



# Putnam Science Academy's Sexual Misconduct Policy

## I. PURPOSE:

A. Putnam Science Academy (the "School") is committed to providing its students, faculty and staff with a working and learning environment in which all people are treated with respect and dignity. This Policy (the "Policy") prohibits a broad continuum of behaviors, some of which are not prohibited under Title IX or other laws. This reflects the School's commitment to ensuring that each person has the right to work and be educated in an atmosphere that is free from misconduct on the basis of sex, including sexual assault, sexual discrimination and sexual harassment.

B. This Policy prohibits sexual misconduct, including sexual assault, sex-discrimination and sexual harassment, in the workplace, the classroom, or in any other settings in which students, faculty and staff may find themselves in connection with their education or employment at the School. The term "Sexual Misconduct" is all inclusive and is defined in Article XI.A, below.

C. This Policy also outlines Federal laws, including Title IX (prohibiting sex discrimination), the Clery Act (mandating reporting of crimes on campus), and the 2013 Campus SaVE Act (broadening the scope of responsibility to include dating violence, domestic violence and stalking), that make clear the obligations of schools to provide a safe and secure educational environment free from discrimination, harassment and violence. By including a Policy that is compliant with Title IX, or any other Federal law, the School does not admit it is subject to any Title IX requirements, but rather aims to create a working and learning environment in which all people are treated with respect and dignity.

D. Any retaliation against an individual who has filed a Formal Complaint, or retaliation against individuals for cooperating with an investigation of a Formal Complaint, will not be tolerated. To achieve our goal of providing a working and learning environment free from Sexual Misconduct, which is unlawful, the conduct that is described in this Policy will not be tolerated. We have provided a procedure by which inappropriate conduct will be dealt with if a Formal Complaint is filed, and/or the School has actual knowledge of an alleged violation of this Policy and has elected to take action.

E. Because the School takes allegations of Sexual Misconduct seriously, we will respond promptly to Formal Complaints or when the School has actual knowledge of an alleged violation of this Policy. Where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is determined to be necessary, including disciplinary action where appropriate. Such disciplinary action may include expulsion and/or termination.

F. Please note that while this Policy sets forth our goals of promoting a working and learning environment that is free from any form of Sexual Misconduct, the Policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies any legal definition of sexual misconduct, sex-discrimination or sexual harassment. The School does not

need or require a Formal Complaint to take action to address any form of Sexual Misconduct. If a claim of violation of the Student Code of Conduct is predicated on a common set of operating facts as a Formal Complaint, or if the facts alleged in a Formal Complaint could also constitute a claimed violation of the Student Code of Conduct, the Formal Complaint and Student Code of Conduct cases may be combined and processed together under this Policy and may be subject to a single consolidated hearing.

## **II. SCOPE**

A. This Policy applies to all School employees and students.

B. This Policy is only initiated if the alleged conduct occurred in the United States, within a Putnam Science Academy education program, dormitory, or activity, which includes locations, events or circumstances over which the School exercises substantial control over both the accused perpetrator of sexual misconduct and the context in which the sexual misconduct occurred.

## **III. REPORTING SEXUAL MISCONDUCT**

A. The School has Actual Knowledge of a potential violation when verbal or written notification is given to the Assistant Head of School, Head of School, any other school official, or any employee of the School.

B. Upon notification of a potential violation, the Head of School will promptly contact the Complainant (who may be someone other than the person who reported the alleged sexual misconduct) to discuss supportive measures; to consider the Complainant's wishes with respect to supportive measures; to inform the Complainant of availability of these measures with or without the filing of a Formal Complaint; and to explain the process and the procedure for filing a Formal Complaint.

## **IV. TITLE IX INVESTIGATION**

A. To initiate a Formal Complaint, the Complainant or the Head of School must file a document alleging Sexual Misconduct against a Respondent and requesting that the School investigate the allegation of Sexual Misconduct. A Complainant may only file a Formal Complaint under this Policy if the alleged conduct occurred in the United States within a School education program, dormitory, or activity, which includes locations, events or circumstances over which the School exercises substantial control over both the accused perpetrator of Sexual Misconduct and the context in which the Sexual Misconduct occurred.

