



# LYME ACADEMY COLLEGE OF FINE ARTS

## 2013 CAMPUS SECURITY & FIRE SAFETY REPORT

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### NOTICE OF MODIFIED POLICIES

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The most up to date policies can be found online at [www.lymeacademy.edu](http://www.lymeacademy.edu). As contact information may have changed for the 2014/15 academic year; please use Lyme Academy's staff directory for the most up to date information.

In the event of an emergency, Lyme Academy students, staff, and faculty should first call 9-1-1. As of August 1, 2014, campus community members can also request on-campus support from security personnel at (860)391.5623. Security personnel are only available Monday thru Friday from 5pm to 2am, and for select hours on weekends.

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# Background

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law that requires all colleges and universities to annually disclose information about crime on and around their campuses. The act is named in memory of Jeanne Clery, a 19-year-old Lehigh University freshman who was assaulted and murdered in her residence hall room on April 5, 1986. This report has been prepared to meet the requirements of the Clery Act.

In accordance with Connecticut and federal law, each institution of higher education within the state is required to annually prepare a Campus Crime Report, consistent with the FBI's Uniform Crime Reporting system (UCR). This report reflects the crime statistics on the property of the College for the three preceding years. The statistics included are for the three most recent reporting periods, including calendar years 2011, 2012, and 2013. Also included is the Fire Safety Report for 2013. Safety on the college campus is a natural source of concern for parents, students, and college employees.

Lyme Academy College of Fine Arts will provide a copy of the uniform campus crime report to any individual who sends a written request for the report to: Crime Report Request, c/o Registrar, 84 Lyme Street, Old Lyme, CT 06371.

## REPORTING CRIMES & EMERGENCIES

- Call 9-1-1 for emergency Police, Fire, or EMS services.
- Call (860) 434.1986 for non-emergencies for the Town of Old Lyme Police Department.
- Call (860) 434.3571 ext. 136 for on-campus safety emergencies to notify Director of Facilities, Charles Orcutt.

Lyme Academy College of Fine Arts employs ACE Security as campus security personnel. These security personnel are available weekdays 7pm – 2am, and weekends from 5pm – 2am. The policies and procedures in Lyme Academy's handbook are put in place to keep faculty, staff, and students safe and ensure a peaceful campus environment. If you come upon or have a safety issue or concern, you should notify a member of the faculty, staff, or the Director of Facilities right away. For all emergency and non-emergency campus security issues concerning Lyme Academy, the Town of Old Lyme Police Department is available to assist the campus community in maintaining a safe environment.

# Crime Statistics

Any criminal activity involving students, faculty, or staff taking place within the college or on its premises shall be reported immediately to the Vice President of Operations at (860) 434.5232, ext. 126. The Resident Old Lyme Trooper (860-434.1986) will then be notified and will conduct a thorough investigation of the incident. In case of extreme emergency please call 9-1-1 or (860) 434.1986 directly. For incidents involving students, a written description of the incident shall be submitted by any faculty or staff member present, within one working day, to the Dean of the College. The college will maintain a security file of all reports.

Lyme Academy College of Fine Art's annual security report includes statistics for the previous calendar years (2011, 2012, and 2013) concerning crimes which reportedly occurred on campus or immediately adjacent to campus. Data is collected from several sources, including crimes that have been reported directly to the Dean of the College, to the Vice President of Operations, or to the Resident Old Lyme Trooper.

## CRIME PREVENTION/SUBSTANCE ABUSE EDUCATION

The Lyme Academy College of Fine Arts' Office of Student Services offers information on crime prevention and education during the new student orientation annually. All students are provided a copy of the College Catalog and informed of the local resources for emergency help or medical attention. Students are also encouraged to report any criminal activity they may witness on campus to the local police.

During the new student orientation presentation of the College Catalog, students are informed of the College's policy on substance abuse. Students are encouraged to read the Code of Conduct, and are reminded of the legal ramifications of drinking underage.

# Emergency Policies

## TIMELY WARNINGS/CRIME ALERTS

In the event that a situation arises, either on or off campus, that, in the judgment of College officials, constitutes a continuing threat, a campus-wide crime alert will be issued. College officials may issue crime alerts as soon as possible, once an incident is confirmed. Confirmation means that an institution's official has verified that a legitimate emergency or dangerous situation exists. Timely Warning Notifications will be made via the use of one or more of the following methods:

- College Website
- College's Telephone Greeting – Voice Message
- Text Message

Depending on the particular circumstances of the crime, especially in all situations that could pose an imminent threat to the community and/or specific individuals or locations, College officials may also use a mass notification system and/or post notice in any or all campus buildings. Anyone with information warranting a timely warning should report the circumstances to Charles Orcutt, at (860) 434.3571, ext. 136. Any emergency situations should be reported via 9-1-1.

## EMERGENCY NOTIFICATION/ PROCEDURES

The policies and procedures of Lyme Academy College of Fine Arts is put in place to keep faculty, staff, and students safe and ensure a peaceful campus environment. If you come upon or have a safety issue or concern, you should notify a member of the faculty, staff, or the Director of Facilities right away.

