



Board of Regents

SPECIAL MEETING

10:00 a.m., Wednesday, July 29, 2020

CONDUCTED VIA REMOTE PARTICIPATION

Meeting will stream live at: <https://youtu.be/AHLBxet8iRQ>

1. Call to Order, Roll Call & Declaration of Quorum
2. Adoption of Agenda
3. Opportunity to Address the Board*
4. Board of Regents Chair Matt Fleury
5. CSCU President Mark E. Ojakian
 - CSCU Reopening Plans
 - CSCU website: Covid-19 Updates - www.ct.edu/covid19
 - CSCU website: Covid-19 Steering Committee Reports - <https://www.ct.edu/covid19#steering>
6. Academic & Student Affairs Committee – Merle Harris, Chair and Human Resources & Administration Committee – Naomi Cohen, Chair
 - A. Adoption of Statement of Policy – Title IX 30
 - B. Amendment of Policy regarding Sexual Misconduct Reporting, Supportive Measures and Processes Policy 34
 - C. Amendment of Student Code of Conduct - Part E: Hearing Procedures for Sexual Misconduct, Sexual Intimate Partner, Domestic Violence & Stalking Reports 46
7. Audit Committee – Eleese Wright, ChairNo Report/No Exhibits
8. Finance & Infrastructure Committee – Richard J. Balducci, Chair
 - A. One-time Deadline Extension for the Refund of Housing Deposits 51
9. Executive Session – discussion concerning
 - A. pending litigation
 - B. the appointment, employment, performance, evaluation of a public officer or employee
10. Adjourn

*Opportunity to Address the Board:

Individuals wishing to address the Board of Regents should submit a communication via email no later than 24 hours prior to the start of the meeting to the following email address: fitzgeralde@ct.edu. All emails received will be compiled, shared with the Board members and posted on the [CSCU website](#) in advance of and during the meeting as well as attached to the meeting minutes.

Please provide your name, affiliation (public, faculty, staff, student) and, if applicable, college or university affiliation. Anonymous emails will not be posted or shared.

REPORT OF THE HIGHER EDUCATION SUBCOMMITTEE REOPEN CONNECTICUT

Corrected Version – May 8, 2020

Executive Summary

Connecticut's colleges and universities play an important role in the State's economy. They provide employment to 45,000 citizens of the state, spend over \$10 billion annually, and educate 190,000 students, many of whom remain in the state and constitute the workforce of the future. Most of these institutions have employed online methods to continue to educate students through the current statewide shutdown, but all look forward to reopening their physical campuses.

The diversity of the state's colleges and universities — from community colleges to major research universities—requires customized plans for reopening; one size will not fit all. We believe, however, with proper guidance from the State, individual institutions can create safe and effective plans for reopening.

We recommend that the Governor, with the help of public health experts, provide a set of “gating conditions,” which, if satisfied, will allow colleges and universities to reopen their campuses. We also recommend that each institution develop reopening plans with four components.

Gating conditions:

1. The prevalence of the disease must be low enough to safely resume campus operations. For nonresidential campuses, as well as science labs, libraries, and many graduate programs, the gating criterion for business and commercial operations should apply. For residential undergraduate programs, public health experts recommend a sustained low and non-increasing rate of new hospitalizations in the state and in the community surrounding each college; this standard should be clearly articulated by the State.
2. The State must ensure that colleges and universities have adequate supplies of viral diagnostic tests and adequate financial support to obtain, administer, and process them. Nonresidential institutions must test symptomatic students, faculty, and staff; residential institutions must also test students upon arrival,

- and at appropriate intervals thereafter in accordance with prevailing public health guidance. The allocation of tests to colleges and universities by the State is an essential pre-requisite for reopening.
3. The State should enable institutions to have adequate capacity for contact tracing.
 4. The State should provide specific public health guidelines for colleges and universities, covering the wearing of facemasks, physical distancing, and the density of dormitories, dining halls, and classrooms.
 5. The State should ensure that adequate supplies of PPE and facemasks will be available to colleges and universities.
 6. Adequate surge capacity must be available in nearby health care facilities and hospitals.
 7. The State should provide a safe harbor from liability for those institutions that undertake the planning efforts we outline in this report.

Reopening plans to be developed by each institution:

1. A plan for *repopulation* of the campus
2. A plan for *monitoring* health conditions to detect infection
3. A plan for *containment* to prevent spread of the disease when detected
4. A plan for *shutdown* in the event it becomes necessary

In formulating these plans, institutions will need to be mindful that the course of the pandemic cannot be confidently predicted. It is entirely possible that even if conditions warranting reopening obtain in June, a new wave of infections after the reopening of businesses might strain hospital capacity by late August. It is also possible that conditions warrant reopening in August but the pandemic worsens in the fall to the extent that the Governor would order a new shutdown. Our best advice is that colleges and universities should be flexible and plan for both contingencies: a full or partial physical reopening and an alternative scenario where teaching and learning continue to take place online.

After a brief overview of the higher education landscape in Connecticut (Section I), this report elaborates on the gating conditions where guidance and assistance from the State is essential (Section II) and the plans that need to be developed by each college and university before reopening (Section III). The report then explains where assistance from the State is needed (Section IV) and closes with a number of ideas and suggestions that the Committee has gathered in the course of its deliberations (Section V).

Introduction

We have been asked to recommend guidelines for the reopening of colleges and universities in Connecticut. These guidelines are also relevant to boarding schools, since they face issues very similar to residential colleges.

We gathered information and best thinking from colleges and universities in Connecticut and around the country, from public health professionals, and from other stakeholders in order to develop options and recommend guidelines to the Reopen Connecticut task force.

Enrollment in Connecticut's higher education institutions is roughly 190,000 by headcount. The state's five public universities, one state college, and twelve community colleges account for 60% of headcount and 55% of FTEs. Connecticut's fifteen independent colleges and universities account for the remaining enrollment. The state has thirty boarding schools with total enrollment of approximately 10,000.

The private universities and colleges have substantial percentages of students in residence on their campus. The community colleges have no residential facilities. The state universities vary from a low of 25% residential at Central Connecticut to 60% at UConn. Some boarding schools are nearly 100% residential, while others have a substantial percentage of day students.

For the purposes of this report, we understand reopening to mean the resumption of activities on physical campuses. Most boarding schools, colleges, and universities have been operating online since the mid-March shut down. Even without physical reopening, most academic programs will continue to operate online in the fall. The sector is not shut down; teaching and learning continues. But physical campuses, apart from essential biomedical research and the provision of health services, are currently shuttered.

Section I: Overview of the Higher Education Landscape in Connecticut

The most striking characteristic of the higher education sector in Connecticut is its heterogeneity. Some institutions offer only two-year associates degrees and vocational certificates. A few offer only four-year undergraduate programs, while a larger number offer both undergraduate and a limited number of graduate programs. Two, the University of Connecticut and Yale, are comprehensive research universities with substantial undergraduate populations and a full range of graduate and professional degrees.

The public health issues involved in reopening vary considerably across academic activities. For example, physical distancing is feasible in science laboratories and research libraries, but infeasible for students in clinical rotations in schools of nursing and medicine. Programs that routinely have lecture courses of 100 students or more may need to put lectures online because they lack sufficient classroom facilities and staff to split large courses into smaller sections. On the other hand, liberal arts colleges and graduate

programs with many classes in the range of 10 to 30 may more readily accommodate physical distancing.

In determining the optimal timing of re-openings, demographic considerations also matter. More affluent students with access to high bandwidth internet services are better able to thrive in an online teaching environment than less affluent students without devices or internet access. Delays in re-opening will particularly disadvantage this latter group.

From a public health standpoint, perhaps the most important differentiator is the degree to which schools are residential in character. Commuter colleges present one kind of risk – namely that people congregate in a central facility and then disperse widely through the surrounding community. But this risk is no different in kind from that presented in reopening businesses. If returning to work is considered safe – given proper observance of physical distancing, mask wearing, hand washing, and disinfection of facilities – the same standards might be applied to nonresidential educational institutions.

Residential colleges and boarding schools present an entirely different and much higher risk – a population (in normal times) sharing bedrooms or suites, bathrooms and dining halls, and living 24/7 on the campus in sustained close contact. Many residential institutions may need to limit the number of students who can return in order to avoid overcrowding living quarters, bathrooms, dining halls and classrooms.

Whether boarding school and college undergraduate populations will observe physical distancing is another matter to consider. Whereas graduate and professional students on residential campuses as well as older students at community colleges have the maturity, we presume, to practice physical distancing, it is not clear that undergraduates and boarding school students can be relied upon to do so. Evidence from one major university on the west coast, as well as the much-publicized behavior of students during spring break in Florida, suggests skepticism about full compliance with behavioral norms.

Another important consideration is who bears the greatest health risk in academic institutions, and in residential institutions in particular. Although the risk of contagion may be high among students, the risk of serious morbidity or mortality in the traditional college age population is very low. The risk of serious illness, however, is much greater for older faculty and student-facing staff, such as dining hall workers, counselors, advisors, and other student services staff.

Finally, state institutions and better-endowed private institutions will bear significant financial losses if they cannot reopen in the fall, or if they open for only a fraction of their students. For less well-endowed private institutions, the financial risks are existential. Just as budget relief for state schools is needed, so too is support for less well-endowed private colleges and universities.

Given the heterogeneity of institutions, we believe that “one size fits all” guidelines for the reopening of higher education are not appropriate. Rather, the Governor should call

on each college and university to develop specific plans for the opening of its own campus. We see the need for four plans to be developed by each institution:

- A plan for *repopulation* of the campus (which will likely be a phased process).
- A plan for *monitoring* health conditions to ensure the detection of infection.
- A plan for *containment* to prevent the spread of the disease if detected.
- A plan for *shutdown* in the event that becomes necessary, either because of a serious outbreak on campus or another statewide order from the Governor.

Thus, there is important work for each college and university to undertake, and many schools have already begun this work. But all institutions are looking to the State for guidance on what we call “gating conditions” for repopulating their campuses. That is, institutions want clarity about what public health preconditions need to be in place before they can go about implementing their specific institutional plans.