B. The School will treat the Complainant and Respondent equitably throughout the investigatory and hearing process. All School officials involved in the investigatory and hearing process must be free of conflicts of interest or bias for or specifically against either Party or generally against Complainants or Respondents.

C. Upon receipt of a Formal Complaint, the Assistant Head of School of Student

Services will provide written notice to the Parties of the allegations of Sexual Misconduct. Such written notice shall include sufficient details as known at the time of written notice, including, if known, the identity of the individuals allegedly involved, the alleged conduct constituting Sexual Misconduct and the date, time, and location of the alleged conduct. Such written notice shall allow sufficient time of not less than 48 hours, for the Respondent to prepare a response before the initial interview. The written notice must contain a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is only made at the conclusion of the investigatory and formal hearing process. The written notice must inform the Parties that they may have a character witness of their choice. The written notice must inform the Parties of the section of the Student Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the investigatory or formal hearing process. Where applicable, the written notice will inform the Parties that issues arising under the Student Code of Conduct may be processed together with the Formal Complaint as a consolidated case. Notwithstanding, the School may take any and all immediate steps necessary to investigate, preserve evidence and protect the well-being of its students and personnel.

D. Time frame: The School will endeavor to complete its administrative investigation within thirty (30) days of the School's receipt of the Formal Complaint. However, there may be reasonable delays or extensions as circumstances arise. When applicable, the formal hearing will be scheduled at least 5 days following due notice to the Parties, and with due regard to the availability of those who will participate. Postponements or extensions of interviews may be granted by the Assistant Head of School for Student Services or, when applicable, the Head of School for good cause.

F. Standard of Proof: The "preponderance of the evidence" standard shall be applied to the investigation of Sexual Misconduct complaints. This standard requires a finding that it is more likely than not that Sexual Misconduct occurred in order to recommend that a formal hearing be initiated.

G. Gathering information: The School will conduct prompt and thorough interviews of the Complainant, the Respondent, and any witnesses. Both Parties will have an opportunity to suggest witnesses and submit and review evidence. The Administration will interview all witnesses who have information relevant to the investigation. The burden of gathering both inculpatory and exculpatory evidence and proof sufficient to reach a determination of responsibility is on the School. The School will not restrict the ability of either Party to discuss the allegations under investigation or gather and present relevant evidence. The School is prohibited from disclosing the identity of any individual involved in the reporting or investigation of Sexual Misconduct except the School may disclose individuals' identities to carry out the purpose of this Policy or as required by law.

H. Advisor/Parents: Both Parties are allowed to have an advisor of their choosing and/or Parents present during any investigatory interview. The School may restrict the extent to which an advisor and/or Parents may participate in the process as long as the restrictions apply equally to both Parties. Advisors and/or Parents will not be able to speak unless requested in order to provide relevant information, but only listen to the interview process. If a Party wishes to have an advisor present, the School will provide an advisor of the Party's choosing, without fee.

I. Notices of Proceedings: Written notice of the date, time, location, participants, and purpose of all hearings, interviews or meetings must be provided to a Party whose participation is invited or expected with sufficient time for the Party to prepare to participate as set forth herein, but no less than 48 hours.

J. Investigative Report and Responses: An investigative report will be generated at the end of the investigation. Within three (3) days after completion of the investigative report, the Assistant Head of School for Student Services or Head of School will send each Party and their parents a final investigation letter.

K. Mandatory Dismissal: If the conduct alleged in the Formal Complaint would not constitute Sexual Misconduct as defined herein if proved, or did not occur in the School's education program, dormitory, or activity, or did not occur in the United States, then the Assistant Head of School for Student Services must dismiss the Formal Complaint. Such dismissal does not preclude action under another Policy or a provision of the School's code of conduct. Upon dismissal, the Assistant Head of School for Student Services must promptly send written notice of the dismissal and reason for the dismissal simultaneously to the Parties. Both Parties will have a right to appeal the dismissal pursuant to the appeal procedures described below.

L. Discretionary Dismissal: The Assistant Head of School for Student Services or the Head of School may dismiss the Formal Complaint, if at any time during the investigation or hearing: (1) the Complainant provides written notification to either the Assistant Head of School for Student Services or the Head of School that the Complainant wishes to withdraw the Formal Complaint; (2) the Respondent is no longer enrolled or employed by the School; (3) or circumstances prevent the gathering of evidence sufficient to reach a determination regarding responsibility. Both Parties will have a right to appeal the dismissal pursuant to the appeal procedures described below.

