

**BOARD OF REGENTS FOR HIGHER EDUCATION
JOINT MEETING OF THE HUMAN RESOURCES & ADMINISTRATION COMMITTEE
AND THE ACADEMIC AND STUDENT AFFAIRS COMMITTEE
MEETING MINUTES – May 23, 2018 9:30 AM
BOR Boardroom, 61 WOODLAND STREET, HARTFORD, CT**

COMMITTEE MEMBERS PARTICIPATING:

Naomi Cohen, Chair, HR & Administration and Member, Academic & Student Affairs
Merle Harris, Chair, Academic & Student Affairs
Richard J. Balducci, HR & Administration
Holly Howery, HR & Administration
David Jimenez, HR & Administration
Elease Wright, HR & Administration
Yvette Melendez, HR & Administration
William Lugo, Academic & Student Affairs
Aviva Budd, Academic & Student Affairs

Absent Members:

Lawrence DeNardis, Academic & Student Affairs

Additional Regents Present:

Del Cummings

CSCU STAFF PRESENT:

Mark Ojakian, President
Alice Pritchard, Chief of Staff
Steve Weinberger, Vice President for Human Resources
Jane Gates, Provost and Senior VP Academic & Student Affairs
Ernestine Weaver, Legal Counsel
Angelo Simoni, Executive Director for Student Relations & Compliance, System Title IX Coordinator
Erin Fitzgerald, Associate Director, Office of Board Affairs
Cheryl Connor, Administrative Assistant

CALL TO ORDER

With a quorum of each committee present, HR & Administration Committee Chair Cohen called the meeting to order at 9:34 am.

DISCUSSION – SEXUAL MISCONDUCT POLICY GUIDANCE

Ernestine Weaver, CSCU Legal Counsel, provided a history of the current Sexual Misconduct Policy, the complaint process and her policy review and recommendations. An overview of her presentation, is attached. See Attachment A.

DISCUSSION- TITLE IX TRAINING AND SUPPORT ON CAMPUSES

Angelo Simoni, CSCU Executive Director for Student Relations & Compliance and Title IX Coordinator, provided an overview of the SCSU Safe Grant, including training specifics. The handout is attached. See Attachment B.

Steve Weinberger, Vice President for Human Resources, reported on some of the observations that have grown out of recent conversations regarding proposed administrative consolidation. VP Weinberger suggested that there was a need to take a strategic look at CSCU's Title IX enforcement, especially at the community colleges. He noted that at some campuses, the function may not be dedicated, but shared. He suggested a possible organizational reform to produce a more efficient distribution of resources to make enforcement, training and investigations more consistent and comprehensive.

Following discussion among committee members and staff, **on a motion by Regent Yvette Melendez, seconded by Regent David Jimenez**, the Committee members voted unanimously as noted below:

“The Human Resources & Administration and the Academic & Student Affairs Committees direct Administration to develop a report on data related to complaints under the sexual misconduct policy received across the system by student and employee populations.

The Committees recommend including the following components when developing the aforementioned report:

- Data should be provided, at a minimum, for the college and university constituent units. However, institutional reporting is optimal.
- Number of complaints received over the past three years, at a minimum, and for a longer period if available.
- Categories of complaints
- Outcomes of investigations
- Costs associated with investigations, i.e., involvement of outside investigators and/or law firms
- Identification of any notable trends
- Identification of any training opportunities/needs
- Recommendations as to continued monitoring and future reporting (annually, quarterly?)”

EXECUTIVE SESSION

There was no executive session.

ADJOURNMENT

On a motion duly made, seconded and passed unanimously, the meeting adjourned at 10:38 am.

Submitted,

Cheryl Connor

Attachments to Minutes and/or Meeting Handouts/ Presentations

- A. BOR Sexual Misconduct Reporting, Support Services and Processes Policy-Highlights and Developments
- B. Office on Violence Against Women (OVW) Campus Grant Program/CSU SAFE Grant

BOR SEXUAL MISCONDUCT REPORTING, SUPPORT SERVICES AND PROCESSES POLICY- Highlights and Developments

BOR Sexual Misconduct Policy Compliance.

- State law: Public Acts 12-78, 14- 11, and 16-106
- Federal law and guidance: April 4, 2011 Dear Colleague Letter (Title IX), Violence Against Women Act, the Clery Act and Campus SaVE.

Current status of federal enforcement of Title IX.

- Trump Administration retraction of the 2011 Dear Colleague Letter
- Reinstatement of the January 2001 Sexual Harassment Guidance
- Development and release of a revised Case Processing Manual

Despite these changes, Connecticut state law requirements persist and more closely align with the requirements that had been established by the Obama era guidance.

