

CHOATE ROSEMARY HALL SEXUAL MISCONDUCT POLICY

(Revised 12/20/18)

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 sexual harassment and 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 within the "Reach" of the School (see *Student Handbook* for details about the "Reach" of the School). 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 whether by students or other adults, 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.

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.

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 its policies, procedures, and standards as it deems necessary and will make reasonable efforts to provide notification to the community when a change has been made. If any provision of a school policy conflicts with other school rules, policies or procedures, the School, subject to the limits of applicable law, will consider each in resolving the conflict.

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, any kind of romantic relationship, or deep emotional attachments 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 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 to respect their partner's privacy and the privacy of others.

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, alleged perpetrator

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

CONSENT:

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.

Choate has established a standard of affirmative consent for sexual contact and sexual intercourse. Affirmative consent means an active, clear and voluntary agreement, expressed through words or actions, by a person to engage in sexual activity with another person. The following statements expand upon that definition:

- 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 as well as implicit;
- 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. *(Also defined in Appendix A)*

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. *(Also defined in Appendix A)*

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 contests, stalking, relationship abuse, sexual exploitation, and sexual assault. 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. Sexual assault can also include conduct that may appear to be consensual but is considered illegal based on the ages of the individuals involved or because the adult involved is in a particular position of authority or influence over the student (such as a coach, teacher, or other individual identified under the law). (see Appendix A: Connecticut State Law on Sexual Assault...).

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 nonconsensual, 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:

In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) has the purpose or effect of creating an intimidating, hostile or offensive environment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive that it interferes with or limits a student's ability to participate in or benefit from the School's program. Sexual Harassment violates the personal integrity portion of Choate's Honor Code and is not covered by Choate's Sexual Misconduct Policy *(for more details, refer to the Student Handbook)*.

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, nonconsensual 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. *(Also defined in Appendix A)*

RELATIONSHIP ABUSE:

Relationship abuse is a pattern of behaviors one person uses to gain and maintain power and control over their partner. Relationship abuse includes use of physical violence, threats, intimidation, emotional abuse, manipulation, and isolation. (See *Appendix B: Relationship Abuse*)

STATUTORY RAPE:

There are some situations where having sex or sexual contact with someone is illegal, regardless of consent, based solely on the ages or the relationship of the two people involved. In Connecticut, a person commits statutory rape when he or she engages in sexual activity with someone: (1) under the age of 13 if the other person is more than two years older; or (2) who is 13 years of age or older but under 16 years old and the other person is least three years older. As noted in the definition of sexual assault, it is also against the law to have sex or sexual contact with someone, regardless of the appearance of consent, if one person is in a position of power or influence over the other person, such as a coach, probation officer, therapist, or other individual identified under the law. It is expressly against the law for any school employee to have sex or any sexual contact with a student at his/her school. (Source: <http://uwc.211ct.org/statutory-rape/>) (See *Appendix A: Connecticut State Law on Sexual Assault and Statutory Rape*)

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 reporting student 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 responsible for overseeing Choate's sexual misconduct prevention and response efforts. In addition to working closely with the Associate Head of School, the Coordinator works collaboratively with the Dean of Students' Office to oversee all aspects of the sexual misconduct reporting process, which includes: being the point person designated to receive reports; ensuring compliance with mandated reporting obligations; reporting to police as necessary; assisting in the investigation, notification, adjudication process. The Coordinator also oversees and organizes the activities of a Sexual Misconduct Policy Advisory Committee. In addition, the Coordinator facilitates access to internal and external resources, including local response providers.

Note 1: 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.

SEXUAL MISCONDUCT POLICY ADVISORY COMMITTEE

Under the leadership of the Wellness Coordinator, an ad hoc advisory committee meets as needed to provide guidance regarding the School's policies on sexual misconduct, including prevention, training, reporting, advocacy, investigation, adjudication, and sanctions. The membership draws, as appropriate, from the following personnel: members of the Deans' Office, the Health Services Team, advocates, and Adjudication Board chair.

Note 2: 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 3: In the instance Dr. Hinderlie cannot be reached, individuals should contact Kathleen Lyons Wallace, Associate Head of School, using the contact information below.

Any former students as well as former faculty or staff members or third parties who wish 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.