M. Referral: If the investigation substantiates the allegations, the Assistant Head of School for Student Services may refer the matter to the Student Conduct Board for a formal hearing or, if warranted, propose an informal resolution process. Any notice of a formal hearing shall include an advisement of the range of possible disciplinary sanctions and remedies that the School may implement following any final determination of responsibility.

## **V. FORMAL HEARING**

The Student Conduct Board will preside over a formal hearing and will notify both parties that the purpose of the formal hearing is to review and receive relevant information concerning alleged violations of the School's Sexual Misconduct Policy and, where applicable, the Student Code of Conduct.

Witnesses/parents: Both Parties are allowed to have their parents and/or an advisor of their choice present during the formal hearing. Witnesses may also be present as allowed by the Student Conduct Board. The School may restrict the extent to which such individuals may participate in the process as long as the restrictions apply equally to both Parties. Advisors and Parents will not be able to speak, but only listen to the proceedings, unless otherwise directed by the Student Conduct Board. If a Party wishes to have an advisor present, the School will provide an advisor of the Party's choosing,

without fee.

The Parties may make opening statements to the Student Conduct Board. They then may have a witness(s) brought to the hearing to make a character statement or provide additional important information. The Board is entitled to question the Parties and their witnesses.

**Questioning Witnesses:** The Student Conduct Board presides over the live hearing and must permit each Party to ask the other Party and Witnesses all relevant questions. Such questions must be asked through the Chairperson of the Student Conduct Board. The questioning must be conducted directly, orally, and in real time by the Board. Live hearings may occur virtually and with all parties in different rooms. If the hearing proceeds with the Parties in separate rooms, audiovisual technology will be used to allow the Student Conduct Board and Parties to simultaneously see and hear the questioning of the Party or Witness.

**Relevance of Certain Evidence:** Only relevant questions will be permitted to be asked and answered. The Student Conduct Board shall make a determination as to relevance after a question is asked and before the answer given. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

**Refusal to Testify:** Parties or witnesses who do not submit to questioning will preclude the decision-makers from relying on their statements in determining responsibility. However, a decision-maker cannot rely solely on a Party or witness's absence or refusal to answer questions in determining responsibility.

**Recording or Transcript:** The School may create an audiovisual recording of the virtual meeting or transcript of the live hearing and make it available to the Parties for inspection and review.

**Standard of Proof:** The "preponderance of the evidence" standard shall be applied to Sexual Misconduct complaints at a formal hearing. This standard requires a finding that it is more likely than not that Sexual Misconduct occurred in order to assign responsibility to the Respondent.

**Determination Regarding Responsibility:** The Student Conduct Board will issue a written determination regarding responsibility to each of the Parties using the preponderance of the evidence standard ("Written Determination"). The Written Determination will include the allegations constituting sexual misconduct, the procedural steps taken, the findings of fact supporting the determination, conclusions regarding the application of this Policy, including any sanctions which might be imposed, and a statement the findings and the rationale, as well as the procedures and basis for appeal.

## **VI. APPEAL**

Following all hearings under this Policy (including, where applicable, hearings in which issues under the Student Code of Conduct have been consolidated), the Respondent and Complainant may appeal a determination regarding responsibility, or from a dismissal of a Formal Complaint based on: (1) procedural irregularity that affected the outcome; (2) new evidence not previously available that could affect the outcome; and (3) bias or conflict of interest on the part of the Student Conduct Board that affected the outcome. In the event of an appeal(s), the Head of School may allow a submission(s) by the counterparty(ies), and a reply by the appellant(s), on such terms and timelines as the Head of School shall determine. The Head of School may also grant extensions of time as the Head of School determines to be appropriate. Unless an extension is granted, any appeal must be made within five (5) days of the date of the Written Determination. The information will then be sent to the Student Conduct Board for consideration. The decision of the Board on any such appeal will be deemed final.