You may contact the Director of Facilities, Charles Orcutt, at (860) 434.3571, ext. 136. Lyme Academy's College of Fine Arts Campus Safety procedures can be found online at: [lymeacademy.edu/images/uploads/Safety\\_2012-2013.pdf](http://lymeacademy.edu/images/uploads/Safety_2012-2013.pdf)

## EMERGENCY CLOSINGS & WEATHER CANCELLATIONS

Announcements about closures, delays, or cancellations can be heard on: WICH 1310 AM, WCTY 97.7 FM, WNLC 98.7 FM, and WKNL 100.9 FM or on TV channels: 3 (WFSB), 8 (WTNH), or 4 (WVIT). Announcements are also posted on the College's telephone greeting, which can be accessed by calling 860-434-5232. Make-up classes will be scheduled as needed for any cancelled classes. Cell phones may be registered with Student Services to receive a text message about closing/delays, a form must be completed and returned to Student Services.

## ACCESS TO CAMPUS FACILITIES & RESIDENCE HALL

Academic and administrative facilities are unlocked and open to members of the college community during the normal course of the business day. All visitors must check in at the main reception area before entering the studios or college facilities. Alumni should also check in before visiting a faculty member or other students. Alumni and visitors may not take part in any studio activity without the permission of the Dean and the faculty.

## MAINTENANCE OF CAMPUS FACILITIES

To help ensure the safety of the entire college community, outdoor lighting, door locking systems, and landscaping around campus are maintained by the Director of Facilities. Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Any malfunctioning lights, and/or unsafe physical conditions should be reported to the Director of Facilities for correction.



# Important Policies

## POLICY ON SUBSTANCE USE

College policies and procedures provide both guidance and a system of accountability to aid in establishing and maintaining personal and community standards. In compliance with all federal, state and local laws, the Lyme Academy College of Fine Arts prohibits the possession, distribution, and unlawful use/abuse of any and all controlled substances and narcotics. Lyme academy also prohibits public intoxication, the possession, distribution, or use/abuse of any alcoholic beverages except as permitted by the law. The College also abides by and enforces Connecticut State law regarding alcohol (sec. 30-89, 30-89a) which state that only persons '21 years of age or older may buy, deliver, consume, possess, or transport alcoholic beverages, and outlines legal obligations for persons exercising dominion over dwelling units.

## POLICY ON WEAPONS

The possession of firearms, fireworks, weapons, and hazardous chemicals is strictly prohibited and, in many cases, violates Connecticut State law. This applies to students and employees except where authorized to handle weapons or chemicals.

## CERTAIN COUNSELORS EXCLUDED FROM REPORTING

Campus 'counselors' when acting as such, are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics.

Professional counselor has been defined as a person whose official responsibilities include providing mental health counseling to members of the institution's community, and who is functioning within the scope of his/her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

# Crime Reporting

## WHAT CRIMES ARE REPORTED?

The following is a list of crimes and definitions used to report statistics for the Clery Report. The following definitions were taken from the FBI Uniform Crime Report; Sex Offenses, Domestic Violence, Dating Violence, and Stalking are defined using Uniform Crime Report National Incident-Based Reporting System and the Violence Against Women Act definitions. (Note that state statutes and definitions may vary).

### **Murder and Non-Negligent Manslaughter:**

The willful (non-negligent) killing of one human being by another.

### **Negligent Manslaughter:**

The killing of another person through gross negligence.

### **Forcible Sex Offenses:**

**Forcible Rape:** The carnal knowledge of a person, forcibly and/or against the person's will, where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.

**Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body or another person, forcibly and/or against the person's will; or not forcibly or against the person's will, where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

**Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will, where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

### **Non-forcible Sex Offenses:**

**Incest:** Non-forcible sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

### **Robbery:**

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

### **Aggravated Assault:**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

### **Burglary:**

The unlawful entry of a structure to commit a felony or theft.

### **Motor Vehicle Theft:**

The theft or attempted theft of a motor vehicle.

### **Arson:**

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Domestic Violence:**

A felony or misdemeanor crime of violence committed by a current or former spouse of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with or has cohabited with the victim as a spouse; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Connecticut; or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Connecticut.

**Dating Violence:**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Stalking:**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety; or the safety of others; or suffer substantial emotional distress.