In what follows, we discuss the gating conditions that need to be present before institutions can safely bring students back to campus and resume operations. Then we turn to describing the considerations that each institution’s planning should take into account. Next, we suggest interventions that may be needed by the State in order to enable reopening. Finally, we conclude by sharing a number of ideas and suggestions that should help institutions develop and implement their plans.

Section II: Gating Conditions: Prerequisites for Reopening Campuses

After consultation with public health experts, we recommend that *some types of campus operations* – those where physical distancing can be maintained and where adherence to norms governing the use of protective equipment such as facemasks is likely – can be reopened on the same timetable as the first wave of general business operations in the state. These operations would include research laboratories, libraries, and administrative functions.

If the reopening of business activities proceeds smoothly and the prevalence of COVID-19 continues to decline, early opening of some other higher education operations should proceed. For example, community colleges and some other institutions offer workforce development programs that run year-round and typically involve low-density operations in labs, studios, or shops. Moreover, some students were unable to complete courses with lab, studio, shop, or clinical requirements for their degrees this spring, even as they continued their classroom studies online. We believe that they, too, might safely return to college early this summer.

By mid-July, other nonresidential educational programs might be reopened if public health conditions continue to improve. Some graduate programs might also warrant reopening at that time, especially those with very few students living on campus. It might also be possible to run a few pilot summer programs involving undergraduate students in residential settings. Several institutions would be eager to run such pilots, which might

give helpful guidance as to how to manage the density and behavior constraints to be faced in the fall.

By the end of summer, if prevailing health conditions make it possible, undergraduate residential institutions might bring students back in greater numbers.

This recommended timeline for reopening is summarized in Appendix I.

To ensure that this phased reopening is carried out with proper regard to safety, we recommend that the State take the lead in establishing standards and creating conditions that will serve as pre-requisites for resuming in-person teaching and learning on our campuses. We discuss each of these gating conditions in turn.

1. The prevalence of the disease must be low enough to safely resume campus operations.

In consultation with public health experts, the State needs to develop metrics on number of new cases, or the rate of decline, or both that would warrant the return of students to campus. As noted, because the risks of opening nonresidential educational programs, such as those at community colleges, are very similar to those entailed in reopening customer-facing business enterprises, we recommend that nonresidential education be subject to prevalence conditions similar to those governing business and commerce.

Residential education poses higher risk, since students live together in close quarters, eat together, and share bathrooms. Institutions offering residential education will need to develop carefully considered plans to mitigate these difficulties, and many will need to reopen their campuses in stages or in shifts to ensure that overcrowding does not make it impossible to operate safely.

The potential for contagion entailed by gathering young people on a campus is not limited to the students themselves, but extends to the staff and the surrounding community. The State needs to develop measures of prevalence for residential campuses to reopen and announce them soon. In consultation with public health experts, we recommend a sustained low and non-increasing number of new hospitalizations in the state and in the community surrounding each institution. Whatever metric is chosen, it needs to be clearly articulated by the State.

Institutions will need to be mindful that the course of the pandemic cannot be confidently predicted. It is entirely possible that even if conditions warranting reopening are met in June, a new wave of infections after the reopening of business and commerce might strain hospital capacity by late August. It is also possible that conditions warrant reopening at the end of the summer, but the pandemic worsens in the fall to the extent that the Governor would order a new shutdown. Our best advice is that colleges and universities should be flexible and plan for both contingencies: a full or partial physical reopening and an alternative scenario where teaching and learning continue to take place online.

2. The State must ensure that colleges and universities have adequate supplies of viral diagnostic tests and adequate financial support to obtain, administer, and process them.

For residential institutions, this is a critical gating issue, and most, if not all, will not be able to open their campuses without adequate testing. The experts we have consulted believe it is essential to test incoming students for the COVID-19 virus as they arrive on campus, since those testing positive should be isolated. If the test results are not available immediately, then all students should be quarantined in their rooms until the test results are available. This will enable the college or university to know who to isolate for two weeks, and it avoids the potential of broad transmission just as students are returning to campus. Based on the current view of public health experts, we recommend a second round of testing within 7 to 14 days of the first, to detect those who might have registered a false negative result on the first round. This view might change by the fall if testing becomes more accurate. Experts also believe that the close and continued proximity of students on residential campuses requires re-testing throughout the year; the frequency would depend on the underlying infection rate at the time and prevailing public health guidance.

We also recommend that faculty and student-facing staff be tested shortly before residential students return to campus and re-tested periodically as indicated by public health guidance. This would be done not only to protect faculty and staff from infecting one another, but also to prevent them from infecting students, among whom contagion is likely to spread more rapidly. Again, this recommendation should be reassessed in the light of emerging public health understanding over the next few months.

Nonresidential institutions, like local businesses, would not require initial testing of all students, faculty and student-facing staff. As the semester proceeds both residential and nonresidential campuses will need to ensure that symptomatic students, faculty, and staff and their contacts are tested as cases arises.

All this requires a major commitment of tests. If all residential colleges and boarding schools reopen in the fall, we estimate that between 200,000 and 300,000 tests will be needed in late August/early September, with additional quantities needed over the course of the fall semester, as determined by public health guidance. The State needs to ensure that such supplies are available to campuses, and that provision for test administration and processing is in place. This could impose a considerable burden on institutions, especially tuition-dependent private colleges and universities, that are already coping with substantial incremental costs and revenue shortfalls arising from the pandemic. We recommend that the State identify funding to pay for these tests since they are *sine qua non* for reopening this important sector of the economy.

Given the importance of higher education in our economy, the characteristics of collegiate residential living, and the relatively high vulnerability to contagion, we suggest that after first responders, health care workers, and nursing homes, higher education should have priority when tests are allocated.

3. The State should enable institutions to have adequate capacity for contact tracing.

Colleges and university will need to have the capacity to trace the contacts of those testing positive for infection and be authorized to do so. This requires training enough people on campus to serve as contact tracers. The State should authorize colleges and universities to train available staff and students to undertake contact tracing, since even with recently authorized increases in Department of Public Health staff, institutions will need their own “surge capacity” to undertake contact tracing for an outbreak on campus. Excellent online training courses will soon be available.

Relying on an infected student’s memory may be necessary, but it is challenging because of the large number of contacts each student has during a given day. The numerous mobile phone apps currently under development may provide a useful supplement to the traditional approach.

4. The State should provide specific public health guidelines for colleges and universities, covering the wearing of facemasks, physical distancing, and the density of dormitories, dining halls, and classrooms.

Our subcommittee has consulted the health experts working with the Governor, and we are pleased that public health guidelines for colleges and universities are now being issued. They are included in this report as Appendix II. Colleges and universities may, of course, wish to enforce stricter rules than those recommended. We recognize that public health guidance may change as circumstances warrant.

The guidelines permit colleges and universities to treat roommates or suitemates as a family unit, thus allowing more than one occupant per dormitory room. They proceed to define limits on the density of classrooms and dining halls, based upon a consistent standard of preserving six feet of physical distancing. Given this standard, the public health experts do not think it necessary to impose a separate group size limitation, since the spacing constraint of six feet will automatically prevent excessive contact. Guidelines for the use and cleaning of bathrooms are still to be developed. They may potential constrain the numbers assignable to some residence halls.

5. The State should ensure that adequate supplies of PPE and facemasks will be available to colleges and universities.

With input from the colleges and universities, the State should determine the quantities of PPE needed by campus health care facilities as well as nearby hospitals, and ensure that sufficient supplies will be available to them. If facemasks are required in general use, the State should ensure that there are sufficient supplies available for faculty, staff, and students. When institutions closed in March, many donated their PPE and facemasks to health care providers and first responders, so inventories will need to be replenished from very low levels.

6. Adequate surge capacity should be available in nearby health care facilities and hospitals.

State health officials should work with each campus to review whether adequate surge capacity exists to handle a campus outbreak.

7. The State should offer an appropriate “safe harbor” from liability for those institutions that bring students back to campus.

It is inevitable that some students will contract COVID-19, despite the prudent precautions undertaken by their colleges and universities. No institution can seriously consider opening its campus if it faces the threat of lawsuits by students who become infected. For those colleges and universities that complete the four plans we specify for reopening and file their reports with the Connecticut Department of Public Health, an Executive Order (or legislation, if required) should offer immunity from claims based on an allegation that the individual contracted COVID-19 during the 2020-21 academic year. Such an Executive Order would provide a safe harbor for those institutions that work conscientiously to prepare and execute the plans called for in this report. Language to accomplish this result is included in the Section IV.

Section III: Considerations in the Development of Campus Reopening Plans

The heterogeneity of boarding schools, colleges, and universities in the state, and the different public health risks associated with different types of programs, suggest that reopening dates and operating protocols will for good reason differ both within and across institutions. Therefore, we recommend that the state not attempt to regulate uniformity of behavior; boarding schools and institutions of higher education should be free to develop their own plans for reopening and operating for the duration of the current pandemic. Each institution must have a plan for *repopulation* of the campus, a plan for *monitoring* health conditions to ensure detection of infection, a plan for *containment* to prevent spreading of the disease if infection is detected, and a plan for *shut down* if infection cannot be contained.

In what follows, we suggest considerations relevant to the development of each of these four types of plans.

Repopulation

- Because the risk of transmission on a residential campus is so high, residential institutions should test all students, faculty, and student-facing staff for infection on arrival, and isolate for 14 days those testing positive.