## **VII. INFORMAL RESOLUTION**

When deemed appropriate, the School may offer an informal resolution process such as mediation after the filing of a Formal Complaint. Informal resolution does not involve a full investigation and formal hearing. The informal resolution process may begin at any time prior to the issuance of a Written Determination. The School must provide the Parties with the written notice as to the allegations and the requirements of the informal resolution process. Both Parties must voluntarily agree and provide written consent to the informal resolution process. The Parties have the right to withdraw from the informal process at any time prior to resolution. Informal resolution is not permitted in cases of sexual harassment of a student by an employee.

## **VIII. ADMINISTRATION TEAM**

The School's coordinator is our Assistant Head of School for Student Services and oversees compliance with all aspects of the sex/gender harassment, discrimination and misconduct Policy. The Coordinator reports directly to the Head of School. Questions about this Policy should be directed to the Assistant Head of School for Student Services. Anyone wishing to make a report relating to sexual misconduct may do so by reporting the concern to the coordinator:

Alissa Lynch  
Assistant Head of School for Student Services  
[alynch@putnamscience.org](mailto:alynch@putnamscience.org)  
18 Maple Street  
Putnam, CT 06260

## **IX. EMPLOYEE RESPONSIBILITIES**

A. Actual Notice

The concept of actual notice requires that the School must “respond promptly” when the Assistant Head of School for Student Services and other employees are notified of a report of sexual misconduct. This response includes contacting a Complainant and notifying them of the Policy and procedures, availability of supportive measures, and ability to file a Formal Complaint. Reports do not automatically trigger the initiation of a formal grievance procedure.

**B. Mandated Reporter**

The “mandated reporters” must report all relevant details of the incident including the name of the Complainant and Respondent, if known, dates, times, locations, and the names of Witnesses. Reporting must take place regardless of the location of the incident (on or off-campus) as it assists the Assistant Head of School for Student Services in tracking patterns, evaluating the scope of the problem, formulating appropriate campus-wide responses, and ensuring that impacted students are provided with information about reporting options and resources. All employees including faculty and staff are considered mandated reporters.

**C. Reports Involving Children and Vulnerable Populations**

The School is committed to safeguarding all children, young people, and vulnerable adults involved in our programs, or on our campus.

**D. Confidential Employees**

The School has designated employees on campus as individuals to whom confidential reports may be made. These employees are referred to as “Confidential Employees.” Confidential Employees cannot reveal information to any third-party, unless one or more of the following conditions are present: (1) the individual has provided written consent to disclose information; (2) there is a concern about imminent harm to oneself or others; (3) the information concerns the neglect or abuse of someone who is a minor, elderly, or disabled; or (4) an employee has been charged with providing non-identifiable aggregate information for purposes of the Clery Act.

**E. Employees’ Duty to Cooperate**

Every School employee has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to this Policy. This duty includes, among other things, speaking with the Assistant Head of School for Student Services, Administration, hearing panel as deemed necessary and appropriate, and voluntarily providing all documentation that relates to the claim being investigated. The failure and/or refusal of any employee to cooperate in an investigation may result in separate disciplinary action, up to and including termination.

## **X. DEFINITIONS**

**A. Actual Knowledge** means notice of sexual misconduct or allegations of sexual misconduct which must be brought to the attention of the Administration or any

official who has the authority to institute corrective measures.

B. **Business Day** means any day, Monday through Friday, that the School is open.

C. **Complainant** means the individual who is alleged to be the victim of Sexual Misconduct.

D. **Conduct file** means the printed, written, electronic file which may include, but is not limited to, all information obtained as part of an investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions and/or remedies; any appeal, including the result of the appeal; and any informal resolution and the result therefrom.

E. **Student Conduct Board** means those annually trained who participate in the Panel process and private deliberations. The Student Conduct Board determines the relevancy of proposed questions, findings of responsibility, and sanctions.

F. **Discipline File** means the portion of Conduct File which contains the information showing the disciplinary sanctions against an individual, if any, which resulted from a determination of responsibility by the Student Conduct Board.

G. **Designee** means any employee who has responsibility for implementing or administering this Policy.

H. **Employee** means all full and part time staff and faculty.

I. **Evidence**

a) Inculpatory Evidence means information that suggests a Respondent is in violation of this Policy.

b) Exculpatory Evidence means information that suggests a Respondent is not in violation of this Policy.