**Hate Crimes:**

A criminal offense committed against a person or property, which is motivated, in whole or in part, by the offender’s bias. (Note: Hate crime statistics are kept for the above listed Clery Crimes as well as for the following crimes)

Below are additional reportable hate crimes:

**Larceny/Theft:**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**Simple Assault:**

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation:**

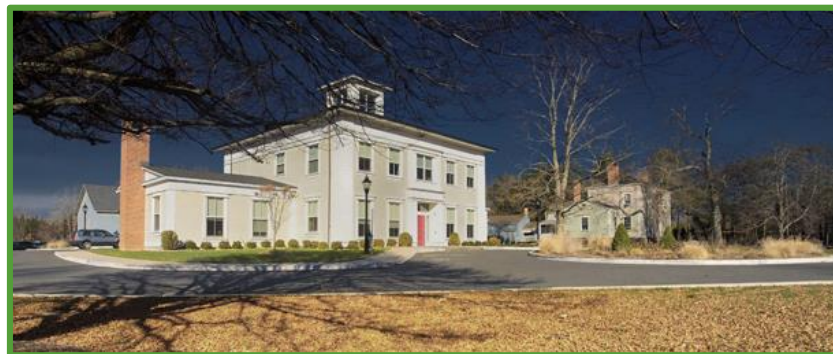
To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property (Except ‘Arson’):**

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## HATE CRIME REPORTING

There were no hate crimes reported for 2011, 2012, or 2013.



## CRIME DATA CHART

OFFENSE	YEAR	ON-CAMPUS PROPERTY	RESIDENTIAL FACILITIES*	NON-CAMPUS PROPERTY*	PUBLIC PROPERTY*
MURDER/NON-NEGLIGENT MANSLAUGHTER	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0
NEGLIGENT MANSLAUGHTER	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0
ROBBERY	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0
AGGRAVATED ASSAULT	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0
MOTOR VEHICLE THEFT	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0
ARSON	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0
BURGLARY	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0
SEX OFFENSES, FORCIBLE	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0
SEX OFFENSES, NON-FORCIBLE	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS PROPERTY	RESIDENTIAL FACILITIES*	NON-CAMPUS PROPERTY*	PUBLIC PROPERTY*
LIQUOR LAW ARRESTS	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0
LIQUOR LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0
DRUG LAW ARRESTS	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0
DRUG LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0
ILLEGAL WEAPONS POSSESSIONS ARRESTS	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0
ILLEGAL WEAPONS VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0
DOMESTIC VIOLENCE	2011	n/a	n/a	n/a	n/a
	2012	n/a	n/a	n/a	n/a
	2013	0	0	0	0
DATING VIOLENCE	2011	n/a	n/a	n/a	n/a
	2012	n/a	n/a	n/a	n/a
	2013	0	0	0	0
STALKING	2011	n/a	n/a	n/a	n/a
	2012	n/a	n/a	n/a	n/a
	2013	0	0	0	0

\* Crimes reported in the Residential Facilities column are included in the On-Campus property category.



## FIRE SAFETY REPORT

RESIDENCE HALL	YEAR	FIRE	INJURY	DEATH	VALUE
SOUTHWICK COMMONS	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0

## FIRE SAFETY

Fire drills will be held twice a year, once each semester. Upon hearing the alarm sound, all students, faculty, staff and visitors are required to exit the building immediately without collecting personal belongings. Everyone on campus is expected to quietly exit the buildings from the closest exit and proceed to the closest parking lot. Faculty should exit the classrooms and studios last and close doors.

All persons should remain in the parking lots until a member of senior management or the fire marshal allows re-entry to the buildings.

## MISSING PERSONS NOTIFICATION POLICY

The Higher Education Opportunity Act of 2008 requires the establishment of a Missing Persons Notification Policy and related procedures.

A suspected missing student should be reported to the Dean immediately. In compliance with federal laws, if after investigation the student is determined to be a missing person, the appropriate law enforcement agencies and student's emergency contact will be notified within 24 hours. If a student is under the age of 18, the College will contact a parent or guardian. If a student is over the age of 18, the College will contact the emergency contact identified by the student to the College.

## NON-DISCRIMINATION POLICY

Lyme Academy College of Fine Arts gives equal consideration to all applicants for admission and financial aid, and conducts all educational programs, activities, and employment practices without regard to race, color, gender, religion, national origin, sexual orientation, ethnic background, or disability. Direct inquiries to the Office of the Dean, Lyme Academy College of Fine Arts, 84 Lyme Street, Old Lyme. CT 06371.

## Sexual Assault/Harassment

Lyme Academy College of Fine Arts' Student Code of Conduct prohibits sexually violent acts, termed Sexual Assault and/or Harassment by the Lyme Academy, which can be crimes as well. While Lyme Academy utilizes different standards and definitions than the Connecticut State Code, sexual assault and/or harassment often overlaps with crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence.

In an effort to reduce the risk of sexual assault and/or harassment as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence occurring among its students, the College utilizes a range of campaigns, strategies and initiatives to provide awareness. This may include the use of normative messaging, and poster campaigns for educational awareness.

It is the policy of the College to offer programming to prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. These programs include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management and bystander intervention), and discuss institutional policies on sexual misconduct as well as the CT definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.

In the event that sexual misconduct, gender-based violence or the crimes of sexual assault, stalking, dating violence or domestic violence does occur, the College takes the matter very seriously. The College may employ interim protection measures such as interim suspension and/or no contact orders in any case where a student's behavior represents a risk of violence, threat, pattern or predation. If a student is accused of sexual misconduct, other gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, s/he is subject to action in accordance with the Code of Conduct in the student handbook. A student wishing to officially report such an incident may do so by contacting the Student Services Coordinator, Patti Broedlin at (860) 434.3571, ext. 112. Anyone with knowledge about sexual misconduct or gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence is encouraged to report it immediately.