- Residential institutions should test all students, faculty, and student-facing staff 7 to 14 days after arrival, to insure against false negatives on the first test. This recommendation may be modified if public health guidance changes.
- Residential campuses should consider whether ample capacity to isolate infected students and quarantine close contacts is available, either by reserving dormitories on campus or making arrangements with nearby hotels. Campuses should have a plan for providing food to isolated students.
- Given the need for testing and potential isolation of students upon return, institutions should consider whether to repopulate in stages, over several days or weeks.
- Nonresidential institutions, where the risks are similar to those of local businesses, will not need to test students, faculty, and student-facing staff upon reopening.
- Given the need for physical distancing, all institutions should determine whether they have adequate classroom capacity to handle a fully repopulated campus. On residential campuses, where many bedrooms are shared under normal conditions, institutions wishing to provide students with single-occupancy bedrooms will face constraints on the size of the student population.
- Colleges and universities facing capacity constraints will need to decide which subsets of their student populations to bring back to campus in the fall. Many schools are planning online instruction for students remaining at home.
- International students are unlikely to return in full strength in the fall because of travel restrictions and visa processing delays. This may ease the pressure on classroom and living space on campuses, but it also highlights the need to consider whether to offer online instruction to students who cannot return.
- Some students, domestic as well as foreign, may opt to stay at home even if campuses open. Institutions should consider whether to offer online instruction to these students as well.
- Institutions with graduate and professional programs might consider opening them before opening to undergraduates, since the number of students is typically smaller than undergraduate programs, most students live off campus, and more mature students are more likely to observe physical distancing.
- Students with immune deficiencies or other preexisting conditions might be offered online learning options.
- Faculty with higher likelihood of serious illness from infection (for example, those with compromised immune systems and those over 65) might be asked, or might wish to, teach remotely.
- Student-facing staff with higher likelihood of serious illness from infection might be asked to take on other duties.
- Colleges and universities should consider whether to adopt measures to reduce social contact, even if physical distancing is no longer mandated in the state at the time campuses reopen. For residential campuses, such measures might include closing campuses to visitors and outside speakers, limiting students going off campus, and reimagining dining services (such as more grab-and-go).
- Colleges should suspend extracurricular programs where physical distancing cannot be met.

- Re-populating the campus requires public health guidelines on cleaning regimes, especially in residence halls. We expect that the standards for restaurants will offer guidance to college and university dining halls, but the institutions will need clarification of cleaning standards for classrooms, residences, and particularly residential bathrooms.

Monitoring

- Each institution needs to determine how to monitor the health of students, faculty, and staff.
- Residential campuses should test students at appropriate intervals throughout the academic year, in accordance with public health guidance. Should an effective saliva-based test be developed, the ease and cost of testing should improve considerably, but many institutions will continue to need state support.
- Colleges and universities should consider whether faculty and staff with high exposure to students should be monitored with periodic testing.
- If and when serology tests are deemed reliable and it is determined that antibodies confer immunity, institutions should consider using them to determine which students are immune and no longer need to be considered vulnerable. For example, such students might be exempted from living in single rooms if the institution has adopted that housing scheme.
- Public health experts currently recommend against daily temperature checks, because many of those infected do not register elevated temperatures. That advice may change.
- Every college and university should appoint a COVID-19 Coordinator. Campus Coordinators around the state should convene by videoconference at least once a week throughout the fall semester (and beyond if needed) to share developments on their campuses. A common “dashboard” should be developed this summer so that all institutions can report a daily census of such items as new positive cases, hospitalizations, and discharges, and see graphical displays of the history of daily reports. No personally identifiable health information should be included, but this regular pulse information will allow campuses to assess in real time any upticks in transmission and learn from their peers.

Containment

- When infection is detected, institutions should isolate the infected student for 14 days, trace contacts, quarantine all roommates and suitemates, and consider quarantining others with close contact.
- Adequate space and meal service protocols to accommodate isolation should be identified in advance.
- Residential colleges should have plans to monitor and provide medical care to infected students who test positive and are isolated. Although most cases are likely to be mild, given the age of the students, there can be rapid deterioration. Daily video calls with a nurse while isolated would be one method of monitoring.
- Institutions should consider having protocols for restricting social contact and mobility when limited infection occurs. For example, on “yellow flag” days stricter

physical distancing and group size limits might be enforced, and on “red flag” days, students in residential colleges might be required to have their mobility more drastically limited (no live classes, no leaving rooms except to retrieve grab-and-go meals).

Shutdown

- Campuses should consider in advance the circumstances that might warrant closing the campus, and have a plan for an orderly shutdown.
- Shutdown may come from a statewide order, or result from an outbreak on campus. If there is an outbreak on campus and not in the surrounding region or state, colleges and universities will need to consult with public health experts to determine whether it is advisable for students to return home. Different treatment of local students and those who need to travel to other states or countries may be warranted.

Section IV. Recommendations for action by the State Government

We have identified a number of areas where the State’s assistance will contribute importantly to the safe reopening of Connecticut’s colleges and universities. We summarize them below.

1. We recommend that the Governor issue an Executive Order to provide immunity for colleges and universities from lawsuits alleging damages from contracting COVID-19. (Suggested language below)

“No claim for damages resulting from the contraction of COVID-19 shall be made against a public entity, a religious institution or a corporation that is exempt from federal income taxation under Section 501 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, on condition that such public entity, religious institution or tax-exempt corporation substantially complies with Executive Order [number] and with any applicable statutes, regulations, guidance, policies or protocols for the prevention of the transmission of COVID-19 issued by the state of Connecticut, or any superseding federal statutes, regulations, guidance, policies or protocols. Such bar to claims for damages shall extend only to claims based on an allegation that the claimant contracted COVID-19 during the one-year period immediately following the issuance of Executive Order [number].”

2. The flexibility afforded this spring by the Office of Higher Education to private, non-profit institutions as they shifted to online education should be extended for the next academic year. Change in the mode of delivery should be treated as a program modification, not a new program, during this period.

3. The Governor should enlist the other six regional Governors to call upon accrediting agencies to continue to allow flexibility for higher education institutions to offer online learning without specific approval.

4. We recommend creation of a working group to examine how accreditation requirements and state regulations can be relaxed to ensure that students in health sciences programs requiring clinical training can continue to progress to graduation despite disruptions caused by COVID-19. In particular, the state's pressing needs for nurses calls for specific concerted action as noted below in order to maintain the clinical training progression to graduation in May 2021 for 600 Advanced Practice Registered Nurses (APRN) studying in Connecticut:

- a. The 7-state coalition of Governors should request that the Commission on Collegiate Nursing Education (CCNE) and related certifying bodies allow schools of nursing temporarily to substitute up to 1/3 of the traditional face-to-face clinical hours for simulation teaching technology in the APRN curriculum
- b. The State should ensure that primary care and other health agencies will have dedicated PPE supplies for students and preceptors being trained in schools of nursing;
- c. The State should ensure that healthcare agencies and practices at which APRN students are completing clinical practice hours can bill for and receive reimbursement for APRN student-delivered services on par with current tele-health reimbursement guidelines, and waive the requirement for synchronous supervision of APRN students during tele-health if the delivery platform does not allow for two providers to be present.
- d. The State should consider providing an incentive, such as HB 5014 "An Act Establishing a Tax Credit for Providers of Clinical Nursing Experiences" to all preceptors, which is by far more financially beneficial than a stipend that often does not go directly to the preceptor. This would be a relatively small but powerful state investment and especially critical during this pandemic crisis.

5. The State Department of Education should make needed accommodations if students cannot undertake field experiences, student teaching, and internships, or meet licensure requirements that are core to their academic programs and degree completion.

6. The Governor should continue the Executive Order that enables Connecticut colleges and universities to provide for reciprocity of licenses for all Health Care Professionals who treat students. This would enable out-of-state students at Connecticut colleges and universities who must pursue their studies from home to access college-based health care services in Connecticut, including mental health services, remotely via tele-health.

7. The State Department of Public Health needs to make amendments to its regulations so that (i) college and university staff and students can be trained to undertake contact tracing for their student populations and (ii) students in health care fields can be trained to augment the public health staff and be granted credit for this work as part of their clinical practice requirement.

The state should also affirm that contact tracing conducted by trained volunteers falls within the HIPAA exemption. Furthermore, the state should amend Executive Order 7U to include volunteers performing contract tracing in the immunity waiver for health care providers. Finally, the Department of Public Health should also work with colleges and universities on protocols for sharing data collected through contact tracing.

8. When colleges and universities reopen in the fall, the State will need to provide alternative housing for first responders in the event of another outbreak of the pandemic. This spring, many institutions used their dormitories to provide housing for first responders.

Section V: Ideas and Suggestions for Institutional Planning

We gathered many useful ideas and suggestions from academic leaders in Connecticut and around the country. A selection follows.

Unions are essential partners in reopening Connecticut's colleges and universities.

Union leadership should be included as the plans are being developed. The health and welfare of union colleagues, just like that of students, faculty and other staff, should be a key ingredient in the plans that are developed.

Institutions are re-thinking the fall academic calendar.

Most institutions are developing multiple scenarios for a phased reopening.

To decrease density on campus, schools that have mainly commuter students may elongate the teaching day or move to six or seven day schedules.

One suggestion is to organize the semester into two halves with assessments given at the mid-point, and with a half credit given for course. In this regime, students who become ill might still get credit for a half semester's work. If a faculty member becomes ill, disruption would be reduced.

Some institutions are thinking of offering all undergraduate classes online for the fall semester, and open classes on campus only to graduate and professional students.

Some institutions are thinking of having the first half of the fall semester be online and determining at the end of September if the second half can be held on campus. Others are considering starting the fall semester in October.

Some are thinking of compressing the fall calendar on residential campuses so that students leave at Thanksgiving and do not return until the new year. This eliminates students traveling for both Thanksgiving and the Christmas recess, which could be especially advisable for institutions with many students from out-of-state. Some

institutions are planning to add 10 minutes or more to each class or to pursue a six-day teaching schedule to compress teaching into the shorter calendar.

Another idea is to consider a compressed calendar for graduate/professional programs that are continuous without a major summer holiday in order to reduce the time to degree.

Some institutions are considering using the late summer to offer remedial education courses for students who need them. There may be increased need since some high school seniors may not have had access to effective online instruction this spring.

Various phase-in plans for repopulating campuses are under study.

Institutions around the country are thinking of sequencing the return of students to campus. A number of universities are thinking that the first group of students to return would be graduate and professional students who are generally older and thus may be more prepared to practice physical distancing. Also, many of these programs are non-residential and thus avoid the challenges of residential spaces.

Residential institutions are thinking about the phased arrival of undergraduates, since physical distancing requirements and possible reduction in bed capacity are likely to require choosing whom to accommodate. For example, some universities might prioritize the return of students who need science laboratories; others will first accommodate those who do not have stable alternatives at home. Some are thinking that seniors, who may have more maturity for physical distancing, might be good candidates for the first wave of students to return to campus.