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
- an adult you trust.

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. reporting student 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 an adult they trust.

Students with concerns about peers who may be involved in an unhealthy relationship may speak with an adult they trust or 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 4: 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 (such as outside vendors, volunteers, parents, alumni, visitors) 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.

When an allegation of sexual misconduct involves a student and there is reasonable suspicion of abuse or neglect as defined by law, the School has an obligation to make a report to the Connecticut Department of Children and Families as required by law. (See *Appendix C: 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, which differ from allegations, which even if erroneous, are made in good faith.

VIII. CONFIDENTIALITY

All complaints of sexual misconduct will be kept private to the greatest extent possible, but anyone who reports an incident of sexual misconduct must understand that to conduct a formal investigation, the responding student will need to be informed of the nature of the reported misconduct as well as the identity of the reported victim. The responding student may not share the reported victim's name or discuss the details of any complaint with anyone other than their family members/guardian, advocate, health services counselor, form dean, and faculty adviser. These individuals are expected to honor the reported victim's privacy and may not share that individual's identity with others. Relevant information about the complaint will also need to be shared with other individuals (e.g. school investigators, advocates, the Wellness Coordinator, relevant Senior Officers, and members of the Adjudication Board) to appropriately and adequately investigate and resolve complaints. In some cases, members of the Board of Trustees may also be informed of sexual misconduct reports. Any individual involved in the complaint process will be warned that the information is private and confidential and that a breach of confidentiality associated with any part of the 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 for a student (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. As with all other situations, the School reserves the right, in limited circumstances related to health and safety, to disclose information to safeguard the Choate Rosemary Hall 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, though privacy will be respected, complete confidentiality cannot be guaranteed.

Anyone accused of sexual misconduct generally will be notified within a reasonable amount of time that a complaint has been made. The Wellness Coordinator will assign an Advocate to support the responding student through the process.

Note 5: 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 6: Should any student participating in a Choate summer program report being subjected to inappropriate sexual conduct or be accused of violating this policy, the program will inform that student's 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.

Retaliation against any student who makes a complaint or assists in the investigation of a complaint under this policy is strictly prohibited. The School will not tolerate anyone in our community engaging in any behavior toward the reporting student or others that could be considered retaliatory in nature, including conduct that has the purpose or effect of causing harm, embarrassment or discomfort. Complaints of alleged retaliation will be investigated promptly and anyone who violates this policy will be subject to disciplinary action up to possible dismissal.

X. RESPONDING TO SEXUAL MISCONDUCT REPORTS

IMMEDIATE RESPONSE

After the Wellness Coordinator receives a report:

- The reporting student will be connected with an on-campus Reporting Student Advocate.
- 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, and consider if there are any safety issues to the community, whether the report requires a formal investigation, or if an alternative resolution process or other intervention is appropriate.
- Immediate emotional and physical support, if needed, are available in the Pratt Health Center on campus.

Note 7: 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.

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 Reporting Student Advocate will accompany the student and will remain with the student until a parent or guardian arrives, the student has been admitted, or until the student has been examined and discharged to the care of the parent/ guardian or to the care of the School.

Note 8: Students on a Choate Study Abroad program are provided care at a local health care facility identified by the director of that program.

Any time the School receives a report, it must consider whether or not the School has an obligation as a mandated reporter to report allegations to the Connecticut Department of Children and Families (DCF) and/or to the police. If deemed necessary, the Wellness Coordinator will make such reports on behalf of the School, though this does not preclude a mandated reporter from making an individual report at any time in accordance with the School's mandated reporting policy.

The School does not have authority to discipline former students. However, if the School receives a report alleging sexual misconduct by a former student, the School will review the allegation, determine if a report needs to be made to the Department of Children and Families and/or the police and whether any further action is warranted.

Decisions to initiate a formal investigation depend on various factors, which may include the reporting student's desire to pursue a complaint, the assessed risk of not proceeding further, and the nature of the allegation. For formal investigations, a dean will investigate the report under the guidance of the Wellness Coordinator and Chair of the Adjudication Board. At the conclusion of the investigation, an Adjudication Board caucus (see *Appendix E: Adjudication Board for Sexual Misconduct Constitution*) will meet to determine if a hearing is warranted.