If you are the victim of sexual harassment/assault in the form of gender-based violence or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, call 911. If you're on campus notify Charles Orcutt, Director of Facilities, (860) 434.3571 ext. 136, for assistance.
2. Consider securing immediate professional support, (e.g.: counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to call (860) 434.9438 to make an appointment with Counselor, Teresa Theriault. The Counselor is a confidential resource.
4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. The hospital will arrange for a specific medical examination at no charge. To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable. Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence

be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean **paper** bag or clean sheet, to avoid contamination. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo. Record the names of any witnesses, and their contact information. This information may be helpful to the proof of a crime, to obtain an order of protection or to offer proof of a campus policy violation. Try to memorize details (physical description, names, license plate number, car description,), or even better, write notes to remind you of details, if you have time and the ability to do so. If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify Patti Broedlin, the Student Services Coordinator, so that those orders can be observed on campus.

5. Even after the immediate crisis has passed, consider seeking support from Counselor Teresa Theriault; contact her at (860) 434.9438.
6. Contact the Student Services Coordinator, Patti Broedlin, if you need assistance with College related concerns, such as no-contact orders or other protective measures. The Student Services Coordinator will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. The College is able to offer reasonable academic accommodations, changes to living arrangements, transportation accommodations, escorts, no contact orders, counseling services access and other supports and resources as needed by a victim.

## LEGAL DEFINITIONS

Rape is generally defined as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to incapacitation by means of disability or alcohol or other drugs. Many rapes are committed by someone the victim knows, such as a date or friend.

Besides rape, other sexual offenses include the following: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal).

In Connecticut, **sexual consent** is defined as:

*A child under 16 years of age is unable to consent to sexual intercourse when the other person is more than 2 years older than him or her. However, sexual contact with someone less than 15 years of age is illegal regardless of the age of the defendant.* Connecticut General Statutes, §53a-70 and §53a-71

The complete Connecticut Statutes on sexual misconduct /assault offense definitions are:

Under Connecticut State law, **forcible sexual intercourse is defined** as when he or she:

- “Compels another person to engage in sexual intercourse by the use of force against 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.”
- “Engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person.”
- “Engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.”

#### **Aggravated Sexual Assault in First Degree** – Conn. Gen. Stat. § 53a-70a

1. “A person uses or is armed with and threatens the use of or displays or represents by such person’s words or conduct that such person possesses a deadly weapon;
2. With intent to disfigure the victim with serious and permanently, or to destroy, amputate or disable permanently a member or organ of the victim’s body, such person causes such injury to such victim;
3. Under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim;
4. Such person is aided by two or more other persons actually present”

#### **Sexual Assault in the First Degree** – Conn. Gen. Stat. § 53a-70a

1. “Such person compels another person to engage in sexual intercourse by:
  - a. The use of force against such other person or a third person;
  - b. Or the threat of the use of force against such person or against a third person which reasonably causes such person to fear physical injury to such person or a third person;
  - c. Or such other person is under 13 years of age and the actor is more than two years older than such person;
  - d. Or such person commits sexual assault in the second degree and in the commission of such offense is aided by two or more other persons actually present;
  - e. Or such other person is mentally incapacitated to the extent that such other person is unable to consent to such intercourse;”

#### **Sexual Assault in Spousal/Cohabiting Relationship** – Conn. Gen. Stat. § 53a-70b

For the purposes of this section:

- a. “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 or anal opening of the victim’s body;
  - b. Use of force means: use of a dangerous instrument; or use of actual physical force or violence or superior physical strength against the victim
2. No spouse or cohabitor shall compel the other spouse or cohabitor to engage in sexual intercourse by the use of force against such other spouse or cohabitor, or by threat of the use of force against such other spouse or cohabitor which reasonably causes such other spouse or cohabitor to fear physical injury.”

**Sexual Assault in the Second Degree – Conn. Gen. Stat. § 53a-71**

1. “Such person engages in sexual intercourse with another person and:
  - a. Who 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;
  - b. Who is 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;
  - c. Who is physically helpless;
  - d. Who is less than 18 years old and the actor is such other person’s guardian or otherwise responsible for the general supervision of such other person’s welfare;
  - e. Who 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;
  - f. Or such person is a psychotherapist and subjects another person to sexual contact who is:
    - i. A patient of the actor and the sexual contact occurs during the psychotherapy session;
    - ii. Or a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor;
    - iii. Or a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception;
  - g. Or such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation and the sexual contact is for a bona fide medical purpose by a health care professional;
  - h. Or such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor;
  - i. Or such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the action and:

- i. Is a secondary school student and receives such coaching or instruction in a secondary school setting;
    - ii. Or is under 18 years of age;
  - j. Or such person subjects another person to sexual contact and:
    - i. The actor is 20 years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor’s professional, legal, occupational or volunteer status and such other person’s participation in a program or activity;
    - ii. And such other person is under 18 years of age;
  - k. Or such person subjects another person to sexual contact who is place or receiving services under 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 – Conn. Gen. Stat. § 53a-72**

