



Board of Regents

**BOARD OF REGENTS FOR HIGHER EDUCATION
REGULAR MEETING – HUMAN RESOURCES & ADMINISTRATION COMMITTEE
MINUTES – JANUARY 31, 2019
BOR BOARDROOM, 61 WOODLAND STREET, HARTFORD, CT**

COMMITTEE MEMBERS:	PRESENT
Naomi Cohen, Chair	Y
Elease Wright	Y
Holly Howery	N
David Jimenez (via teleconference)	Y
Richard J. Balducci	Y

ADDITIONAL REGENTS PRESENT:

Del Cummings (via teleconference)

CSCU STAFF PRESENT:

Alice Pritchard, Chief of Staff
Steve Weinberger, Vice President for Human Resources
Ernestine Weaver, Legal Counsel
Erin Fitzgerald, Associate Director, Office of Board Affairs

GUESTS

Mike O'Malley, Compensation Consultant, O'Malley & Associates

CALL TO ORDER

With a quorum present, Chair Cohen called the meeting to order at 1:05 pm

APPROVAL OF MEETING MINUTES

On a motion by Regent Balducci, seconded by Regent Jimenez, the [meeting minutes of November 28, 2018](#) were approved as submitted.

DISCUSSION ITEMS

Update on Regional President Search Process and Related Matters – Erin Fitzgerald informed Committee members that the committees are in the process of reviewing all submitted applications and will be meeting in the next few weeks to identify semi-finalists. She confirmed that the searches are proceeding on schedule for a recommendation to be brought before the full Board by the respective Regents Search Committees at the April 18 Board meeting.

In connection with the Regional President Searches, Mike O'Malley, Compensation Consultant with O'Malley & Associates, shared with the Committee the results of a competitive compensation analysis of select positions within the CT Community College that had been submitted to the Regents previously under a contract between Sibson Consulting and the Board. Mr. O'Malley indicated that he surveyed current market data (as of April, 2018) for community college presidents with responsibilities for institutional budgets of 50 million to 175 million dollars. The data was obtained from CUPA (College and University Professionals Association) and AACCC (the American Association of Community Colleges). He

related his recommended compensation to that of people holding the title of Executive Vice-President as the most comparable to our proposed title of Regional President. A discussion ensued concerning the placement of the regional president positions within the existing classification compensation structure. The recommendation based on the market analysis and placement methodology established under the classification and compensation system is that the Regional Presidents should be in the Executive 3 category with the full salary range available to Board for hiring.

Update on Office of Institutional Equity – Alice Pritchard reported that the posting of the Executive Director position occurred earlier in the week. A discussion ensued concerning the role of the Executive Director and whether or not there was sufficient emphasis on the leadership vs. technical responsibilities in the posting. Following commentary from all committee members, it was agreed that management would take into consideration the feedback they received from the Committee in terms of revising the description to better articulate the high-level leadership experience required of this Director to successfully develop and implement an integrated system that builds awareness of, and ensures consistent and proactive responses to, issues of sexual misconduct, harassment and discrimination.

Additionally, Dr. Pritchard provided a brief update on the following related items:

- President Ojakian's 1/29/19 communication to Secretary of Education Betsy DeVos concerning proposed Title IX regulations (Attachment A hereto)
- Culture of Respect Collective: Ending Campus Sexual Violence through NASPA – four CSCU schools (SCSU, WCSU, HCC and NCCC) signed up for this two-year program that guides campus stakeholders through a rigorous process of self-assessment and targeted organizational change
- NOT ANYMORE student training – 7,665 university students and 5,081 college students have completed training. Continued outreach efforts will be made to encourage students to enroll.
- Title 9 coordinators will be convened in March to solicit feedback on needs for guidance/support and to share best practices.
- A meeting will also take place in March with campus disability services staff to gather feedback on needs for guidance/support and to share best practices.
- Training will be provided by the Legal Affairs staff for campus staff responsible for data collection and reporting by April

EXECUTIVE SESSION

On a motion by Regent Wright seconded by Regent Balducci, the Committee voted unanimously to go into Executive Session at 2:00 pm for discussion concerning pending litigation.

Regent Cummings left the meeting.

At the request of Committee Chair Cohen, the following individual(s) remained with the Committee:

Alice Pritchard, Chief of Staff
Steve Weinberger, VP Human Resources & Labor Relations
Ernestine Weaver, Counsel

The Committee returned to open session at 2:44 pm.

Chair Cohen advised there were no votes in executive session and that discussion was limited to pending litigation.