J. **Formal Complaint** means a document filed and signed by a Complainant or by the Administration alleging sexual harassment against a Respondent and requesting that the School investigate the allegation(s) of sexual harassment/violence described in the document

K. **Party** means a Complainant or a Respondent.

L. **Personnel File** means the employee file which contains the history of employment.

M. **Preponderance of the Evidence** means a standard of proof in which the totality of the evidence offered in support of an alleged fact is greater or more convincing than the evidence which is offered in opposition to it. Preponderance of the evidence is understood to require more than 50 percent certainty to determine responsibility for a violation of this Policy (i.e. over 50%).

- N. **Relevant (or relevancy)** means the information tends to support or disprove a fact in contention that bears on the outcome of the disputed fact(s). Investigators and the Student Conduct Board make relevancy determinations at the appropriate stages of the process.
- O. **Respondent** means an individual who has allegedly engaged in Sexual Misconduct
- P. **Student** means any person who attends or has been admitted to the School. For purposes of this Policy, the Administration will make the final determination as to whether or not an individual is a student.
- Q. **Support Person/Advisor** means any person who attends a meeting associated with this Policy. Support Persons do not have an active role in the process, and may not ask questions, present evidence, or make statements. A Support Person may not have any additional role, such as a Witness, in the School process. Only reasonable requests to change proposed meetings to accommodate a Support Person's schedule will be considered. Requests to have more than one Support Person will be considered on a case-by-case basis, and the final decision is the sole discretion of the Head of School. No faculty or staff member is required to accept a request from a Party to serve as a Support Person. The Parties must inform the Head of School of the name of the Support Person prior to any meeting.
- R. **Witness** means any individual who has relevant knowledge of an incident.
- S. **AMNESTY** Sometimes students are reluctant to report an incident of sexual misconduct as alcohol or other drugs may be involved. In cases of sexual assault, the School may grant amnesty from violations of alcohol or drug policies to students who file a report and/or who were victimized by an act of sexual misconduct. While amnesty is typically limited to violations involving the use of alcohol and drugs, determinations regarding amnesty are made on a case-by-case basis.

## XI. SEXUAL MISCONDUCT

- A. The following are examples of Sexual Misconduct:
- a) Sexual Harassment is defined as conduct on the basis of sex that satisfies one or more of the following:
    - i. An employee conditioning the provision of an aid, benefit, or service on the individual's participation in unwelcome conduct;
    - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to their education; or

iii. Sexual assault, dating violence, domestic violence, or stalking.

1. **Quid Pro Quo** means an employee conditioning the provision of an aid, benefit, or service on the individual's participation in unwelcome conduct.

Allegations arising from *quid pro pro* harassment under this Policy must involve employees. A single instance of abuse of authority may constitute *quid pro quo* harassment. Additionally, it may still constitute *quid pro quo* sexual harassment when a Complainant acquiesces to the unwelcome conduct.

2. **Hostile Environment** means unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to their education.
3. **Sex discrimination** means discriminatory conduct based on sex, including pay or hiring discrimination
4. **Gender-based Harassment** includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.
5. **Unwanted sexual attention**, includes verbal or physical sexual advances. This may also include, but is not limited to, unwanted sexual behaviors such as pressuring a person for dates, unwanted touching including hugging and kissing; dissemination of "revenge porn;" conspiring to sexually harass people; unwelcome conduct that harms and humiliates a person on the basis of sex; recording, photographing, or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; allowing third parties to observe private sexual acts; distributing, viewing or forcing others to view illegal pornography; forcing others to view legal pornography; engaging in voyeurism; and exposing one's genitals or inducing one to expose their own genitals in nonconsensual circumstances.
6. **Sexual Assault – Rape (FBI definition)** is the penetration, no matter how slight, of the vagina, anus, with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim (or attempts to commit the same). This includes any gender of victim or Respondent.
7. **Sexual Assault – Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances in which the victim is incapable of giving consent because of their age or temporary incapacitation (or attempts to commit the same).
8. **Statutory Rape** is sexual intercourse with a person who is under the

statutory age of consent, which is 16 in Connecticut. Attempts to commit statutory rape are also prohibited.

