudication Board.
 - a. All cases of sexual misconduct will be handled by some form of the Adjudication Board (at least a caucus); cases of sexual assault must go to an Adjudication Board hearing (or an ad hoc hearing), even if the student accused of misconduct first withdraws from the School. The Dean of Students, in consultation with the caucus group, will decide whether violations of sexual harassment will be sent to the Adjudication Board, the Form Deans Group, or the Judicial Committee.
 - b. A student who is charged may request a hearing, but the caucus group will make final decisions about whether the case should be heard by the Adjudication Board.
 - c. The Dean of Students may also appoint an ad hoc form of the Adjudication Board when scheduling difficulties prevent the Board from meeting (e.g., when a violation is reported after students and faculty have departed at the end of the school year).
2. As soon as practical before the hearing, the student's form dean will attempt to speak with the student's parents or guardians to inform them of the charge and hearing.
3. Prior to the hearing, the form dean will meet with the student to explain the charge(s), to review Adjudication Board procedures, and to answer any questions the student might have. The student will be informed that they have the right to have a second adult member of the Choate Rosemary Hall community present at the hearing, in addition to the adviser. The student

will also be informed that a copy of the Adjudication Board Constitution may be obtained from the Dean of Students' office.

4. When the caucus group decides that a case will go to a hearing, the adviser, Dean of Students, and chair will determine when and where the hearing will take place. The chair, Dean of Students, and Wellness Coordinator will determine which form deans will attend the hearing.
5. In considering the case, the Adjudication Board and/or the caucus group will consider all previous disciplinary consequences for Major School Rule and Honor Code violations as special circumstances.
6. If the caucus group refers a case to a hearing, the chair will then contact all Board members. The form dean will contact the student, the student's adviser, and the victim advocate. The victim advocate will let the reporting student know the date, time, and location of the hearing.
7. Both the reporting student and the accused student may request an opportunity to call witnesses and/or present evidence during the hearing. Such requests must be made to the chair prior to the hearing.
8. Immediately before the hearing, the chair will have the student review and sign a written copy of the charge. The chair will also meet with the student to inform the student of their rights and obligations and to describe the procedures of the hearing. The student will also be warned that lying to the Adjudication Board constitutes grounds for dismissal.
9. Due to the sensitive topics likely to be discussed, Adjudication Board hearings will be held at relatively private locations on campus, such as the Ruutz-Rees Conference Room.
10. The hearing:
 - a. At the start of each hearing, the chair will inform the student of the procedures of the hearing. The student will be warned once more that lying to the Board constitutes grounds for dismissal. The student will have the right to request a temporary recess at any time to confer privately with their adviser, adult support person (if one is present), form dean, or the chair within or outside the hearing room.
 - b. Witness testimony may be introduced either in person or in a written statement. The alleged victim is not required to appear. If other students have useful, direct knowledge of the incident, they may be called to testify at the hearing.
 - i. If the alleged victim appears before the Adjudication Board, the hearing will be arranged to ensure no contact between accuser and the accused. The alleged victim would be accompanied by the victim advocate, adviser, and/or chosen faculty support person and would speak to the Board without the accused in the room. This testimony would be shared after the presenting dean states the case. The Board may ask the reporting student only necessary, clarifying questions, which will be determined in a private conversation that takes place with the alleged victim out of the room. Members of the Board may not ask about the reporting student's sexual activity with anyone other than the accused. If there are other fact witnesses, they would speak to the board after the alleged victim and without the accused in the room. The board may ask questions of a fact witness. Witnesses should know that lying to the Adjudication Board is a dismissal-level offense. Witnesses may bring an adult member of the community to support them, but the adult support person may not stay for the deliberations and the vote of the Adjudication Board. After the accused has explained the incident from their point of view, the reporting student must be provided an opportunity to respond to statements made by the accused.
 - ii. If the alleged victim does not wish to appear before the Adjudication Board, a written statement will be submitted to the chair and read to the Board by the victim advocate working with the student.
 - c. At any time during the hearing, any member of the Board may request of the chair a recess, during which the student is excused from the room.
 - d. It will be the chair's responsibility during the testimony to ensure that all questions are clear, germane, not leading, and appropriate to the specific charge. Any member of the Board will have the right to object to a line of questioning. The chair may rule a question or comment out of order.
 - e. Once the student and witnesses are excused and while the Board remains in deliberation, the student will wait in another room while the Board decides if it has further questions. If the Board does not, then the student will be excused. In rare

cases, the student may be asked to return to the hearing after being excused.