Note 9: 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 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 responding students to avoid one another to the fullest extent possible.

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

Required Leave: requiring the responding party to leave campus during the investigation process. This will be considered a non-disciplinary leave and the School will make efforts to support the student in continuing to complete academic work off campus to the extent possible.

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

XI. FORMAL INVESTIGATION PROCESS

If a report leads the School to conclude that a that a violation of the sexual misconduct policy may have occurred, the School will start a formal investigation process and a form dean will investigate the accusation. Throughout the investigation, the form dean will consult with the Chair of the Adjudication Board. Results of the investigation will be shared with an Adjudication Board caucus (*see Adjudication Process and Appendix E*).

At the start of an investigation, the form dean first meets with the Wellness Coordinator and then with the reporting student(s) to gather information. The form dean then meets with the responding student. In any meeting with a student, there is a second dean who assists in recording the discussions with the student. In the initial meeting with the investigating dean and a note taking dean, the responding student is offered an advocate, who provides support to the responding student throughout the entire process. In this initial meeting, the responding student(s) is told that a report has been made, who the reported victim is, and is informed about the nature of the alleged misconduct, including the time and location. The responding student is then given an opportunity to respond and provide any information they believe is relevant to the investigation. As with any student participating in a disciplinary investigation, the responding student is not required to respond on their own behalf. However, as is also the case during investigations, the student is expected to be truthful in their responses and to cooperate fully with requests to search or provide access to potential evidence or other information within the student's control, such as access to text messages, social media posts, etc. Failure to cooperate in an investigation by refusing to comply with a request to provide access to information or other physical evidence is a violation of school rules and the student will be required to withdraw from the School. Even if the reporting or responding student decline to participate in the investigation, the School reserves the right to conduct and complete a formal investigation and Adjudication Board hearing. A responding student may withdraw from School prior to an Adjudication Board hearing, unless there is already compelling physical evidence and/or corroborating information such as credible statements from other parties to support a clear violation of the Sexual Misconduct Policy without a formal hearing. In the event of withdrawal, the investigation will end without a disciplinary finding; however, internal school records in the responding student's file will reflect that the student was "withdrawn under disciplinary investigation," though per School policy, a transcript for a student who has withdrawn from the School will indicate only that the student was "withdrawn" with the effective date of withdrawal.

WORKING WITH LAW ENFORCEMENT AND THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCF)

The School recognizes the need to coordinate with the police and DCF in the conduct of concurrent investigations. However, the filing of a criminal complaint or conduct of a criminal investigation does not affect the School's intention to investigate allegations of sexual misconduct.

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.

The result of an investigation by the police or DCF will be considered by the School but are not necessarily 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 even when law enforcement does not complete an investigation, determines that there is insufficient evidence to prove a crime occurred, or that the individual is not criminally responsible for the alleged misconduct).

Note 10: 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.

XII. ALTERNATIVE RESOLUTION PROCESS

There may be times when a student or other individual shares information with the School or makes a report regarding another student's behavior that is concerning and requires intervention, but it is not immediately evident from what has been shared that a formal investigation is required. In those cases, the School may elect to engage involved students in educational discussions about why certain behavior is making another feel uncomfortable, understanding the rules surrounding sexual misconduct or other similar issues. Other non-disciplinary interventions might include counseling and other interim supports. This process is never appropriate for reports of sexual assault, nonconsensual sexual contact, misconduct by an adult toward a student or other behavior that would violate this policy.

This resolution process is overseen by the Wellness Coordinator in conjunction with the appropriate form dean(s) and the adviser or an advocate for any students involved. At any point during this process, the School may determine that a formal investigation is warranted, or that the conduct in question violates other school rules, apart from those outlined in this policy. In those cases, the School will follow appropriate investigation and discipline processes.

XIII. ADVOCATES

The Advocates provide support for reporting and responding students and are selected from a group of trusted adult members of the community who are trained to work with students involved with sexual misconduct cases and are well versed with the School's Sexual Misconduct Policy. The appointed 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.

In order to fulfill their responsibilities, the Advocate will:

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

During investigation interviews and Adjudication Board hearings, advocates will be present to support students, not to determine the outcome or to present evidence. During a hearing, the reporting student 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. During hearings, advocates will not participate in discussions of appropriate sanctions.