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

10. **Dating Violence** includes any act of violence or threatened violence against a person who is, or has been in, a social relationship of a romantic or intimate nature with that person. This includes but is not limited to sexual or physical abuse, or the threat of such abuse.

11. **Domestic Violence** includes any felony or misdemeanor crime of violence committed by one person on another where the individuals:

- are or were married to one another;
- are or were residing together in the same household;
- are or were related by blood or marriage;
- have a child in common regardless of whether they have ever been married or lived together; or
- are or have been in a substantive dating or engagement relationship according to Section 16 of title 18 of the United States Code;

the term “crime of violence” means:

- an offense under Connecticut State law that has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or
- any other offense that is a felony in Connecticut and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Domestic violence, as defined by Title IX, is considered relationship violence and must be “on the basis of sex.” For purposes of this Policy, Domestic Violence does not include acts that meet the definition of domestic violence under Connecticut laws that are based solely on cohabitation (e.g. roommates) or family relationship (e.g. parent/child). While non-intimate-relationship violence would not be addressed using this Policy, it would still be counted for purposes of Clery Act reporting and may be addressed under other School policies.

12. **Stalking** means any course of conduct (more than one act) directed at a specific person (directly, indirectly, through a third party, or other means)

that places that person in reasonable fear for his or her safety or the safety of others. For the purposes of this Policy, the behaviors must be directly related to that person's sex.

## **XII. CONSENT**

A. Consent for purposes of this Policy is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in a mutually agreed upon sexual activity at a mutually agreed upon time. Consent must be informed, freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent. For example, a position of influence could include supervisory or disciplinary authority. Silence, previous sexual relationships or experiences, and/or a current relationship may not, by themselves, be taken to imply consent. While nonverbal consent is possible (through active participation), it is best to obtain verbal consent. Similarly, consent to one form of sexual activity does not imply consent to other forms of sexual activity. An individual who is incapacitated cannot give consent. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.

B. Consent cannot be given if any of the following factors are present: Force, Coercion, or Incapacitation.

a) Force is the use of physical strength or action (no matter how slight), violence, threats of violence or intimidation (implied threats of violence) as a means to engage in sexual activity. A person who is the object of actual or threatened force is not required to physically, verbally or otherwise resist the aggressor. However, evidence of resistance by the Complainant will be viewed as a clear demonstration of a lack of consent.

b) Coercion is the use of an unreasonable amount of pressure to engage in sexual activity. Coercion does not begin when the initiator makes an initial sexual advance. Coercion begins when the initiator continues to pressure another, through the use of psychological/emotional pressure, alcohol, drugs, threat, intimidation, or force, to engage in sexual behavior, when a reasonable person would realize that the other does not want to engage in sexual activity.

c) Incapacitation is the physical and/or mental inability, whether temporary or permanent, of an individual to make rational, reasonable decisions, or judgments regarding one's well-being or welfare. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Incapacitation may result from the voluntary or involuntary consumption of alcohol and/or other drugs. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person's decision making capacity, awareness of consequences, and ability to make informed judgments. For purposes of this Policy a person is not incapacitated merely because the person has been drinking or using drugs. The question of incapacitation is determined on a case-by-case basis using both objective and

subjective standards. In evaluating whether a person was incapacitated for purposes of evaluating effective consent, the School will consider: (1) whether the person initiating the sexual activity knew that their partner was incapacitated, and if not whether a reasonable person in the same situation would have known that their partner was incapacitated; and (2) whether the person initiating the sexual activity played a role in creating the circumstances of incapacity.

### **XIII. REPORTING OPTIONS**

A. The School strongly encourages all who have experienced any form of sexual misconduct to report the incident so that the School can provide support and pursue an appropriate resolution. The School prohibits, and will not tolerate, retaliation against anyone who makes a report for sexual misconduct under this Policy.

#### **B. Immediate Needs: Safety and Preserving Evidence:**

If an incident occurs, the School encourages victims to report the incident and seek both police and medical assistance. Seeking police or medical assistance does not obligate a Complainant to make a Formal Complaint or take any further action, but the decision to seek medical help and gather evidence allows Complainants to preserve the full range of available options. The School will assist any community member to get to a safe place, provide transportation for medical help and, if requested, contact law enforcement.