- f. After fully discussing the case, the Board will vote. In order for the Board to vote, a motion must be recognized and seconded. Before a motion is voted on, any Board member will have the opportunity to recommend a more severe punishment. In a case with more than one charge, the vote on the first charge(s) will not be announced until all votes are completed so that subsequent votes are not influenced by the results of earlier votes. If a tie occurs, the motion does not pass, and the Board will vote on a lower punishment.
- g. The voting members will be the form deans (excluding the presenting dean), the vice chair, and the chair. The chair will tally the votes.
- h. If a student describes actions that are found to be untrue or if a student promotes a version of events that is judged to be a construction of lies, then the Board will charge the student with lying to the Adjudication Board, a dismissal-level offense. This is true whether or not the student is guilty of the original charge, or the original charge could have resulted in dismissal.
- i. The Board may decide that the student has not committed sexual misconduct. If the Board votes to drop the charges and the Dean of Students accepts that recommendation, all references to the matter will be deleted from the student's record.
- j. All hearings should result in a recommendation. The recommendation must be a majority vote. A total of one more than half of all votes cast constitutes a majority vote. This recommendation will be conveyed by the chair to the Dean of Students, without mention of how individual members voted. The exact count of the votes will not be announced at the hearing nor will it be made known publicly.
- k. If a student chooses not to speak in their own defense, the Adjudication Board will proceed on the assumption that the charges and victim's testimony are true.

Note 1: No Board member may accept as confidential information relevant to the case that is already under investigation.

Note 2: A Board member possessing information that is clearly and specifically confidential, and which bears directly on the case, should not attend the hearing, after having explained the reasons to the chair.

Note 3: Any Board member who possesses non-confidential information that is pertinent to the case or which contradicts testimony to the Board is honor bound to bring it up prior to or during the hearing.

11. Post-Hearing:

- a. All Adjudication Board members and faculty members involved with the case are honor bound not to reveal to others outside the Board specific statements, votes, or opinions of individual members, including themselves. Only the student's name and the charge may be communicated publicly.
- b. The recommendation of the Board will remain confidential until it is accepted without change, accepted with whatever modification to the outcome, or rejected by the Dean of Students and the student has been informed of the decision.
- c. Until the Dean of Students has announced each decision, no member of the Board except the presenting dean and the chair may communicate with the student about the case.
- d. After deciding whether to accept, modify, or reject the recommendation, the Dean of Students will inform the Head of School, Adjudication Board chair, presenting dean, and victim advocate.
- e. The student's dean and the victim advocate will arrange to let the complainant and respondent know the decision at the same time. The student's dean will also inform the student's adviser and parents of the decision as soon as is reasonably possible.
- f. Once a case will have been adjudicated, it is expected that it will not be reopened. In rare instances, new information which suggests that important matters were overlooked may lead to a new hearing or immediate disciplinary action. There will be no statute of limitations on reopening a case.
- g. Appeals of disciplinary decisions based only on questions of procedure and should be made in writing to the Associate Head of School. No other appeals will be considered.

- h. The record of each hearing will carry the recommendation made by the Board to the Dean of Students, and the latter's decision. The records will be kept as confidential and privileged information and will be maintained for at least five years on file in the Adjudication Board's logbook in the office of the Dean of Students. In addition, the charge and recommendation of the Adjudication Board will be retained in the student's file. In cases where a student is found to have committed sexual assault, the record will remain in the student's permanent record.
- i. A database of precedent will be carefully maintained in order to educate new members, to ensure as much consistency in decisions as is reasonably possible, and to inform decisions of cases under review.

Article IV: Approval and Amendment

1. This constitution has been amended and approved by the Dean of Students, the Associate Head of School, and the Head of School in August 2017.
2. The constitution may be further amended by the Dean of Students, Wellness Coordinator, Associate Head of School, and the Head of School. The Adjudication Board for Sexual Misconduct may also recommend further amendments.

APPENDIX K:

Background Check Policy

All employees are required to undergo a thorough background check before beginning employment Choate. In order to ensure the safety of our campus and compliance with employment best practices, background checks will be repeated periodically.

Other adults moving to campus (e.g. faculty spouses/partners moving into School-owned housing) also undergo background checks, which must be completed before the adult moves into School-owned housing and will be repeated every few years.

In support of this policy, employees and other campus residents are expected to comply promptly with requests for background release forms and other paperwork required to complete these background checks.

In the event an employee of the School engages in any conduct that is or may be in violation any state or federal law, including but not limited to investigation, charge, or conviction of misdemeanor or felony offenses, such employee is required to immediately make a report to the Dean of Faculty or Director of Human Resources and cooperate fully with the School in its investigation of the circumstances. Self-reporting may be considered as a mitigating factor by the School in determining the outcome of the investigation and impact, if any, on continued employment; however, a failure to self-report will be considered as an unfavorable factor in determining the outcome of the investigation.

The same reporting expectations apply to the behavior of other campus residents, and to other family members, partners, associates, or friends of an employee who are regular or intermittent visitors to campus. It is the responsibility of the employee to disclose information to the School about the conduct of such individuals that meets the criteria noted above.

In short, if you—or an individual either resident or regularly/intermittently present on campus who is here by virtue of connection to you—engage in behavior that may appear on a subsequent background check or in any way compromise the safety of campus or other individuals on campus, it is your responsibility to report that information to the Dean of Faculty or Director of Human Resources promptly.