Some universities and colleges intending to have undergraduates on campus are considering a rolling move in period over a few days or weeks so that fewer individuals re-enter at one time. Others are considering limiting the number of family members and friends who can accompany a matriculating student, and limiting their time and engagement on campus.

Staffing configurations for teaching will be creative.

Faculty in vulnerable populations (those with compromised immune systems or over the age of 65) may wish to teach remotely.

For courses where a faculty member is teaching remotely, some residential institutions are considering having students come to a classroom –with appropriate physical distancing—and have the faculty member projected onto a screen in the room. This might create a greater sense of community than having students participate from their rooms.

Many institutions will have to cap the size of lecture classes to accommodate physical distancing, break them into multiple sections, or teach them remotely.

Some professional schools are reorganizing the curriculum so that clinical experiences are pushed out into future semesters and classes ordinarily taken in a classroom in a subsequent semester are accelerated into this fall. For example, one graduate school of music will concentrate history and theory classes in the fall and resume performance courses in the spring.

Enhanced professional development for faculty in online teaching is needed.

When the State closed this spring, faculty had little time to learn best practices for online teaching. Since online instruction may be the primary form of pedagogy in some instances and the default mechanism in the event of a second wave of infection, this summer offers an opportunity for institutions to assess the success of the online courses offered this spring and to provide instruction for faculty to improve their skills for online teaching.

Extracurricular activities and athletics.

We expect that the NCAA or individual conferences will soon make decisions about varsity sports for the fall. Many extracurricular events (e.g., debating clubs, student newspapers, Model UN) might be pursued virtually or with social distancing.

Limiting visitors to campus.

Some institutions have already cancelled visiting professors, speakers, and performances for the fall. In addition, it is likely that others will convert programs that bring individuals to campus to an online format, such as student admissions tours and alumni reunions. State universities may want to consider limiting the time, place and manner of admitting visitors, and private universities may want to prohibit visitors more generally as an effort to limit the transmission of the virus.

Submitted by the members of the Higher Education Subcommittee of the Reopen CT Task Force:

- *Richard Levin (co-chair), President Emeritus, Yale University*
- *Linda Koch Lorimer (co-chair), former Vice President, Yale University, and former chair of the Association of American Colleges and Universities*
- *Steven Kaplan, President, University of New Haven*
- *Alice Pritchard, Chief of Staff, Connecticut State Colleges and Universities*
- *Rachel Rubin, Chief of Staff, University of Connecticut*
- *Jennifer Widness, President, Connecticut Conference of Independent Colleges*
- *Invited participant: Richard Branson, Executive Director, Connecticut Association of Independent Schools*

Timeline for Reopening Colleges and Universities in Connecticut

Earliest dates shown for each phase; institutions may open any time thereafter
Exact timing will depend on meeting public health criteria

Phase 1a: May 20th	Phase 1b: Beg of June	Phase 2: Jul/Aug	Phase 3: Sept 1
Research programs	Nonresidential workforce programs	Other nonresidential programs	Undergraduate residential programs
	Nonresidential clinical/laboratory courses required to complete degrees	Graduate programs	Boarding schools ¹
		Undergraduate residential small-scale pilot programs	

1. While part of K12, boarding schools have same characteristics as residential colleges

Public Health Guidance for Colleges and Universities in Connecticut

Each specific guidance will be in force until relaxed by the State
Institutions may choose to impose stricter guidelines

Guidance Element

Specific Guidance

Social distancing

- 6 feet of separation whenever possible

Density of classrooms, dining halls, and other areas where groups congregate

- 6 feet of separation between occupants

Density of dormitories

- Roommates and suitemates treated as a family unit. 6-foot spacing preserved with other dorm occupants.
- {Density of bathroom use TBD}
- Students with pre-existing health conditions should be assigned to single-occupancy rooms

Personal protective equipment

- All faculty, staff and students should wear masks

Disinfection

- Hand sanitizer available at entrances to all buildings, classrooms, and dining halls
- Disposable wipes available in all bathrooms, classrooms, and other shared facilities (e.g. copy machines, coffee stations, etc.) for wiping down surfaces touched before and after every use
- Frequent hand-washing and frequent deep cleaning of bathrooms and other high touch areas

Travel

- Avoid unnecessary travel domestically and internationally

Faculty/staff work from home

- Whenever possible

Faculty/staff advised to stay home

- Initially, those 65 and over and/or those with high risk factors

Screening

- Faculty, staff, and students should monitor their own symptoms and report them to health care providers

Update #8 to the Higher Education Report: Recommendations for Reopening Undergraduate Colleges and Universities
PHASE 3 PLANNING FRAMEWORK FOR REOPENING UNDERGRADUATE RESIDENTIAL COLLEGES AND UNIVERSITIES
Issued by Mark Ojakian, State Lead for Reopening Higher Education
Revised July 17, 2020

The Report of the Higher Education Subcommittee submitted to the Governor on May 6, 2020 sets forth the guidance and requirements for colleges and universities to reopen undergraduate residential programs. See <https://portal.ct.gov/-/media/Office-of-the-Governor/News/20200506-Recommendations-to-Governor-Lamont-for-a-phased-reopening-of-colleges-and-universities.pdf?la=en> for the May 6 report and for the update memos that have been issued. Additional update memos have been issued during the summer as information is obtained.

Four plans are required to be submitted by each institution; these include:

- A plan for repopulating the campus (the reentry of students)
- A plan for monitoring the health of students, faculty and staff
- A plan for containing cases that develop
- A plan for shutdown of the campus if it becomes necessary.

The plans are to be submitted to the Department of Public Health (Thomas.St.Louis@ct.gov ; Av.Harris@ct.gov and Brie.Wolf@ct.gov), with a copy to Mark Ojakian, whom the Governor appointed to be the State's lead for the reopening of higher education in Connecticut (CSCU-President@ct.edu) The plans for fall reopening need to be submitted no later than three weeks before the intended arrival of students. Students may return to campus on or after August 14, 2020.

Schools planning to quarantine students per guidance in Update #9 may begin to do so starting August 3rd. Schools are asked to share their plan with Mark Ojakian (CSCU-President@ct.edu) no later than July 27th.

This memorandum outlines the requirements for each plan as interpreted by the Subcommittee.

Please note that the State continue make additional guidance that may modify this Framework. Please visit the Stay informed section of the state's ReOpen website <https://reopen.ct.gov> regularly for supplemental counsel.

REOPENING PLANS FOR COLLEGES AND UNIVERSITIES IN PHASE 3—FALL 2020

Name of Institution:

COVID-19 Coordinator (Name and Title):

Email and cell phone:

Intended date of arrival of the first students (on or after August 10):

Intended date of classes starting:

Intended duration of the fall semester or quarter:

Date submitted:

PART 1 - PLAN FOR REPOPULATING THE CAMPUS (the reentry of students)

Classrooms: Declaration that 6-feet of physical spacing has been achieved

Some limited commentary should be included to indicate how this was achieved (e.g., splitting the class into multiple sections, converting non-classrooms into instructional spaces, greater use of evenings, weekends or online instruction, reduction of students on campus)

Where six foot spacing is not possible, i.e. for clinical training or workforce development programs, please describe your plans.

Note: some institutions may want to provide guidance on the flow of students in and out of classrooms at peak times in order to achieve physical distancing.

Dining Halls: Declaration that 6-feet of physical spacing has been achieved and that the State's restaurant guidelines and capacity limits have been achieved (e.g., single use condiments, cleaning of surfaces after every diner). ***See Update #7 for additional guidance.***

Some limited commentary about how this was achieved (e.g., two shifts for each meal; use of new spaces as spill-over dining halls; more grab-and-go meals; outdoor dining; limited capacity indoor dining)

Athletics: Declaration that guidance is being followed on athletic training, practices and competitions per conference guidelines.

Some limited commentary on bringing athletes back to campus, training and practice protocols, and managing safety concerns in competitions (if planned).

Spaces "where other groups congregate": Declaration that 6-feet of physical spacing has been achieved where students congregate, such as in libraries and common spaces/student unions and with extracurricular activities. In addition, where campuses operate shuttles or other transportation, see ***Update #5 for additional guidance on campus transportation.***

Some limited commentary about how each is being achieved.

Residence Halls:

Declaration:

1. that the guidelines for **residence hall/dormitory density** are being followed, which allow, but do not require, that roommates and suitemates can be treated as a family unit; (See Appendix II of the ReOpening Report)
2. that six-foot physical spacing is being preserved with other residence hall building occupants (beyond the room/suite);
3. that the institution is allocating bedrooms (in the residential halls or elsewhere) to accommodate students who must be isolated; and
4. about how the institution is accommodating those students who are at greater risk for complications from COVID-19.

Some limited commentary about how the institution has addressed these issues.

Declaration that the guidelines for **residence hall/dormitory bathrooms** are being followed. **See Updates #3, #5 and #7 for additional guidance.**

Some limited commentary about how this is being achieved.

Orientation/Arrival: Declaration that the institution is organizing orientation and the return of students to maintain 6-foot physical distancing.

Some limited commentary about how this is being planned

Personal protective equipment: Masks: Declaration that all faculty, staff and students have been informed to wear masks.

Some limited commentary about whether and how these groups will be supplied masks or required to provide their own with some backup inventory maintained by the institution. Some commentary about how the institutions will respond to non-compliance (e.g., will students be prohibited from entering classrooms if they don't have masks?)

Other PPE requirements: Declaration that special populations on campus (e.g., health care workers, kitchen or custodial staff) will follow any special PPE requirements mandated more generally for those populations.

Some limited commentary about how each is being achieved.

Disinfection: Declaration that (i) hand sanitizers are available at entrances to all buildings, classrooms and dining halls, (ii) disposable wipes or cleaning solutions are available in all bathrooms, classrooms and other shared facilities (e.g., copy machines, coffee stations) for wiping down surfaces, (iii) students, faculty and staff are reminded to wash hands frequently, and (iv) public, corridor and office spaces and their bathrooms are cleaned in accordance with the State's general guidelines for businesses. **See Update #5 for additional guidance.**

Some limited commentary about how each is being achieved.

Travel: Declaration that students, faculty and staff have been advised to avoid unnecessary travel domestically, particularly to states deemed “hot spots” and internationally. ***This counsel will be altered as conditions warrant.***

Some limited commentary about how this is being communicated.