Timeframes for filing claims and reports.

- **Claims/complaints.** Sexual harassment is considered a form of discrimination. Discrimination claims, typically referred to as complaints, are heard by the Commission on Human Rights and Opportunities (CHRO), the Office of Civil Rights (OCR) and the Equal Employment Opportunity Commission (EEOC). Currently, a person has 180 days from the date of the incident to file a claim with the CHRO and OCR. A person has 300 days from the date of discrimination to file a claim with EEOC.
- **Reports.** Under Title IX there is no time limitation for receiving a report of sexual harassment or misconduct. There is a lasting obligation of the institution to investigate discrimination.

BOR Policy was not drafted for the purposes of facilitating the filing of discrimination claims but to satisfy the requirements of Title IX.

- Policy was written to address sexual misconduct by encouraging survivors to report allegations of sexual misconduct to facilitate investigation by the institution to alleviate/eliminate sexual misconduct on its campuses and to provide compassionate support and resources to survivors of sexual misconduct.
- Although a complainant may pursue filing a discrimination claim with the CHRO or OCR or EEOC, the BOR policy has no bearing on those actions.
- If a student is alleged to have committed sexual harassment or misconduct, the matter is investigated and processed pursuant to the BOR/CSCU Student Code of Conduct. There is no set timeframe.
- If an employee is alleged to have committed sexual misconduct or harassment the matter is processed pursuant to the procedures applicable to the employee's classification of employment.

State Employment Practices re Discrimination Allegations & Impact of Internal Investigations

- State agencies are required to conduct internal discrimination investigations and complete the investigation leaving sufficient time for the complainant to file with the CHRO if the Complainant is not satisfied with the outcome. Total allotted time 180 days from incident.
- The colleges and universities are subject to this requirement as well.
- ***This requirement must be distinguished from the Title IX duty to investigate regardless of when the incident occurred.***
- However, an incident that has aged more than 180 days old, cannot be filed against a state employee for the purposes of claiming damages at the CHRO or OCR.

Ongoing policy review

- September 2017- Victims' Rights Law Center Attorneys Lindy Aldrich and Amanda Walsh conducted a review of the Sexual Misconduct Policy and the Code of Student Conduct Hearing Procedures.
- Recommendation specific to the BOR Sexual Misconduct policy: clarify the wording the BOR "hereby directs the Connecticut State Colleges and Universities to implement the Policy stated above" to clearly mean that each institution of the Connecticut State Colleges and Universities is directed to implement the policy.
 - Concern was whether the individual institutions had created their own policies noting the local resources and supports.
- Other recommendations suggested revision to the Student Code of Conduct and the hearing process.
 - Will propose changes to the Student Code of Conduct in the upcoming months.

Recent legislative activity

- Proposed change was extending the time limit to file a complaint of discrimination to three years.

Recommendations

- Hold any proposed revision to the Sexual Misconduct Policy pending further action by the General Assembly.
- But to assure consistency, and as an administrative action, each institution should amend its procedures to note that:
 1. Nothing in CHRO procedures and timetables alters or abridges a college's or university's duty under Title IX to investigate sexual harassment, intimate partner violence or sexual misconduct. All such matters will be investigated, to the extent possible within the jurisdiction of the college or university.
 2. For cases involving allegations of sexual misconduct, there is no time limit for the filing of internal complaints.

3. The institution's Title IX or Diversity Officer shall create and maintain a file of each internal complaint received under these procedures. All information, including records and correspondence pertaining to said internal complaint will be kept in this file. Access to the file will be in accordance with applicable State and Federal statutes and collective bargaining agreements. The institution will secure these files.
4. All records of internal complaints and dispositions shall be reviewed on a regular basis by the Title IX Officer or Diversity Officer to discern any pattern in the nature of the internal complaints.

Office on Violence Against Women (OVW) Campus Grant Program/CSCU SAFE Grant

- The CSCU SAFE grant is a project funded by the Department of Justice, Office on Violence Against Women and includes all 17 CSCU institutions.
- The ultimate objective of the OVW Campus Program is to help colleges and universities create effective, comprehensive responses to sexual assault, dating violence, domestic violence and stalking.
- OVW requires a coordinated community response to sexual assault, domestic violence, dating violence, and stalking. OVW asks jurisdictions to bring together stakeholders from diverse backgrounds to share information and use their distinct roles to improve community responses to violence against women.
- Three year grant October 1, 2015 – September 30, 2018 with a \$750,000 budget.
- Project includes four partners – CT Coalition Against Domestic Violence (CCADV), CT Alliance to End Sexual Violence (The Alliance) Department of Emergency Services and Public Protection (DESPP) CT Women’s Education and Legal Fund (CWEALF).
- The CSCU SAFE grant covers several unfunded federal and state mandates.