ADJOURNMENT

Chair Cohen declared the meeting adjourned at 2:44 pm.

Submitted,

Erin A. Fitzgerald, Associate Director, Office of Board Affairs
Secretary of the Board of Regents

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Board of Regents

HUMAN RESOURCES/ADMINISTRATION COMMITTEE

REGULAR MEETING – JANUARY 31, 2019

CSCU System Office, 61 Woodland Street, Hartford, CT

Attachments to Minutes
and/or
Meeting Handouts/Presentations

Posted online at <http://www.ct.edu/regents/minutes>

- A. President Ojakian's 1/29/19 letter to Secretary of Education Betsy DeVos re proposed Title IX regulations



**Connecticut State
Colleges & Universities**

The Honorable Betsy DeVos
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202
Via electronic submission at [regulations.gov](https://www.regulations.gov)

January 29, 2019

Re: Docket ID No. ED 2018-ED-0064, Proposed Regulations Implementing Title IX of the Education Amendments of 1972, 34 CFR Part 106

Dear Secretary DeVos,

On behalf of the Connecticut State Colleges and Universities (CSCU), thank you for the opportunity to provide comments on the U.S. Department of Education's Notice of Proposed Rulemaking on Regulations Implementing Title IX. CSCU is comprised of twelve community colleges, four state universities and one online degree-granting institution located throughout the state of Connecticut. CSCU provides affordable, innovative and rigorous programs for over 85,000 undergraduate and graduate students to achieve their personal and career goals, as well as contribute to the economic growth of Connecticut.

Our concerns regarding the proposed regulations echo that of many institutions of higher education across the country. We implore you to fully consider the implications these regulations will have on our campuses if they are codified without any alterations. We also strongly encourage you to review the commentary submitted by the National Association of College and University Attorneys (NACUA) and the American Council on Education (ACE) for a fuller and more detailed list of concerns and questions.

Victims of sexual misconduct deserve to be taken seriously and to have their complaints investigated and adjudicated in a timely and professional manner. I hope the Department will take into consideration comments from the many institutions of higher education across the country that have raised significant concerns, and that the proposal will be amended accordingly.

CSCU's summary of main issues:

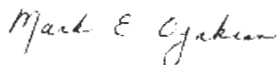
- *Revising and narrowing the scope of the definition of sexual harassment:* This may limit the cases in which institutions could respond meaningfully and intentionally to issues relating to sexual harassment.
- *What triggers a school's obligation to respond:* Only allowing an institution to respond when certain conditions are met will do students, both resident and off campus, a major disservice in seeking resolution for their complaints and holding respondents responsible for disciplinary violations. As you may know,

many incidents of sexual violence occur off-campus at events not sponsored by the college or university (such as a house party). It is important to ensure colleges and universities are able to investigate and adjudicate these types of complaints.

- *Shifting the burden of proof*: Allowing the burden of proof to shift from a preponderance of evidence to the clear and convincing standard is problematic and could result in students who would normally be found "in violation" to be found "not responsible," even with a compelling fact set.
- *Allowing an attorney to serve in the role as an Advisor*: This proposed change which includes permitting the Advisor (attorney) to cross examine the parties is misguided and wrong. The background of the proposed regulations suggests that the disciplinary process should not be comparable to a court room or the criminal justice process. However, allowing attorneys to cross examine will likely have a chilling effect on complainants and will potentially decrease the number of reports of sexual violence received at colleges and universities. Additionally, if one party has the financial means to secure an attorney and one cannot, what is the colleges' or universities' obligation to provide legal representation to guarantee a level playing field? It appears the proposed regulations are suggesting that attorneys should be at the forefront and intimately involved in the disciplinary process for sexual violence cases. We argue that this will not best serve students.
- *Timing of "final determination"*: Making a "final determination" at a live hearing is also problematic and if approved will alter the way hearings are conducted for both students, faculty and staff. Time to deliberate is essential to make a fair and informed decision-for both parties.
- *Impact on employee human relations matters as it relates to evidentiary standards, investigations and hearings*: The proposed regulations are unclear on this subject and appear to imply that faculty and staff matters must be handled the same way as student misconduct.
- *Removal of deadlines*: Deadlines related to the investigatory process are essential to ensure colleges and universities respond to complaints in an appropriate period of time. Without deadlines, issues and complaints may take more time to investigate and resolve.

CSCU is ready and willing to work with the U.S. Department of Education on revising the proposed regulations to ensure all students are treated with fairness, equality, dignity and respect. Should you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,



Mark Ojakian, President
Connecticut State Colleges and Universities