Staffing: Declaration that faculty, students and staff have been explicitly instructed not to come to work or leave their residence hall rooms if they are experiencing COVID-like symptoms. Also a Declaration about what advice, if any, the institution is giving to those who have higher likelihood of serious illness from COVID-19.

Some limited commentary on how this is being communicated.

Access to campus: Declaration of the institution’s plans for visitors to the campus. The ReOpen report suggests restricting the time, place and manner of admitting visitors onto campus to limit the transmission of the virus.

Some limited commentary on how this is being achieved.

Contracted staff are expected to abide by the same requirements/expectations as employees.

PART 2 – PLAN FOR MONITORING THE HEALTH OF STUDENTS, FACULTY AND STAFF

Testing of students in residential institutions for the COVID-19 virus: Declaration that the institution will conduct testing per the state’s public health guidelines. ***See Update #6 and Update #9 for specific guidance.***

It is imperative that each institution adjusts their testing protocol to match the latest guidance from the state which is updated regularly to address new public health concerns.

Commentary about how these plans will be implemented.

Ongoing testing of students for the COVID-19 virus : Declaration of the institution’s plan to conduct ongoing testing, in compliance with state public health guidance.

Commentary on how this is being achieved including description of testing partnership if provided by third party and testing of symptomatic residential students and residence hall staff. Additionally details should be provided on target populations such as athletes and athletic staff who may be tested more regularly.

Community colleges and other non-residential institutions with only commuting students are not required to test students. However, commuter colleges should formalize relationships with local departments of public health to support referrals for testing and contact tracing.

Some limited commentary about how these plans will be implemented.

Appointment of a COVID-19 Coordinator: Declaration of who the Coordinator is and that he or she will (i) be the liaison with the coordinators at the other colleges and universities who will convene periodically during the fall (and beyond if needed) and (ii) providing reporting to external stakeholders when requested.

Some limited commentary on how this is being achieved.

Protocol for collecting information about COVID-19 cases: Declaration that the institution has developed a protocol indicating that faculty, students and staff have been asked to inform immediately the campus health service (or a designated administrator) that they are experiencing possible COVID-19 symptoms, as well as a protocol for testing symptomatic students. (For students, faculty, or staff using an external health care provider, the institution should request that they inform a designated administrator if they test positive.)

Commentary about this protocol, which will help the institution respond to any “hot spots” of infection on campus and to undertake the contact tracing outlined in Part 3. Institutions may consider using an app to facilitate daily reporting of symptoms.

PART 3- PLAN FOR CONTAINMENT

Isolation space: Declaration that the institution has designated rooms and feeding arrangements for students who test positive and must be isolated. ***See Update #5 for additional guidance.***

Some limited commentary about where and how much isolation space has been designated.

Isolation protocol: Declaration that when a case of infection is detected, the institution will isolate the infected students for 14 days, trace contacts, quarantine all roommates and suitemates and consider quarantining others with close contact.

Some limited commentary on how this is being achieved.

Medical care for those isolated: Declaration of how the institution intends to provide medical care for infected students.

Some limited commentary on how this is being achieved. Daily telemedicine calls might be one part of monitoring.

Quarantine protocol: Declaration that the institution intends to quarantine students who are judged to require it and has designated rooms and feeding arrangements for students.

Some limited commentary on how this is being achieved. How the institution intends to quarantine (roommates, suitemates, and other close contacts?), and where (in a separate facility, or allowing roommates and suitemates to remain together if their shared bathroom is not used by others).

Contact tracing. Declaration of how the institution intends to conduct contact tracing. *See Update #1 for additional information.*

Some limited commentary on how this will be achieved. Institutions may prefer to train staff to serve as contact tracers, or ask local departments of public health for assistance, or provide their students, faculty, and staff with one of the several apps.

Commuter schools are encouraged to have system in place to document on campus activity to support contact tracing by the local health departments if needed.

Some limited commentary on how these plans will be implemented.

Liaison with regional hospitals and health care facilities. Declaration that the institution has been in contact with the key health care facilities in its area and has a liaison at each to assist if a surge occurs on campus and/or in the region.

Some limited commentary on how these plans will be achieved.

PART 4 – PLAN FOR SHUTDOWN

Shutdown initiated by the institution if a serious outbreak occurs on campus: Declaration of the protocol for an orderly shutdown if a serious outbreak occurs on campus that the institution and/or relevant state or local authorities conclude requires shutdown. This may warrant different treatment of local students and those who need to travel to other states or countries.

"The best practice according to the Public Health Committee of Reopen Connecticut is for the institution upon shutdown to keep on campus all persons with COVID-19 who are in isolation until they have been cleared to discontinue isolation according to CDC (or the Institution's) guidelines and also keep on campus those who are being quarantined until their quarantine period expires, according to CDC guidelines. This avoids sending students home when they can be contagious and when many will be using public transportation to travel."

Some limited commentary on how these plans will be implemented.

Shutdown of the State: Declaration that the institution will follow the instructions of the Governor if he determines that a statewide shutdown is again required.

Some limited commentary on how these plans will be implemented.

Plan for continuation of instruction if a shutdown occurs: Declaration about whether the institution would intend to continue instruction online if a shutdown occurs.

Some limited commentary how these plans will be implemented. Note that if the gating condition for reduction in the prevalence of the virus is not met this summer, the opening of the semester could be delayed; this, too, would require institutions to determine whether to start school online.

For questions, contact President Mark Ojakian at CSCU-President@ct.edu

**Update #6 to the Higher Education Report: Recommendations for Reopening Undergraduate Colleges and Universities
Interim Guidance for Testing Higher Education Residential Students and Residence Hall Directors
Issued by Mark E. Ojakian, State Lead for Reopening Higher Education
June 23, 2020**

This interim guidance, developed in consultation with the Connecticut Department of Public Health, is based on what is currently known about the transmission and severity of coronavirus disease 2019 (COVID-19). We will update this guidance as needed and as additional information becomes available.

Until a proven vaccine or approved therapy for COVID-19 is widely available, campus activity will involve some level of risk as operations resume. Institutions must develop robust and thoughtful plans for restarting operations that consider the concerns for public health. Institutions' plans must balance the health and safety of the entire institutional community, including students, faculty, and staff, with the need to resume educational activity.

Please note that this document is intended to be supplemental to federal and state requirements and guidance for institutions of higher education.

TYPES OF TESTS

SARS-CoV-2 is the name of the virus that causes COVID-19. Nucleic acid tests such as reverse transcriptase polymerase chain reaction (RT-PCR) help determine if a person is infected with the SARS-CoV-2 virus.

The following recommendations are for the use of nucleic acid tests to diagnose persons with current infection with SARS-CoV-2 virus. This document does not cover the use of antibody tests to help determine if someone was infected with SARS-CoV-2 virus in the past.

WHO SHOULD GET TESTED?

At the onset of the COVID-19 pandemic, nucleic acid testing was not widely available, and testing was limited to symptomatic individuals who may have been in contact with someone who was ill with COVID-19. Now that testing is more widely available, testing is recommended for all persons who are symptomatic and for those without symptoms in certain circumstances.

The goals of testing people without symptoms in certain populations or groups include the following: 1) prevent transmission in congregate settings among high risk persons; 2) inform infection control measures in healthcare settings and congregate facilities; and 3) protect persons living and working in high risk settings. Given these criteria, it has been determined that residential students and residence hall directors are subject to testing. No other faculty, staff or commuter students are required to be tested.

Symptomatic persons

Symptomatic persons are the highest priority for testing. Persons who test positive for the virus that causes COVID-19 need to be isolated and their close contacts need to be identified and asked to self-quarantine.

The virus that causes COVID- 19 is still being passed from person-to-person in Connecticut, although much less than what was seen in April and early May 2020. Persons that have any of the following symptoms should talk to a health care provider about being tested for COVID-19 or seek testing at a community site, even if these symptoms are mild:

- Fever or feeling feverish
- Cough
- Difficulty breathing
- Sore throat
- Muscle or body aches
- Vomiting or diarrhea
- New loss of taste or smell

Contacts to persons with COVID-19

Testing is recommended for asymptomatic persons who are contacts of persons with confirmed or probable COVID-19. Persons who are contacts to a person with COVID-19 should quarantine for 14 days after their last exposure to that person. If an asymptomatic person who had been in close contact with a person with laboratory-confirmed COVID-19 tests negative during their 14-day quarantine period, this person should continue to observe quarantine for the full 14-days by remaining separated from others within their residence and monitoring for symptoms.

The Centers for Disease Control and Prevention (CDC) defines a close contact as someone who was within 6 feet of an infected person for at least 15 minutes starting from 2 days before illness onset (or, for asymptomatic patients, 2 days prior to specimen collection).

Asymptomatic persons

Testing of asymptomatic persons is not a replacement for other measures to prevent the spread of SARS-CoV-2, including wearing appropriate personal protective equipment (PPE), social distancing (when possible), wearing of facemasks or cloth face coverings in congregate settings (“universal source control”), good hand hygiene, and regular cleaning and disinfection procedures.

Because some groups have been shown to be at higher risk for infection and rapid spread of COVID-19, repeated testing is recommended for asymptomatic persons without a history of recent infection in these groups for as long as infection remains present in those settings.

CAMPUS ARRIVAL PROCESS

Given the close quarters of living together and the higher risk for sharing the virus than in the community at large, all students and staff residing in residence halls will be subject to testing.