The 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 advocate group will not be assigned to a case if a potential conflict of interest exists. The Wellness Coordinator works with advocates, who participate in sexual misconduct training on campus.

Note 11: As noted above, currently, advocates for a reporting or responding 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. ADJUDICATION PROCESS

After investigating, the form dean reports to an Adjudication Board caucus for preliminary review of the information gathered to date. The caucus consists of five people: the Adjudication Board Chair and Vice Chair, the Wellness Coordinator, the Dean of Students, and the investigating form dean. The role of the caucus is to determine whether there is sufficient information from the investigation to warrant the convening of an Adjudication Board hearing. Following discussion, the caucus will decide whether the information, if found credible and true, could permit the Board to conclude that a violation of the School's Sexual Misconduct Policy occurred, in which case the caucus will refer the case to an Adjudication Board hearing. If the caucus determines that the information is insufficient to support a violation of the Sexual Misconduct Policy, it may decide:

- to record the investigation status as "no finding," with no further action; or
- that the issues should be addressed through the alternative resolution process; or
- the information suggests a possible violation of the School's Honor Code and the allegations would be better referred to the Judicial Committee for review; or
- the information suggests a possible major school rule violation and would be better referred to the form deans' group.

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, makes factual determinations regarding the allegation based on a preponderance of evidence standard, and recommends a sanction(s) 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.

The School reserves the right to deviate from general procedures, if, at the discretion of Head of School, the circumstances warrant a different resolution process.

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

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.

SANCTIONS

In cases where the responding student is determined by the Adjudication Board to be "responsible," (e.g. has engaged in misconduct that violates School policy) possible sanctions depend on the nature of violation as indicated below. Sanctions may vary depending on the particular circumstances of each situation. (*For information about Disciplinary Definitions, refer to the Student Handbook.*)

- A student found responsible for nonconsensual sexual intercourse should expect a major disciplinary response, up to and including possible dismissal from school.
- A student found responsible for nonconsensual 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.

The above sanctions are provided as guidelines and may be modified by the recommendation of the Adjudication Board. Sanctions may also include no-contact orders and modifications of the responsible student's academic schedule or housing.

XV. SHARING INFORMATION ABOUT SEXUAL MISCONDUCT CASES

When a student is found responsible for sexual misconduct and is dismissed or withdrawals while under investigation for sexual misconduct, the School will not provide any recommendations for the student. The Wellness Coordinator and Associate Head between them maintain current and historical records of student sexual misconduct investigations, including reports made to the Connecticut Department of Children and Families (DCF) and equivalent agencies. Educational institutions requesting the transcript of a student involved in such an investigation will be informed about discipline in accordance with Choate's college counseling policies. For details about sharing information within the Choate Rosemary Hall community, refer to the section on Confidentiality.

XVI. 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 manner, regularly evaluates campus culture, 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.

TRAINING

Every year all school employees are required to read the Statement of Expectations. On a regular and rotating basis, school employees undergo training regarding harassment, mandated reporting responsibilities, confidentiality, amnesty, retaliation, and/or sexual misconduct. 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 act in a victim-centered manner, to whom to refer the individual to make a report, and where to direct a victim for support. All new employees participate in training that addresses issues related to boundaries and sexual misconduct (e.g. sexual harassment, mandated reporting, etc.) 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 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 regular basis.

STUDENTS

Admission process

The Admission Office will contact sending schools to request information regarding 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 such offense is known 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.

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 younger students receiving general, developmentally appropriate information and older students receiving additional guidance for navigating 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.