Any person who has experienced any form of sexual misconduct is encouraged to take steps to preserve evidence of the incident, as doing so may be necessary to the proof of a crime or to obtain a protection order from the court. After an incident of sexual assault occurs, one should try to refrain from bathing, showering, brushing teeth, drinking, eating, or changing clothes until the evidence can be collected. If one changes clothes, one should place each garment in a separate paper (not plastic) bag. If the incident involves any written or electronic communications (e.g., pictures/videos, texts, social media posts, etc.), take care to preserve copies and not delete the originals.

Complainants may choose to file a report with both law enforcement and the School when the incident constitutes both a crime and a violation of School Policy. In cases in which the Complainant chooses to report to law enforcement, the Administration may contact any law enforcement agency that is conducting its own investigation to inform that agency that a School investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the School in its investigation. At the request of law enforcement, the investigator may delay the School investigation temporarily while an external law enforcement agency is gathering evidence.

#### **C. Reporting to Law Enforcement:**

Conduct that violates this Policy may also violate state and local laws. The School encourages all individuals to immediately contact law enforcement in

situations which may present imminent or ongoing danger by contacting:

- 9-1-1- for emergencies
- Putnam Police Department:  
Detective Donna Brown 860-928-6565

While the School encourages Complainants to contact law enforcement, it is not required. Additionally, the Complainant is still entitled to supportive measures regardless of whether a report is filed with law enforcement. School officials will provide assistance in contacting law enforcement as requested.

**D. Reporting to the School:**

Complainants are encouraged to report the incident to the School by contacting the Assistant Head of School for Student Services. The Assistant Head of School for Student Services may be contacted by telephone, mail, email or in person as needed.

Alissa Lynch  
Assistant Head of School for Student Services  
[alynch@putnamschool.org](mailto:alynch@putnamschool.org)  
18 Maple Street  
Putnam, CT 06260

As discussed above, upon receipt of a report, the Assistant Head of School for Student Services, or Designee, will promptly contact the Complainant and provide the following: (1) information on the availability of supportive measures; (2) information on the Complainant's ability to receive supportive measures with or without filing a report; and (3) information about the process for filing a Formal Complaint. The Assistant Head of School for Student Services will consider the Complainant's wishes with respect to supportive measures.

**E. Confidential Reporting Options:**

- Students may call Health Services (508) 341-2505 or the Guidance Office at 860 (928) 5010 ext 2108.

**F. Delayed Reporting:**

Complainants have the right not to file a report, yet they are highly encouraged to seek medical attention and counseling. Complainants who wish to file a report at a later date, may do so by utilizing any of the options above. However, please note that a delay in reporting could create obstacles to the School's process for stopping any form of sexual misconduct, remedying its effects, and preventing recurrence, as well as potentially weakening evidence that could be useful in determining whether sexual misconduct occurred.

**G. Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services

offered as appropriate and reasonably available without fee or charge to the Complainant or the Respondent, before or after the filing of a Formal Complaint, or where no Formal Complaint has been filed. Supportive Measures are designed to balance restoring or preserving access, without unreasonably burdening the other Party, unless the Respondent has been found responsible in which case the burden to Respondent does not prevent imposition of Supportive Measures. Additionally, they are intended to protect the safety of all Parties and/or deter sexual harassment.

Supportive Measures include counseling, extension of deadlines or other course-related adjustments, modification of work or class schedules, campus escort services, mutual orders of no contact, changes in work or housing locations, leaves of absences, increased security and monitoring of certain areas.

The School will maintain the privacy of any Supportive Measures provided under this Policy to the extent practicable and will promptly address any reports of retaliation or violations of mutual no contact orders. The School has the discretion to impose and/or modify any Supportive Measures based on all available information.

#### **H. Interim Action**

##### **a. Emergency Removal**

The School may impose an interim emergency removal of a Respondent prior to or during the investigative process. Such action may be taken when, after an individualized safety and risk analysis, a School official has determined that an immediate threat to the physical health or safety of any student or other individual exists.

Respondent(s) will be provided with written notice of their Emergency Removal. Such written notice shall include: (1) information about the grievance process, including an opportunity to challenge the Emergency Removal; (2) identities of the Parties involved in the incident, if known; (3) the conduct allegedly constituting Sexual Misconduct; and (4) the date and location of the alleged incident.