1. “Such person compels another person to submit to sexual contact by one or both of the following:
  - a. The use of force against such other person or a third person;
  - b. Or the threat of the use of force against such person or against a third person which reasonably causes such person to fear physical injury to such person or a third person;
2. Or such person engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in the statute that specifies which relatives are prohibited from marrying one another (General Statutes § 46b-21);
3. Or such person commits sexual assault in the third degree and in the commission of such offense, such person uses or is armed with and threatens the use of or displays or represents by such person’s words or conduct that such person possesses a pistol, revolver, machine gun, rifle, shotgun, or other firearm”

**Sexual Assault in the Fourth Degree** – Conn. Gen. Stat. § 53a-73a

1. “Such person subjects another person to sexual contact:
  - a. Who is under 13 years of age and the actor is more than two years older than such other person;
  - b. Who is 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;
  - c. Who is 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;
  - d. Who is physically helpless;
  - e. Who is less than 18 years old and the actor is such other person’s guardian or otherwise responsible for the general supervision of such other person’s welfare;
  - f. Who 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;
2. Or such person subjects another person to sexual contact without such other person’s consent;
3. Or such person engages in sexual contact with an animal or dead body;
4. Or such person is a psychotherapist and subjects another person to sexual contact who is:
  - a. A patient of the actor and the sexual contact occurs during the psychotherapy session;
  - b. Or a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor;
  - c. Or a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception;
5. Or such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation and the sexual contact is for a bona fide medical purpose by a health care professional;
6. Or such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor;
7. Or such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the action and:

- a. Is a secondary school student and receives such coaching or instruction in a secondary school setting;
  - b. Or is under 18 years of age;
8. Or such person subjects another person to sexual contact and:
  - a. The actor is 20 years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor’s professional, legal, occupational or volunteer status and such other person’s participation in a program or activity;
  - b. And such other person is under 18 years of age;
9. Or such person subjects another person to sexual contact who is placed or receiving services under 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;”

**Domestic Violence & Dating Violence** – Conn. Gen. Stat. § 46b-38a(1-2)

1. **Family violence:** “means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening, between family or household members. Verbal abuse or argument shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.”
2. **Family or household member:** “means any of the following persons, regardless of the age of such person:
  - a. Spouses or former spouses;
  - b. Parents or their children;
  - c. Persons related by blood or marriage;
  - d. Persons other than those persons described in subparagraph of this subdivision presently residing together or who have resided together;
  - e. Persons who have a child in common regardless of whether they are or have been married or have lived together at any time;
  - f. Persons in, or who have recently been in, a dating relationship.”

### **Stalking in the first degree** - Conn. Gen. Stat. § 53a-181c

1. “A person is guilty of stalking in the first degree when such person commits stalking in the second degree as provided in section 53a-181d, as amended by this act, and
  - a. Such person has previously been convicted of a violation of section 53a-181d, as amended by this act,;
  - b. Or such conduct violates a court order in effect at the time of the offense;
  - c. Or the other person is under sixteen years of age.”

### **Stalking in the Second Degree** - Conn. Gen. Stat. § 53a-181d

1. “Such person with intent to cause another person to fear for his/her physical safety, he/she willfully and repeatedly follows or lies in wait for such other person and causes such other person to reasonably fear for his/her safety.”

### **Stalking in the Third Degree** - Conn. Gen. Stat. § 53a-181e

1. “Such person recklessly causes another person to reasonably fear for his physical safety by willfully and repeatedly following or lying in wait for such other person.”

## **LYME ACADEMY DEFINITIONS**

### **Non-Fraternization Policy**

The College strongly discourages any inappropriate relationships between students and non-student members of the College Community, including models, staff, members of the board, and faculty, as this constitutes a conflict of interest and places students in a potentially vulnerable position.

### **Sexual Assault**

Sexual assault, including rape by an acquaintance or stranger, is prohibited by the College and the State of CT. The College will assist in notifying the local law enforcement authorities if requested. Violators of this policy will be subject to disciplinary measures, including dismissal, following a final determination by a College disciplinary proceeding and the Dean in accordance with the Student Code of Conduct.

### **Sexual Harassment**

The Lyme Academy College of Fine Arts is unequivocally committed to extolling the worth of all person in the College Community. We consider all expressions of sexual harassment as threats to the concept of community that we are striving to create; further, we deplore any acts of harassment pertaining to race, religion, gender, sexual orientation, disability, ethnic or cultural origins, or age.

1. The above statement in College Policy and is stated in published materials to the college community, including both Faculty and Student Handbooks.
2. Charges brought against an individual or group, filed in writing, will be investigated promptly by the Director of Student Services or the Dean and subject to the Code of Conduct.