APPENDIX A:

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 CONN. GEN. STAT. 53A-70A THROUGH 73A

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 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 14: 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 B:

RELATIONSHIP ABUSE

Relationship abuse is a pattern of behaviors one person uses to gain and maintain power and control over their partner. Relationship abuse includes use of physical violence, threats, intimidation, emotional abuse, manipulation, and isolation. Examples of relationship abuse include, but are not limited to:

- Deliberately causing the partner bodily injury, pain, or impairment.
- Preventing a partner from seeing or talking with friends and family.
- Telling a partner what to do and wear.
- Blaming their own abusive or unhealthy behavior on a partner.
- Accusing a partner of cheating and being jealous of the partner's outside relationships.
- Damaging a partner's property when angry (throwing objects, punching walls, kicking doors, etc.).
- Calling the partner names and putting the partner down.
- Yelling and screaming at the partner.
- Intentionally embarrassing the partner in public.
- Threatening suicide or self-harm to keep a partner in the relationship.
- Making a partner feel guilty or immature when the partner doesn't consent to sexual activity.
- Constantly criticizing and berating a partner, saying the partner isn't good enough.
- Use of technologies such as texting and social networking to bully, harass, stalk or intimidate a partner.

APPENDIX C:

MANDATED REPORTER POLICY

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:

Connecticut law requires certain individuals, known as mandated reporters, to report suspicions of abuse or neglect to appropriate authorities. Mandated reporters include all members of the Choate faculty, School administration, employees and any other person under contract with Choate who, in the performance of his or her duties, has regular contact with Choate students and who provides services to or on behalf of our students.

Any employee or other individual who has questions about whether he or she is a mandated reporter and/or about these reporting obligations should consult with the Associate Head of School, Dean of Students, Wellness Coordinator, Director of Human Resources, or Dean of Faculty. Beyond the legal obligations for mandated reporters, however, the School believes that it is important for all adults who are part of the Choate community to be vigilant regarding the safety and wellbeing of students. For this reason, it is the policy of the School that all adults who live on campus or who are part of the school community to report concerns or suspicions of abuse, neglect or assault involving any of our students to the Associate Head of School, Wellness Coordinator or the Dean of Students, regardless of whether such adult is considered a mandated reporter under the law.

WHAT MUST BE REPORTED?

Mandated reporters are required to report, or cause a report to be made, to the Department of Children and Families (DCF) or to the police 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.

For purposes of this policy, "abused" means that a child: (a) has had physical injury inflicted upon him or her other than by accidental means; (b) has injuries at variance with history given of them; or (c) 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. "Neglected" means that a child: (a) has been abandoned; (b) is being denied proper care and attention physically, emotionally, or morally; or (c) is being permitted to live under conditions, circumstances or associations injurious to his wellbeing.

The suspicion or belief of a mandated reporter may be based on factors including, but not limited to, observations, allegations, facts or statements by the child or victim, or a third party. Such suspicion does not require certainty or probable cause.

In addition, if any mandated reporter or other adult member of our community has reasonable cause to suspect or believe that a School employee has sexually assaulted a student, regardless of the student's age, the employee or other individual should also report such suspicion to the Associate Head of School, Wellness Coordinator or Dean of Students immediately, who will then in turn contact appropriate authorities and take other intermediate measures as needed to support the student.

Note 15: School employees have obligations as mandated reporters in all Choate Summer Programs, both on and off campus, including study abroad programs.

REPORTING PROCEDURES FOR MANDATED REPORTERS

Once a mandated reporter has reasonable suspicion of abuse or neglect, he/she should notify the Wellness Coordinator and ensure that an oral report is made as soon as practicable, but within 12 hours, to DCF and/or to a law enforcement agency. The oral report can be made by calling the DCF Hotline:1-800-842-2288.

Not later than 48 hours after making the oral report, the mandated reporter (or other individual acting on behalf of the mandated reporter) is required to submit a written report to DCF (DCF-136 Form) with a copy to the Associate Head of School, Wellness Coordinator or Dean of Students. The Wellness Coordinator, Dean of Students or Associate Head of School will provide assistance and guidance to the mandated reporter with respect to the procedures for contacting DCF and submitting written reports and will coordinate any ensuring investigation with appropriate agencies.

If the allegation involves suspected abuse, neglect or sexual assault of a student by a school employee, the Wellness Coordinator or his/her designee will immediately notify the student's parent(s) or guardian(s).

Choate will not discharge, or permit discrimination or retaliation against any employee who in good faith makes a report of abuse, neglect or sexual assault under this policy or testifies in any proceeding involving abuse or neglect. The School also prohibits any employee from hindering or preventing any mandated reporter from making such report under this policy. Any violation of this should be reported to the Dean of Students, Dean of Faculty, and/or the Director of Human Resources.