- Incoming residential students must have documentation that they have had a RT-PCR COVID-19 test within 14 days of arrival on campus. This documentation must be submitted online before arrival on campus or in person on arrival.
- Students who get positive test results must notify the university and delay their arrival on campus until 10 days have passed with no symptoms from the date of the test. This time may be extended for students who become symptomatic. Self-isolation may continue beyond the minimum 10-day period until their symptoms have improved and they are fever free for 72 hours according to CDC guidelines. The school may also request a request note from a medical provider stating the student is cleared to arrive on campus.
- Students will submit an online self-screening symptom questionnaire upon arrival on campus and each day for the first 7 days on campus.
- Arrangements will be made by the university for students who arrive on campus without the required testing documentation to be tested within 7 days of arrival on campus. These students will be asked to self-quarantine until they test negative for COVID-19. Students with positive test results must self-isolate for 10 days from the date of the test. This time may be extended for students who become symptomatic. Self-isolation may continue beyond the minimum 10-day period according to CDC guidelines

AS THE SEMESTER PROGRESSES

- Any student with symptoms of potential COVID-19 infection WILL be evaluated and tested as soon as possible.
- 5% to 10% of residential students and residence hall directors will be tested weekly in each dorm using the RT-PCR COVID-19 test. This will include random sampling of the population and targeted testing. The purpose is to identify person-to-person spread of the virus and guide the implementation of control measures throughout the semester. When pooling of samples for PCR testing is approved for use by the Food and Drug Administration (FDA), this approach can be used to implement screenings.
- Students and staff who test positive must self-isolate until 10 days have passed with no symptoms from the date of the test. This 10-day period may be extended for those who develop symptoms according to CDC guidelines.
- Contacts of students and staff who test positive will be identified and tested using the RT-PCR COVID-19 test. If an asymptomatic contact tests negative during their 14-day quarantine period, this person should continue to observe quarantine for the full 14-days and self- monitor for symptoms.
- Contact tracing might result in the testing of all the students and staff in a residence hall.

OTHER COVID-19 TESTING CONSIDERATIONS

- The state will make testing (collection through analysis) available to public institutions of higher education at no cost for the testing of asymptomatic residential hall students and directors if not covered by health insurance. Public institutions will be connected to state vendors to secure the services.
- Private colleges and boarding high schools may be connected to state vendors to secure the same services at their cost.
- To ease the testing burden and to promote social distancing, campuses may move residential students back into dorms in stages beginning on August 14th.

Update #9 to the Higher Education Report: Recommendations for Reopening Undergraduate Colleges and Universities
Testing Guidance Revised
Issued by Mark Ojakian, State Lead for Reopening Higher Education
July 17, 2020

Pursuant to the June 23rd (Update #6) guidance and in consultation with Department of Public Health, the testing guidance has been updated to incorporate new public health information and the Governor's travel advisory. This guidance is supplemental to the campus arrival process and as the semester progresses sections of Update #6.

All residential students from Connecticut must have a negative test result as close to the time of arrival on campus as possible, preferably 72 hours but no later than 14 days in advance of moving into their dorm room. Testing is not required for Connecticut commuter students living at home or off campus.

All out-of-state students, regardless of whether they live on campus or off campus, must have a negative test result as close to the time of arrival on campus as possible. The test must be administered preferably 72 hours but no earlier than 14 days in advance of moving into their dorm room or, for non-residential students, when classes begin. Any student awaiting test results, must quarantine until results are available.

All out-of-state students who live either on or off campus should come to Connecticut prepared to quarantine for 14 days upon arrival in their dorm room or in off campus housing and in advance of the start of classes. This is the best way to ward against the spread of the virus from other states and schools are encouraged to quarantine students wherever possible. Campuses may begin to have out-of-state students begin their quarantine as early as August 3rd.

Students may quarantine in their dorm room, with their assigned roommates. Campuses do not need to create separate isolation space for the recommended 14-day quarantine for out of state students.

All test results should be sent in to the institution prior to arriving on campus.

Per the June 23rd guidance, arrangements should be made by the university for students who arrive on campus without the required testing documentation to be tested prior to moving into their dorm room or for non-residential students arriving for first day of classes. These students will be asked to self-quarantine until they test negative for COVID-19.

Additionally, institutions of higher education are encouraged to promptly test again all students arriving in Connecticut from out of state, particularly from a state listed on the travel advisory list at the time, both residential and those living off campus, and require those students to quarantine until the results are known.

Alternately, institutions should prioritize testing students that arrive from out of state, particularly those on the travel advisory list, the first week of classes as part of their required sample testing, regardless of whether they live on campus or off campus.

CT BOARD OF REGENTS FOR HIGHER EDUCATION

RESOLUTION

concerning

Statement of Title IX Policy

July 29, 2020

- WHEREAS, The Board of Regents in accord with the Connecticut State Colleges and Universities comprised of seventeen institution and a System Office, is committed to ensuring that each member of every BOR governed college or university community has the opportunity to participate fully in the process of education and development; and
- WHEREAS, The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual misconduct and relationship violence. It is the intent of the BOR and each of its colleges or universities to provide safety, privacy and support to victims of sexual misconduct and relationship violence; and
- WHEREAS, The United States Department of Education promulgated regulations under Title IX of the Education Amendments of 1972 (“Title IX”) and set forth certain specific requirements, which become effective on August 14, 2020; and
- WHEREAS, The Board of Regents consistent with the goal providing safe environments at all of its campuses for all who frequent them, sets forth a “Statement of Title IX Policy” therefore be it
- RESOLVED, That the Board of Regents formally adopts a “Statement of Title IX Policy” effective August 14, 2020.

A True Copy:

Erin A. Fitzgerald, Secretary of the
CT Board of Regents for Higher Education

ITEM

The Board of Regents for Higher Education adopts a “Statement of Title IX” Policy to comply with the United States Department of Education regulations under Title IX of the Education Amendments of 1972 (“Title IX”)

BACKGROUND

The United States Department of Education promulgated regulations under Title IX of the Education Amendments of 1972 (“Title IX”) to address sexual discrimination, specifically sexual harassment. These regulations require the adoption of policy. The Statement of Title IX policy is set forth to comply with that requirement.

RECOMMENDATION

That the Board of Regents for Higher Education formally adopts “Statement of Title IX” effective August 14, 2020.

Board of Regents for Higher Education
Connecticut State Colleges and Universities
Regarding
Statement of Title IX Policy

Consistent with Title IX of the Education Amendments of 1972 (“Title IX”)ⁱ, the Connecticut State Colleges and Universities (CSCU) does not and will not discriminate against students, faculty or staff based upon sex in any of its programs or activities, including but not limited to education programs, employment or admission. Further, retaliation against any person who made a complaint, testified, assisted, participated or refused to participate in a Title IX process will not be tolerated.

The Board of Regents for Higher Education (BOR) is committed to ensuring that each member of the CSCU community has the opportunity to participate fully in the process of education and development. The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual discrimination, including, sexual harassment, sexual assault, dating violence and stalking. It is the intent of the BOR that each college and university provide safety, privacy and support.

The BOR strongly encourages students, parents, bystanders and employees to alert Title IX Coordinators to sexual discrimination, including sexual harassment. Title IX Coordinators will promptly address these matters and treat all parties equitably. In accordance with federal law, those accused of engaging in prohibited conduct will be presumed not responsible and receive no punitive treatment unless and until found responsible after due process. All BOR governed colleges and universities will provide complainants and the respondents with supportive measures, including referral to agencies that provide medical attention, counseling, legal services, advocacy, referrals and other relevant information.

Under Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioned in the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or
3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v)ⁱⁱ, “dating violence” as defined in 34 U.S.C. 12291(a)(10)ⁱⁱⁱ, “domestic violence” as defined in 34 U.S.C. 12291(a)(8)^{iv}, or “stalking” as defined in 34 U.S.C. 12291(a)(30).^v

If the institution’s Title IX Coordinator determines that the alleged harassment meets the above definition of sexual harassment, as well as occurred within the United States on property owned or controlled by the institution or any building owned or controlled by a student organization officially recognized by the institution, and at the time of the filing the complainant was

7/29/2020

participating or attempting to participated in an educational program or activity at the particular College or University the Title IX coordinator will initiate a Title IX process. If the Title IX Coordinator determines that the alleged harassment does not meet the above factors, but the alleged misconduct violates BOR policy the Title IX Coordinator will comply with the BOR Sexual Misconduct Reporting, Supportive Measures and Processes Policy. If the institution's Title IX Coordinator determines that the allegations do not constitute a violation of either Title IX or Board policy and can make no finding of responsibility, complainant and respondent will be notified that the matter will be closed.

Sexual harassment will not be tolerated.

Any inquiries about this policy should be directed to the Title IX Coordinator

ⁱ Title IX states that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance"

ⁱⁱ 20 U.S.C. 1092(f)(6)(A)(v), The term "[sexual assault](#)" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

ⁱⁱⁱ 34 U.S.C. 12291(a)(10) The term "[dating violence](#)" means violence committed by a person - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

^{iv} 34 U.S.C. 12291(a)(8) The term "[domestic violence](#)" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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 the jurisdiction.

^v 34 U.S.C. 12291(a)(30) (30) The term "[stalking](#)" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

CT BOARD OF REGENTS FOR HIGHER EDUCATION

RESOLUTION

concerning

Policy Regarding

Sexual Misconduct Reporting, Supportive Measures and Processes Policy

July 29, 2020

- WHEREAS, The Board of Regents in accord with the Connecticut State Colleges and Universities comprised of seventeen institution and a System Office, is committed to insuring that each member of every BOR governed college or university community has the opportunity to participate fully in the process of education and development; and
- WHEREAS, The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual misconduct and relationship violence. It is the intent of the BOR and each of its colleges or universities to provide safety, privacy and support to victims of sexual misconduct and relationship violence; and
- WHEREAS, The Board of Regents for Higher Education adopted policy regarding “Sexual Misconduct Reporting, Support Services and Processes Policy, as amended from time to time; and
- WHEREAS, The United States Department of Education promulgated regulations under Title IX of the Education Amendments of 1972 (“Title IX”) and set forth certain specific requirements, which become effective on August 14, 2020; and
- WHEREAS, The Board of Regents consistent with the goal providing safe environments at all of its campuses for all who frequent them, has reviewed its policy regarding “Sexual Misconduct, Sexual Assault and Intimate Partner Violence Policy” and revised the policy so that it is consistent with the regulations; therefore be it
- RESOLVED, That the Board of Regents formally amends the renamed the “Sexual Misconduct Reporting, Supportive Measures and Processes Policy” effective August 14, 2020.