## **Campus Procedures for Addressing Sexual Assault**

(Including but not limited to: dating violence, domestic violence, stalking, sexual harassment, and other acts of sex and gender discrimination)

Procedurally, when the College receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination the campus Student Services Coordinator is notified. If the victim wishes to access local community agencies and/or law enforcement for support, the College will assist the victim in making these contacts. If the victim so desires, they will be connected with a counselor, as well as a victim’s advocate.

### **INTERIM MEASURES**

Victims may be offered assistance in the form of interim or long-term measures such as opportunities for academic accommodations, changes in housing for the victim or responding student, and other assistance as may be appropriate or available on campus or in the community (such as no contact orders, campus escorts, transportation assistance, target interventions, etc.). No victim is required to take advantage of these services and resources, but the College provides them in the hopes of offering help and support without condition or qualification. A summary of rights, options, supports and procedures, in the form a detailed conversation, is provided to all victims, whether they are a student, employee, guest or visitor.



The President of the College, or the President's authorized designee, may impose an Emergency or Interim Suspension from academic status when, in the judgment of the President or the President's authorized designee, such action appears necessary for reasons relating to

- the safety and well-being of any member of the College community or of College property
- a forcible interference by students with any College activity, or with the free movement of any member of the College community. Emergency suspension may be lifted only by the President or the President's authorized designee. Interim suspension shall remain in effect until the Disciplinary Committee is impaneled and has taken action with regard to the student; however, interim suspension may be lifted earlier by action of the President or the President's authorized designee.

When appropriate upon receipt of notice, the Student Services Coordinator will cause a prompt, fair and impartial process to be initiated, commencing with an investigation which may lead to the imposition of sanctions, based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. Procedures detailing the investigation and resolution processes of the Lyme Academy College of Fine Arts can be found online here:

[http://www.lymeacademy.edu/index.php/admissions/student\\_services/student\\_code\\_of\\_conduct#use\\_possession](http://www.lymeacademy.edu/index.php/admissions/student_services/student_code_of_conduct#use_possession)

The Student Services Coordinator is ultimately responsible to assure in all cases that the behavior is brought to an end, Lyme Academy acts to reasonably prevent its recurrence and the effects on the victim and the community is remedied.

The investigation and records of the resolution conducted by the College are maintained confidentially. Information is shared internally between administrators who need to know, but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation are maintained in accordance with CT law and the federal FERPA statute. Any public release of information to comply with the open crime logs or timely warning provisions of the Clery Act will not release the names of victims or information that could easily lead to a victim's identification. Additionally, the College maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence or other sex or gender-based discrimination covered under the federal law, Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person or advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action. Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any) and the rationale therefor. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of the Lyme Academy College of Fine Arts' appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

## **VIOLATION OF LAW & COLLEGE DISCIPLINE**

College disciplinary proceedings may be instituted against a student charged with violation of any law that is also a violation of this Student Code, if both violations result from the same factual situation, without regard to pending civil litigation in court or criminal arrest and prosecution. Proceedings under the Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

# Disciplinary Procedures

Please note: Stages I and II are designed to lead to resolution of a complaint. If it fails to resolve by mutual consent, the disciplinary committee shall be impaneled.

## **COMPLAINT PROCESS**

### **A. Stage I**

Any current member of the College community, including students, faculty, staff or administration may file a complaint against any student for misconduct. (Please note that complaints against members of the faculty, staff and administration are governed by the Staff and Faculty Handbooks.) The complaint must be submitted in writing to the Director of Student Services within 10 College business days from the date of the alleged incident. Every effort will be made at this point to resolve the conflict in a way that is agreeable to all parties involved. The Director of Student Services must document the outcome and share that written documentation with all involved parties no later than 10 College business days after resolution is determined.

At this stage, the Director of Student Services has the authority to evaluate complaints and dispose of cases.

### **Faculty**

The complaint must be submitted in writing to the Director of Student Services within 10 College business days from the date of the alleged incident. Every effort will be made at this point to resolve the conflict in a way that is agreeable to all parties involved. The Director of Student Services must document the outcome and share that written documentation with all involved parties no later than 10 College business days after resolution is determined. At this stage, the Director of Student Services has the authority to evaluate complaints and dispose of cases.

### **B. Stage II**

If a complaint has not been resolved, or if the outcome of the resolution is unsatisfactory to any of the involved parties, any involved party or the Director of Student Services may ask the Dean to consider the complaint and determine its dispensation. The Dean reserves the right to refer the matter directly to the Disciplinary Committee. In such cases, the Dean shall ask the Director of Student Services to impanel the Disciplinary Committee.

### **C. Presentation of Charges to Student**

All charges shall be clearly presented to the accused student in written form. A time shall be set for a hearing, not less than five nor more than fifteen business days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the Director of Student Services or the Dean.

### **D. Preliminary Hearing**

Both the student against whom a complaint has been made and the Dean have the right to request a meeting with one another to review the case. An accused student who fails to meet with the Dean of the College or his/her designee for a preliminary hearing within three school days following receipt of notice of the charge without just reason for failure to do so waives the opportunity for a hearing. In such cases, the Dean may impose sanctions (described in the Sanctions section this document) against the student.