Respondents wishing to challenge an Emergency Removal must submit a written appeal of such decision within five Business Days. Appeals must be submitted to the Head of School.

The Head of School (Appellate Administrator) will provide their decision to the Respondent within five Business Days of receiving the appeal. If the appeal is denied, the Emergency Removal may remain in effect through the conclusion of the grievance process, including the appellate process.

#### **I. Administrative Leave**

The School may place an employee, including student employees, on administrative leave from employment prior to or during the grievance process outlined in this Policy.

Typically, those placed on administrative leave will continue to receive pay and benefits. Additionally, administrative leave is not indefinite and anyone on administrative leave will be provided updates regarding their status.

**B. Risk Reduction** means practices designed to decrease the potential for Sexual Misconduct, and to increase empowerment for victims and bystander intervention in order to promote safety and to help individuals and communities address conditions that facilitate violence. Experiencing Sexual Misconduct or other forms of prohibited conduct is never the victim's fault. Only abusers are responsible for the abuse they perpetrate. However, the following are some strategies to reduce risk of victimization. (RAINN) has created a list which can be found by clicking here: <https://www.rainn.org/safety-prevention>.

### **C. Bystander Intervention**

Bystanders play a critical role in the prevention of sexual and relationship violence. Bystanders are "individuals who observe violence or witness the conditions that perpetuate violence. These individuals are not directly involved but have the choice to intervene. The School promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Individuals may not always know what to do even if they want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger dial 911 if a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks to be in trouble or needs help, ask if the person is okay.
- Confront people who seclude, hit on, attempt to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this Policy for support in health, counseling, or with legal assistance.

## **XIV. DISABILITY ACCOMMODATIONS AND INTERPRETIVE SERVICES**

Students with a disability who desire an accommodation regarding this Policy must request an accommodation by following the procedure for requesting an accommodation through Disability Services. Disability Services will make a determination regarding the request and notify the appropriate parties. An Individual will not be considered to have a disability unless and until the student registers with Disability Services. Employees with a disability who desire an accommodation regarding this Policy should request an accommodation with Human Resources.

## **XV. RECORD RETENTION**

The School will keep for 7 years, the following records:

- All information obtained as part of each sexual misconduct investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions and/or remedies; any appeal, including the result of the appeal; and any informal resolution and the result therefrom.
- All information regarding any action taken, including Supportive Measures, and a rationale as to why a Formal Complaint was not filed. If a Complainant was not provided with Supportive Measures, a rationale must be provided as to why Supportive Measures were not provided.
- All training materials used to train Administration and Decision makers, Appellate Administrators, and those who facilitate the informal resolution process will be kept in the Office of Human Resources, and current training materials will be available on the School's website.
- Generally, information from a student's Discipline File is not released without the written consent of the student. However, certain information may be provided to individuals within or outside the School who have a legitimate legal or educational interest in obtaining it. Typically, the information that is released to those outside of the School is limited to information associated with findings of "in violation" which resulted in a suspension or expulsion (Discipline File). Please refer to the federal Family Educational Rights and Privacy Act of 1974 (FERPA).
- Personnel files are the property of the School and will not be shared without a subpoena and in compliance with applicable state and/or federal law, except upon request by the individual whose records are contained in the personnel file.

## **XVI. REVISION AND INTERPRETATION**

- A. The Policy is maintained by the Office of Residential Life and Housing and is effective June 1, 2022. The School reserves the right to review and update the Policy in accordance with changing legal requirements and specific needs of the School.
- B. Any questions of interpretation regarding the Policy shall be referred to the Assistant Head of School for Student Services, or Designee for determination. The Head of School or Designee's determination is final.
- C. All reports received by the School after this date will be administered in accordance with the procedures described under this Policy.

## **XVII. FREEDOM OF EXPRESSION AND ACADEMIC FREEDOM**

The School is committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service, and research. Nothing in this Policy shall be construed to penalize a member of the community for

expressing an opinion, theory, or idea in the process of responsible teaching and learning. Accordingly, any form of speech or conduct that is protected by the principles of academic freedom or the First Amendment to the United States Constitution is not subject to this Policy.



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