Providing appropriate support for all Choate 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:

<https://portal.ct.gov/DCF/1-DCF/Reporting-Child-Abuse-and-Neglect>

REPORTING SEXUAL ACTIVITY INVOLVING STUDENTS

There may be times when sexual activity between or among students may also require a report to DCF. In making a decision about reporting, consideration should be given to the relative ages of the students, the nature of the activity, whether it was consensual, or whether there were any other factors that might indicate a student's inability to consent. Faculty, staff and other adults in the School community are encouraged to immediately report any concerns about sexual activity between or among students, particularly if there is a significant age difference between the students, or if there is any question about whether the interaction was consensual. Reports should be directed to the Wellness Coordinator or Dean of Students.

As general guidance, DCF advises that reports should be made if information suggests potentially abusive actions by peers or similar persons regardless of gender, such as when a student (a) is under 13 years of age and is engaging in sexual intercourse, has a sexually transmitted disease, is pregnant or is engaging in sexual activity that is developmentally inappropriate; (b) is being exploited because the relationship is non-consensual, hostile, or includes the use of force or threats; (c) has an emotional,

psychological, or intellectual disability or is otherwise unable to consent or understand the consequences of consenting regardless of the student's age; or (d) is under the age of 16 and the partner is 21 years or older. Under Connecticut law, faculty, staff and students should also be aware that sexual activity between students where the difference in age **is more than three years** (two years if either is under the age of 13) may also be considered a crime (i.e. statutory rape), regardless of whether the activity is consensual and regardless of whether it warrants a report to DCF.

APPENDIX D: 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

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

Note 16: 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.

APPENDIX E: 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 investigating form dean, the Dean of Students, the Chair of the Adjudication Board, the Vice 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 and will work with the vice chair. 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, will be responsible for sharing relevant precedent during the hearing. The vice chair will be appointed by the Dean of Students, in consultation with the Wellness Coordinator, for a minimum of one year;
 - c. three form deans, who will be selected during the caucus. Ideally there will be voting deans of different genders.
4. Other community members will attend Adjudication Board hearings. These individuals are:
 - a. the Dean of Students, or the Dean's designee, who will observe all hearings. The Dean of Students 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 investigating 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;
 - c. the responding student's advocate, who will not be a voting member of the Board. The advocate will provide emotional support for the responding student, will remain with the student at all times, and will only be in the hearing during the responding student's testimony;
 - d. the responding student's form dean, who will not be a voting member of the Board. The responding student's dean may participate in helping to establish the facts of the case and important background information, asking and answering questions to clarify issues. The 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;
 - e. the reporting student's advocate, who will not be a voting member of the board. The reporting student advocate will provide emotional support for the reporting student and will remain with the reporting student at all times. If the reporting student chooses not to attend the hearing, the advocate will read the reporting student's statement;

- 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 regarding fact finding, credibility and recommended sanctions, where applicable. 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.

Article III: Procedures

1. When a case of sexual misconduct is reported to the Wellness Coordinator, a form dean investigates the matter in consultation with the Wellness Coordinator and Chair of the Adjudication Board. After the investigating dean has attempted to establish all relevant facts and pertinent evidence, the dean will meet with a caucus group (described in Article I, #1), which will determine if the case should go to an Adjudication Board hearing.
 - 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). 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 responding student may request a hearing.
 - c. The Dean of Students may 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 responding student's form dean will attempt to speak with the student's parents or guardians to inform them of the allegations and hearing.
3. Prior to the hearing, the responding and reporting students' deans will meet separately with the student to explain the charge(s), to review Adjudication Board procedures, and to answer any questions the students might have. The students will 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, it will determine when and where the hearing will take place. The chair, in consultation with the Dean of Students and Wellness Coordinator, will determine which three form deans will attend the hearing as voting deans.