## **DISCIPLINARY COMMITTEE**

### **A. Formation of the Committee**

A standing Disciplinary committee shall be chosen at the beginning of each academic year. The committee shall be chosen within 10 College business days of the start of the academic year.

### **B. Impaneling the Committee**

In order to encourage a fair and balanced hearing, where the community and its constituents are represented, the Disciplinary Committee, impaneled by the Director of Student Services, shall be composed of:

- Two administrative staff members chosen by the President
- Two faculty representatives chosen by the Dean
- Two student representatives chosen by the Director of Student Services

The student against whom charges have been made has the right to invite, at any point of the disciplinary process, a staff or faculty member to serve as his/her advocate in any or all related meetings/discussions where the student would be present or engaged.

### **C. Committee Officers**

#### **1. Electing a Chair**

The Disciplinary Committee shall elect a Chair by majority vote when the committee is first assembled. The Chair has the responsibility of ensuring that the committee is timely, unbiased, and productive in its work. This includes scheduling, managing, and documenting the committee's processes and determinations. Other officers may be chosen at the discretion of the Committee, by majority vote.

#### **2. Replacement of the Disciplinary Committee Chair**

- a. In cases where the Chair steps down or resigns from the Committee, a vote for a new Chair will be coordinated by the Director of Student Services within a two-week period of receiving the Chair's resignation.
- b. Should members of the committee wish to replace the sitting Chair, the concerned member/s should communicate directly with Dean. Should the Dean determine that the Chair should be replaced, a new Chair will be selected as noted above.

#### **3. Confidentiality of Proceedings**

All members of the Disciplinary Committee are expected to maintain absolute confidentiality with regard to all matters related to the Committee's work, and the students involved in the case being considered. Committee members who compromise that confidentiality may be asked to resign from the Committee, and may be subject to further disciplinary action themselves.



#### **D. Disqualification of Committee Members**

1. If a member of the Disciplinary Committee
  - is filing the charge(s) against the accused student,
  - is related to the accused student, or
  - has another conflict of interest as defined by the Disciplinary Committee or the Dean. That member of the Disciplinary Committee must disqualify himself/herself from sitting on the Committee for this hearing. If that member of the Committee fails to disqualify himself/ herself, then the Director of Student Services or the Dean reserves the right to disqualify that Committee member from review of the case in question.
2. If a member of the Committee is disqualified from further review of a situation, then that member shall be replaced in the following manner:
  - The President of the College shall choose a replacement administrative staff member.
  - The Dean of the College shall choose a replacement faculty member.
  - The Director of Student Services shall choose a replacement member of the student body.
3. If any member of the Disciplinary Committee, the student or the student advocate has a concern regarding the composition of the Disciplinary Committee as it relates to the scheduled proceedings, the concern should be brought to the Director of Student Services and the Dean for consideration. If the Dean, in consultation with the Director of Student Services and the Chair, determines that the composition of the Committee should be changed, the procedure outlined above shall be followed.

#### **E. Committee Procedures**

Within the context of the policies and procedures stated herein, the Chair of the Disciplinary Committee shall be responsible for the Committee's procedures, and must ensure that the accused student/s are provided with a fair and thorough opportunity to both present information and respond to the information provided by others during the hearing.

## **HEARINGS**

**Hearings shall be conducted by the Disciplinary Committee according to these guidelines:**

1. Hearings shall be conducted in private. At the request of the charged student, a student advocate chosen from the faculty, staff, or administration may be admitted.
2. In hearings involving more than one charged student, the chairperson of the committee, at his/her discretion, may permit or require the hearings concerning each student to be conducted separately.
3. Only members of the Disciplinary Committee, the Director of Student Services, the Dean, the Assistant Dean, the accused student, and the student advocate may attend the full hearing. The Chair, with the council of the committee, has both the responsibility and the right to determine involvement of all others. As these procedures are purely to address violations of the College's policies, legal representation for any involved persons is neither appropriate nor allowed in any stage of this process.
4. All Disciplinary Committee proceedings are strictly confidential and may not be shared other than as noted above.

#### **Failure to Appear or Present Evidence**

1. If the accused student is unable to appear before the Disciplinary Committee on the date specified in the notice, he or she should notify the Chair of the Disciplinary Committee in writing, at least 48 hours prior to the scheduled date and time, requesting a new date. A compelling reason should be provided, with documentation as appropriate. The Disciplinary Committee Chair, in consultation with Committee members as needed, will consider the request and determine its outcome, including a new date and time for the hearing in cases where the request is approved.
2. In cases where the request is denied, or when the accused student fails to appear before the Disciplinary Committee without having notified the Chair prior to the date and time specified in the notice, the Disciplinary Committee may consider all information at their disposal and determine the appropriate course of action, to include ruling on the case. No student, however, may be found to have violated the Student Code solely because the student failed to appear before the Disciplinary Committee.