A True Copy:

Erin A. Fitzgerald, Secretary of the
CT Board of Regents for Higher Education

ITEM

The Board of Regents for Higher Education renames and amends its' policy regarding "Sexual Misconduct Reporting, Supportive Measures and Processes" to comply with the United States Department of Education regulations under Title IX of the Education Amendments of 1972 ("Title IX")

BACKGROUND

The United States Department of Education promulgated regulations under Title IX of the Education Amendments of 1972 ("Title IX") to address sexual discrimination, specifically sexual harassment. These regulations preempt previous Title IX provisions, but do not obviate the requirements of state law. The policy regarding Sexual Misconduct Reporting, Support Services and Processes Policy was initially drafted to comply with Connecticut General Statute section 10a-55m. That statute implicitly codified some of the U.S. Department of Education Title IX guidance and the Violence Against Women Act (VAWA) requirements. Although the Title IX requirements are now less stringent, the Connecticut State Colleges and Universities must adhere to State's requirements in addition to federal requirements. The amended policy incorporates the federal changes while preserving BOR policy that was created in compliance with Connecticut law.

ANALYSIS

The Policy has been amended to include the requirements of the Title IX regulations. This includes subtle changes in nomenclature such as use of the terms complainant, and respondent, and supportive measures instead of support services, and provides more examples of appropriate supportive measures. It requires that respondents and complainants be treated equally and that respondents are presumed not responsible and not be subjected punitive measures until found responsible.

Most significant, however, is the revised section on Sexual Misconduct Investigation and Procedures. This policy clearly presents the role of the Title IX Coordinator to determine not only supportive measures, but also whether a matter is within the scope of Title IX. If the matter is within the scope of Title IX, the highly prescriptive Title IX procedures will apply. Those procedures will be applied to students, faculty and staff alike.

All of the revisions to the policy were made to bring the policy into compliance with federal law.

RECOMMENDATION

That the Board of Regents for Higher Education rename and amend the Sexual Misconduct Reporting, Supportive Measures and Processes Policy effective August 14, 2020.

**Board of Regents for Higher Education
Connecticut State Colleges and Universities**

**Policy Regarding
Sexual Misconduct Reporting, Supportive Measures and Processes Policy**

STATEMENT OF POLICY

The Board of Regents for Higher Education (BOR) in conjunction with the Connecticut State Colleges and Universities (CSCU) is committed to ensuring that each member of every BOR governed college and university community has the opportunity to participate fully in the process of education and development. The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual misconduct, including, sexual harassment, sexual assault, intimate partner violence and stalking. It is the intent of the BOR and each of its colleges or universities to provide safety, privacy and support to victims of sexual misconduct and intimate partner violence.

The BOR strongly encourages students, parents, bystanders and employees to report any instance of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking and intimate partner violence. Title IX Coordinators will promptly address these matters and treat all parties equitably. In accordance with federal law Respondents will be presumed not responsible and receive no punitive treatment unless and until found responsible after due process. All BOR governed colleges and universities will provide complainants and respondents with supportive measures, including referral to agencies that provide medical attention, counseling, legal services, advocacy, referrals and general information regarding sexual misconduct.

All CSCU employees and support persons will make any limits of confidentiality clear before any disclosure of facts takes place. Other than confidential resources as defined below and employees who qualify as Campus Security Authorities under the Jeanne Clery Act, all CSCU employees are required to immediately communicate to the institution's Title IX Coordinator any disclosure or report of sexual misconduct received from a student as well as communicate any disclosure or report of sexual misconduct the employee received from another employee when misconduct is related to the business of the institution.

Affirmative consent must be given by all parties before engaging in sexual activity. Affirmative consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person. Sexual misconduct, as defined herein, is a violation of BOR policies and, in addition, may subject an accused student or employee to criminal penalties. The BOR and each of its governed colleges and universities are committed to providing an environment free of personal offenses. Sexual relationships of any kind between staff/faculty and students are discouraged pursuant to BOR policy.

The Board of Regents for Higher Education hereby directs the Connecticut State Colleges and Universities to implement the Policy stated above pursuant to the following provisions:

TERMS, USAGE AND STANDARDS

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Sexual Misconduct Reporting
Support Services and Processes Policy

Consent must be affirmed and given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is a mutually affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. Consent may be revoked at any time during the sexual activity by any person engaged in the activity.

Affirmative consent may never be assumed because there is no physical resistance or other negative response. A person who initially consents to sexual activity shall be deemed not to have affirmatively consented to any such activity which occurs after that consent is withdrawn. It is the responsibility of each person to assure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that affirmative consent is sustained throughout the sexual activity. It shall not be a valid excuse to an alleged lack of affirmative consent that the student or employee responding to the alleged violation believed that the student reporting or disclosing the alleged violation consented to the activity (i) because the responding student or employee was intoxicated or reckless or failed to take reasonable steps to ascertain whether the student or employee reporting or disclosing the alleged violation affirmatively consented, or (ii) if the responding student or employee knew or should have known that the student or employee reporting or disclosing the alleged violation was unable to consent because the student or employee was unconscious, asleep, unable to communicate due to a mental or physical condition, or incapacitated due to the influence of drugs, alcohol or medication. The existence of a past or current dating or sexual relationship between the persons involved in the alleged violation shall not be determinative of a finding of affirmative consent.

Report means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegation of sexual harassment. At the time of the filing the formal complaint, the complainant must be participating in or attempting to participate in an education program or activity of the institution.

Disclosure is the receipt of any communication of an incident of sexual misconduct that is not accompanied by a request for an investigation or adjudication by the institution.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual misconduct includes engaging in any of the following behaviors:

- (a) **Sexual harassment**, which can include any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment; submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive educational or employment environment. Examples of conduct which may constitute sexual harassment include but are not limited to:

Sexual Misconduct Reporting
Support Services and Processes Policy

- sexual flirtation, touching, advances or propositions
- verbal abuse of a sexual nature
- pressure to engage in sexual activity
- graphic or suggestive comments about an individual's dress or appearance
- use of sexually degrading words to describe an individual
- display of sexually suggestive objects, pictures or photographs
- sexual jokes
- stereotypic comments based upon gender
- threats, demands or suggestions that retention of one's educational status is contingent upon toleration of or acquiescence in sexual advances.

(b) ***Sexual assault*** shall include but is not limited to a sexual act directed against another person without the consent (as defined herein) of the other person or when that person is not capable of giving such consent-

Sexual assault is further defined in sections 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b and 53a-73a of the Connecticut General Statutes.

(c) ***Sexual exploitation*** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
- Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- Going beyond the bounds of consent (for example, an individual who allows friends to hide in the closet to watch him or her having consensual sex);
- Engaging in non-consensual voyeurism;
- Knowingly transmitting an STI, such as HIV to another without disclosing your STI status;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; or
- Possessing, distributing, viewing or forcing others to view illegal pornography.

Sexual exploitation is further defined as a crime in Connecticut State Law.

(d) ***Intimate partner, domestic and/or dating violence means*** any physical or sexual harm against an individual by a current or former spouse of or person in a dating or cohabitating relationship with such individual that results from any action by such spouse or such person that may be classified as a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes, stalking under section 53a-181c, 53a-181d or 53a-181e of the

Sexual Misconduct Reporting
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general statutes, or domestic or family violence as designated under section 46b-38h of the general statutes. This includes any physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1) sexual assault (2) sexual assault in a spousal or cohabiting relationship; (3) domestic violence; (4) sexual harassment (5) sexual exploitation, as such terms are defined in this policy.

Offenses that are designated as “domestic violence” are against family or household members or persons in dating or cohabiting relationships and include assaults, sexual assaults, stalking, and violations of protective or restraining orders issued by a Court. Intimate partner violence may also include physical abuse, threat of abuse, and emotional abuse.

- Physical abuse includes, but is not limited to, slapping, pulling hair or punching.
- Threat of abuse includes but is not limited to, threatening to hit, harm or use a weapon on another (whether victim or acquaintance, friend or family member of the victim) or other forms of verbal threat.
- Emotional abuse includes but is not limited to, damage to one’s property, driving recklessly to scare someone, name calling, threatening to hurt one’s family members or pets and humiliating another person.
- Cohabitation occurs when two individuals dwell together in the same place as if married.
- The determination of whether a “dating relationship” existed is to be based upon the following factors: the complainant’s statement as to whether such a relationship existed, the length of the relationship, the type of the relationship and the frequency of the interaction between the persons reported to be involved in the relationship.

(e) ***Stalking***, which is defined as repeatedly contacting another person when contacting person knows or should know that the contact is unwanted by the other person; and the contact causes the other person reasonable apprehension of imminent physical harm or the contacting person knows or should know that the contact causes substantial impairment of the other person’s ability to perform the activities of daily life.

As used in this definition, the term “contacting” includes, but is not limited to, communicating with (including internet communication via e-mail, instant message, on- line community or any other internet communication) or remaining in the physical presence of the other person.

Retaliation is prohibited and occurs when a person is subjected to an adverse employment or educational action because he or she made a complaint under this policy or assisted or participated in any manner in an investigation. No institution or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report of complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing related to a report or complaint related to sex discrimination.

CONFIDENTIALITY

When a BOR governed college or university receives a report of sexual misconduct all reasonable steps will be taken by the appropriate CSCU officials to preserve the privacy of the complainant and

Sexual Misconduct Reporting Support Services and Processes Policy

respondent while promptly investigating and responding to the report. While the institution will strive to maintain the confidentiality of personally identifiable student information reported, which information is subject to privacy requirements of the Family Education Rights Privacy Act (FERPA), the institution also must fulfill its duty to protect the campus community.

Confidential resources are defined as follows: For the Universities, entities with statutory privilege, which include campus based counseling center, health center and pastoral counseling staff members whose official responsibilities include providing mental health counseling to members of the University community as well as off campus counseling and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center and Domestic Violence Center. For the Colleges, confidential resources are limited to entities with statutory privilege, such as off campus counseling, on campus counseling where available, and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center and Domestic Violence Center. The personnel of these centers and agencies are bound by state statutes and professional ethics from disclosing information about reports without written releases.

Information provided to a confidential resource by a complainant or respondent cannot be disclosed legally to any other person without consent, except under very limited circumstances, such as an imminent threat of danger to self or others or if the reported complainant is a minor. Therefore, for those who wish to obtain the fullest legal protections and disclose in full confidentiality, she/he must speak with a confidential resource. Each BOR governed college and university will provide a list of such confidential resources in the College or University's geographic region to complainants and respondents as well as publish these resources on-line and in various publications.