Fall 2017 Training Highlights:

- **146 CSCU faculty and staff were trained using grant funds.**
- Trainings included:
 - Preventing and Responding to Intimate Partner Violence on Campus
 - Training for Campus Hearing Boards/Student Affairs
 - Bringing in the Bystander®
 - The Intersection of Stalking, Intimate Partner Violence and Technology on Campus
 - Stalking and Strangulation: Legal Update
 - Exploring Intersections of Oppressions in the Prevention of Sexual Violence
 - Intervention Strategies for Professionals Working with Victims and Survivors of Sexual Violence
- **74 faculty and staff were trained** in the “Bringing in the Bystander” in-person intervention program.

Spring 2018 Training Highlights:

- **158 CSCU faculty and staff trained using grant funds.**
- Trainings included:
 - Understanding the Legal Response to Intimate Partner Violence on Campus
 - Preventing and Responding to Intimate Partner Violence on Campus: CCSU & ECSU
 - Stalking on Campus
 - Clery Compliance and the Annual Security Report
 - Clery Training: Campus Security Authorities Train the Trainer

Upcoming Trainings:

- **July, 2018 –**
 - Balancing Victims’ Rights and Institutional Responsibilities
 - The Impacts of Trauma on Survivors of Sexual Violence
 - Bringing in the Bystander® (refresher)

STATE & FEDERAL MANDATES	FEDERAL Violence Against Women Act (Amended 2013)	STATE CT Public Act 14-11 2014 Applies to all institutions of Higher Education in CT	Office on Violence Against Women Campus Grant Program Helps to meet mandates by...
Overview	<p>Intended to complement existing Title IX legislation and OCR guidance for the response to sexual violence.</p> <p>In addition to sexual violence, requires institutions of higher education to include reporting on domestic violence, dating violence and stalking.</p>	<p>Strengthens legislation from 2012 (PA 12-78) on the prevention and response to sexual violence on CT’s college campuses.</p> <p>Aspects of programming, response, and training must be reported to the Higher Education Committee of the CT GA on October 1st of each year.</p>	<p>Helps colleges and universities create effective, comprehensive responses to sexual assault, dating violence, domestic violence and stalking.</p> <p>Provides access to a national network of experts and trainers.</p>
Coordinated Community Response	<p>Students must be offered information for on and off-campus resources. Campuses must assist students with reporting to local Law Enforcement, if desired.</p> <p>Students must be able to change academic, living, transportation, or working situations to avoid a hostile environment. Students can receive no-contact orders or restraining orders.</p>	<p>CSCU institutions must establish Campus Resource Teams (CRT’s) that meet at least once/semester.</p> <p>CSCU institutions must hold formal MOU’s with local Domestic Violence & Sexual Violence community programs.</p> <p>CRT’s must include a representative from Law Enforcement, Campus Security and a local or state Law Enforcement.</p>	<p>Regularly convenes representatives from all 16* CSCU Campus Resource Team’s. Engages statewide MOU partners, CCADV & The Alliance, as well as community agencies. *Charter Oak is not required to convene a CRT.</p> <p>Provides technical assistance to campuses in areas related to Student Affairs/Judicial, Campus Law Enforcement/Security, Prevention and Education and creating a coordinated response on each campus.</p>
Training for Faculty and Staff	<p>Primary prevention and awareness programming must be provided to new employees.</p>	<p>CSCU institutions must provide annual training to Campus Resource Team members, Campus Law Enforcement/Security, Campus Judicial Board hearing officers, and Title IX coordinators.</p>	<p>Provides professional trainings to CSCU CRT’s as well as CSCU faculty and staff on the dynamics and response to sexual violence, dating, domestic violence, stalking and bystander intervention. Trainings have also included understanding and working with students from oppressed communities.</p>
Prevention and Education Training for Students	<p>Primary prevention and awareness programs must be provided to incoming students.</p> <p>Students should receive bystander intervention training.</p>	<p>CSCU institutions must provide prevention education and awareness programming for students and staff on an annual basis.</p> <p>Training must include bystander intervention.</p>	<p>Provides funding to help support educational training for students & staff through online modules and in person sessions.</p> <p>Purchased curriculum and training for staff and students in the “Bringing in the Bystander” in-person intervention program.</p>