3. Guided by the values and practices of excellent scholarship and a responsible, ethical community, the Committee shall conduct the research necessary to come to a reasonable conclusion, and in doing so may request and review pertinent records and/ or files, or meet with individuals and groups as needed.

### Proceedings

1. The Chair has the responsibility to direct proceedings in a manner that will ensure a productive and fair consideration of the case. In doing so, the Chair maintains the right to suspend the hearing in order to consult members of the College community as necessary.
2. All involved persons are encouraged to share all relevant information with the Chair by the time of the hearing. Once the hearing is concluded, the Disciplinary Committee may not consider additional information unless it is presented as part of an appeal process, which is governed by the Office of the Dean.
3. The deliberations of the Disciplinary Committee shall occur in a closed-door session, with only Committee members in attendance. The Committee shall determine (by majority vote) whether the student has violated the Student Code as charged.
4. The Assistant Dean attends the full hearing, and produces a written record of the hearing's process and outcome within five working days.
5. The Chair of the Committee shall issue a letter to the student/s stating the outcome of the committee's deliberations, any and all sanctions to be imposed, and any criteria or deadlines affecting the student's future engagement with the Committee or College.

## SANCTIONS

All sanctions must be formally presented to and endorsed by the President. The following sanctions may be imposed upon any student found to have violated the Student Code:

1. **Loss of Privileges**  
Denial of specified privileges for a designated period of time.
2. **Restitution**  
Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

3. **Warning**  
A written reprimand that identifies the student's violation/s of the Code.
4. **Probation**  
A designated period of time during which more severe disciplinary sanctions may be imposed if the student is found to be in violation of any institutional regulation(s).
5. **Suspension from the College**  
Separation of the student from the College for a definite period of time as determined by the Disciplinary Committee and stated in the letter to the student, after which the student is eligible to return. Students who are suspended during the semester will be withdrawn from all courses and noted as withdrawn from the College. Conditions for readmission will be specified at the time of suspension.
6. **Expulsion**  
Permanent separation of the student from the College. Students who are expelled during the semester will be withdrawn from all courses and noted as expelled on the transcript.
7. **Other Sanctions**  
The Dean, or the Committee, may suggest other sanctions that are suitable in light of the student's offense.
  - Multiple Sanctions: Any or all of sanctions 1-3 may be imposed for any single violation, in addition to one of the sanctions listed as 4 – 7.
  - Voting on Sanctions: The Disciplinary Committee shall determine, by majority vote, the sanction/s for each violation.
  - Expunging Disciplinary Sanctions from the Record: Upon graduation, the student's confidential record will be expunged of disciplinary actions other than suspension. Cases involving the imposition of sanctions other than suspension or expulsion shall be expunged from the student's confidential record one year after final disposition of the case, upon application to the Dean.
  - Sanctions may be imposed upon groups or organizations found to be responsible for violations of the Code, as may the removal of the group or organization's privileges or funding.

- Presentation of Findings and Sanctions to the President If a student or student group/organization is found by the Committee or the Dean to have violated the student code of conduct and as a result is expelled, the committee shall provide a copy of their findings and sanctions, and the written record of the hearing produced by the Assistant Dean, to the College's President.

## SEX OFFENDER REGISTRATION INFORMATION

Connecticut General Statutes 54-250 through 53-261 mandate that the Connecticut Department of Public Safety establish and maintain a central registry of persons who have been convicted of certain sexual offense and are required to register under law.

Persons who have been arrested or accused of a sex offense listed in C.G.S. 54-250 through 54-261 are not required to register unless the accusation results in a conviction or a finding of not guilty by reason of mental disease or defect. This list contains only offenders who have been convicted or found guilty by reason of mental disease or defect.

The Connecticut Sex Offender Registry can be accessed at the following website:

[http://sheriffalerts.com/cap\\_main.php?office=54567](http://sheriffalerts.com/cap_main.php?office=54567)

For further information on any subjects listed on the registry, Connecticut General Statute 29-11 authorizes the Department of Public Safety to release to any person a state criminal conviction record, for a fee. For more information, contact the Department of Public Safety, State Bureau of Identification (SPBI) at (860) 685-8480.

The Campus Sex Crimes Prevention Act, effective 10/28/02, requires states to notify recognized campus law enforcement agencies concerning the enrollment or employment of registered sex offenders at an institution of higher education. This requirement includes full-time or part-time students and full-time or part-time employees. Any such information communicated by the Connecticut Department of Public Safety to the Lyme Academy College of Fine Arts would be made available to the public upon request.

**NOTE:** As the FBI, in its own crime report notes: "Caution should be exercised in making any intercampus comparisons or ranking schools, as university/college crime statistics are affected by a variety of factors. These include: demographic characteristics of the surrounding community, ratio of male to female students, number of on-campus residents, accessibility of outside visitors, size of enrollment, etc."

## NOTICE OF AFFILIATION

As of August 1, 2014, Lyme Academy College of Fine Arts entered into an affiliation with the University of New Haven. By virtue of this affiliation, Lyme Academy's policies and procedures published in this report are under review and may be updated or modified after the release of this report.



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University of New Haven