5. If the caucus group refers a case to a hearing, the chair will then contact all Board members. The investigating dean will contact the responding and reporting students' form deans, who will inform the advocates, students, and parents about the date, time, and location of the hearing.
6. Both the reporting student and the responding 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. All student witnesses will be warned that they are expected to be truthful and that lying to the Adjudication Board constitutes grounds for dismissal.
7. Immediately before the hearing, the chair will have the responding student review and sign a written copy of the charge. The chair will also meet with the responding student to inform the student of their rights and obligations and to describe the procedures of the hearing. The responding student will be reminded that lying to the Adjudication Board constitutes grounds for dismissal.
8. Unless the reporting student chooses not to attend, the chair will meet with that student prior to the hearing and inform the student of their rights and obligations and to describe the procedures of the hearing. The reporting 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.
10. The hearing:
 - a. At the start of each hearing, the chair will separately inform both the responding and reporting students of the procedures of the hearing. The students will be warned that lying to the Board constitutes grounds for dismissal. The students will have the right to request a temporary recess at any time to confer privately with their advocate, form dean, or the chair within or outside the hearing room.
 - i. The reporting student will be invited and encouraged to attend the hearing but is not required to appear. If a reporting student indicates that they do not wish to appear before the Board in person, the reporting student will be given an opportunity to submit to the chair a written statement that will be read to the Board by the reporting student advocate and will be advised about the potential impact of not attending, as that decision may affect the Adjudication Board's ability to access all relevant information related to the allegation.
 - ii. Witness testimony may be introduced either in person or in a written statement.
 - iii. If other students have useful, direct knowledge of the incident, they may be called to testify at the hearing.
 - iv. If the reporting student appears before the Adjudication Board, the hearing will be arranged to ensure no contact between reporting student and the responding student. The reporting student would be accompanied by the advocate and, if requested, a faculty support person and would speak to the Board without the responding student 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. The Board will determine these questions in a private conversation that takes place with the reporting student out of the room. Once the questions are determined, the reporting student will be invited to return. Members of the Board may not ask about the reporting student's sexual activity with anyone other than the responding student. If there are other fact witnesses, they would speak to the board after the reporting student and without the respondent 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 vote of the Adjudication Board. After the responding student has explained the incident from their point of view, the reporting student must be provided an opportunity to respond to statements made by the respondent.
 - b. At any time during the hearing, any member of the Board may request of the chair a recess, during which students are excused from the room.
 - c. 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.

- d. Once the student and witnesses are excused and while the Board remains in deliberation, the responding 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.
- e. After fully discussing the case and reviewing the evidence and information at hand, the Board will make a determination, based on the preponderance of evidence standard, as to the facts and determine whether the responding student violated School policy by engaging in the misconduct alleged in the charge. If the evidence does not support a finding of responsibility by a preponderance of the evidence, the Board will vote to drop the charges or it may conclude that the conduct violates a lesser charge, the honor code or a major school rule, and make a recommendation to the Dean of Students. If the Committee finds that no school rules have been violated and the Dean of Students accepts that recommendation, all references to the matter will not appear in the responding student's record.
- f. Once the Board determines a violation occurred, it votes on sanctions. In considering the sanctions, the Adjudication Board and/or the caucus group will consider the responding student's prior disciplinary record regarding violations of the Sexual Misconduct Policy, Major School Rules, and/or the Honor Code. 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 sanction than what is generally recommended given the charge. 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 and responding student's 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 determined by the Board to be false or 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. All hearings should result in a factual finding and recommendation. All decisions are determined by 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.

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.
- 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 responding student's 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, Wellness Coordinator, presenting dean, responding student's dean, and reporting student's dean.

- e. The responding student's dean and the reporting student's dean will arrange to let both students know the decision at the same time. Meetings with the reporting and responding students will include their advocates.
 - i. The responding student's dean will also inform the student's adviser and parents of the decision as soon as is reasonably possible.
 - ii. The reporting student's dean will inform the student's parents of the decision as soon as is reasonably possible.
- f. Only the Dean of Students, Dean of Students' designee, or Head of School may share information about the case with the faculty.
- g. Once a case has 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.
- h. 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.
- i. The records of each hearing will carry the recommendation made by the Board to the Dean of Students, and the latter's decision. The records (the charge and recommendation) will be kept as confidential and privileged information and will be kept in the student's file for as long as indicated by the School's record retention policy. The Wellness Coordinator and Associate Head of School will maintain separate records of all sexual misconduct reports and investigations.
- j. 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 December 2018.
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.

Note 17: 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.