Where it is deemed necessary for the institution to take steps to protect the safety of members of the campus community, the institution will seek to act in a manner so as not to compromise the privacy or confidentiality of the either the complainant or respondent to the extent reasonably possible.

MANDATED REPORTING BY COLLEGE AND UNIVERSITY EMPLOYEES

Other than confidential resources as defined above, in addition to employees who qualify as Campus Security Authorities under the Jeanne Clery Act, all employees are required to immediately communicate to the institution's designated recipient (e.g., Title IX Coordinator) any disclosure or report of sexual misconduct received from a student regardless of the age of the complainant. All employees are also required to communicate to the institution's designated recipient (e.g., Title IX Coordinator) any disclosure or report of sexual misconduct received from an employee that impacts employment with the institution or is otherwise related to the business of the institution.

Upon receiving a disclosure or a report of sexual misconduct, employees are expected to supportively, compassionately and professionally offer academic and other accommodations and to provide a referral for support and other services.

Further, in accordance with Connecticut State law, with the exception of student employees, any paid administrator, faculty, staff, athletic director, athletic coach or athletic trainer who, in the ordinary course of their employment, has a reasonable cause to suspect or believe that a person under the age

Sexual Misconduct Reporting
Support Services and Processes Policy

of 18 years has been abused or neglected, has been placed in imminent harm or has had a non-accidental injury is required by law and Board policy to report the incident within twelve hours to their immediate supervisor and to the Department of Children and Families.

RIGHTS OF PARTIES

Complainants and respondents will be informed in a timely manner of all their rights and options, including the necessary steps and potential outcomes of each option. Complainants and respondents shall be offered non-disciplinary, non-punitive individualized services as appropriate and available that are designed to restore or preserve equal access to the institution's education program or activity without unreasonably burdening the other party, which may include measures designed to protect the safety of all parties or the institution's educational environment or deter sexual harassment.

When choosing a reporting resource the following information should be considered:

- All reports of sexual misconduct will be treated seriously and with dignity by the institution.
- Referrals to off-campus counseling and medical services that are available immediately and confidential, whether or not those who report feel ready to make any decisions about reporting to police, a college or university employee or the campus's Title IX Coordinator.
- Information regarding the right to take both criminal and civil legal action against the individual allegedly responsible.
- Those who seek confidentiality may contact a clergy member(s), a University counseling center psychologist, a University health center care provider, the Sexual Assault Crisis Center of Connecticut and/or the Connecticut Coalition Against Domestic Violence – all of whom are bound by state statutes and professional ethics to maintain confidentiality without written releases.

RIGHT TO NOTIFY LAW ENFORCEMENT & SEEK PROTECTIVE AND OTHER ORDERS

Complainants and respondents shall be provided written information about her/his right to:

- (1) notify law enforcement and receive assistance from campus authorities in making the notification; and,
- (2) obtain a protective order, apply for a temporary restraining order or seek enforcement of an existing order. Such orders include:
 - standing criminal protective orders;
 - protective orders issued in cases of stalking, harassment, sexual assault, or risk of injury to or impairing the morals of a child;
 - temporary restraining orders or protective orders prohibiting the harassment of a witness;
 - family violence protective orders.

The institution will also honor lawful protective or temporary restraining orders.

Sexual Misconduct Reporting
Support Services and Processes Policy

Each and every BOR governed college and university shall create and provide information specific to its campus detailing the procedures to follow after the commission of such violence, including people or agencies to contact for reporting purposes or to request assistance, and information on the importance of preserving physical evidence.

OPTIONS FOR CHANGING ACADEMIC, HOUSING, TRANSPORTATION AND WORKING ARRANGEMENTS

College and university Title IX Coordinators will provide supportive measures to complainants and respondents. These supportive measures may include, but are not limited to, reasonably available options for changing academic situations, including but not limited to extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus transportation and escort services, mutual restrictions on contact between parties, leaves of absence, increased security and monitoring and housing or working situations.

SUPPORT SERVICES CONTACT INFORMATION

It is BOR policy that whenever a college or university Title IX Coordinator or other employee receives a report of sexual misconduct, the Title IX Coordinator shall immediately provide all parties with contact information for and, if requested, professional assistance in accessing and using any appropriate campus resources, or local advocacy, counseling, health, and mental health services, without fee. All CSUC campuses shall develop and distribute contact information for this purpose as well as provide such information on-line.

SEXUAL MISCONDUCT INVESTIGATION AND PROCEDURES

All complaints of sexual misconduct will be reviewed by the college or university Title IX Coordinator who will determine supportive measures and whether the complaint falls within the scope of Title IX. If the institution's Title IX Coordinator determines that the alleged harassment is

- (1) so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity; or,
- (2) implicates an employee of the institution, alleging that the employee conditioned a provision of an aid, benefit, or service upon the complainant's participation in unwelcome sexual conduct; or,

Sexual Misconduct Reporting
Support Services and Processes Policy

(3) alleges “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v)¹, “dating violence” as defined in 34 U.S.C. 12291(a)(10)², “domestic violence” as defined in 34 U.S.C. 12291(a)(8)³, or “stalking” as defined in 34 U.S.C. 12291(a)(30)⁴ as defined in 34 U.S.C. 12291(a)(30)⁵

and

(4) the alleged harassment occurred within the United States on property owned or controlled by the institution or any building owned or controlled by a student organization officially recognized by the institution; and

(5) at the time of the filing the Complainant was participating or attempting to participate in the educational program or activity;

The Title IX coordinator will initiate the Title IX Process which shall be applicable to students, faculty and staff. The Title IX Process and Procedures are available on-line and through the Office of the Title IX Coordinator.

If the institution’s Title IX Coordinator determines that the alleged harassment does not meet the factors above but the alleged misconduct violates BOR Policy, the following procedures apply:

- Each party shall have the opportunity to request that an investigation or disciplinary proceedings begin promptly; that such disciplinary proceedings shall be conducted by an official trained annually in issues relating to sexual assault, stalking and dating, domestic or intimate partner violence and shall use the preponderance of the evidence (more likely than

¹ 20 U.S.C. 1092(f)(6)(A)(v), The term “[sexual assault](#)” means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

² 34 U.S.C. 12291(a)(10) The term “[dating violence](#)” means violence committed by a person - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

³ 34 U.S.C. 12291(a)(8) The term “[domestic violence](#)” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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 the jurisdiction.

⁴ 34 U.S.C. 12291(a)(30) (30) The term “[stalking](#)” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

⁵ 34 U.S.C. 12291(a)(30) (30) The term “[stalking](#)” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Sexual Misconduct Reporting
Support Services and Processes Policy

not) standard in accordance with State law in making a determination concerning sexual assault, stalking or domestic/dating/intimate partner violence.

- Both the complainant and respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual misconduct by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled and provided such an advisor or support person may not directly address the Hearing Body, question witnesses or otherwise actively participate in the hearing process or other meeting pertaining to a report of sexual misconduct and each party shall have the opportunity to present evidence and witnesses on her/his behalf during any disciplinary proceeding.
- Both parties are entitled to be provided at the same time written notice of the results of any disciplinary proceeding, normally within one (1) business day after the conclusion of such proceeding, which notice shall include the following: the name of the respondent the violation committed, if any, and any sanction imposed upon the respondent. Sanctions may range from a warning to expulsion, depending upon the behavior and its severity of the violation(s). The complainant shall have the same right to request a review of the decision of any disciplinary proceeding in the same manner and on the same basis as shall the respondent; however, in such cases, if a review by any complainant is granted, among the other actions that may be taken, the sanction of the disciplinary proceeding may also be increased. Both the complainant and respondent are entitled to be simultaneously provided written notice of any change in the results of any disciplinary proceeding prior to the time when the results become final as well as to be notified when such results become final.

If the institution's Title IX Coordinator determines that the allegations do not constitute a violation of either Title IX or Board policy and can make no finding of responsibility, complainant and respondent shall be notified that the matter shall be closed.

Employee sexual misconduct not subject to Title IX is subject to discipline in accordance with the procedures applicable to the employee's classification of employment.

REVIEW AND AUDIT

The Title IX Coordinator will report to the President of the institution all findings on reported sexual misconduct matters. The Title IX Coordinator shall include within its annual Connecticut General Statute 10a-55m Sexual Misconduct Report a separate report specifically disclosing the number of complaints, the subject matter of each complaint and the final outcome of each case processed under Title IX. At a joint meeting of the Human Resources and Administration Committee and the Academic and Student Affairs Committee, the CSU Title IX Coordinator will

Sexual Misconduct Reporting
Support Services and Processes Policy

report annually on CSCU data of complaints and outcomes of sexual misconduct matters reviewed under Title IX, BOR policies, and other applicable state statutes.

DISSEMINATION OF THIS POLICY

Upon adoption by the Board all CSCU institutions shall, upon receipt, immediately post and maintain this policy at all times in an easily accessible manner on each institution's website, handbook and catalogue. This policy shall thereafter be annually provided to all Title IX Coordinators, campus law enforcement officers and security personnel, and other campus personnel. Further, this policy shall be presented at student orientation and at student awareness and prevention trainings, and made broadly available at each campus. The policy shall be expanded upon by each institution to provide resources and contact information specific to their institution and geographic area as set forth above. This includes but is not limited to the name, office address, email address and telephone number of the Title IX Coordinators.

CT BOARD OF REGENTS FOR HIGHER EDUCATION

RESOLUTION

concerning

Amendment of the CSCU Student Code of Conduct

July 29, 2020

- WHEREAS, The Board of Regents for Higher Education on March 13, 2014 adopted the Student Code of Conduct and has amended the document from time to time to remain consistent with the law; and
- WHEREAS, The United States Department of Education promulgated regulations under Title IX of the Education Amendments of 1972 (“Title IX”) and set forth certain specific requirements, which become effective on August 14, 2020; and
- WHEREAS, The Student Code of Conduct, Part E: Hearing Procedures for Sexual Misconduct, Sexual Intimate Partner, Domestic Violence & Stalking Reports, must be amended to address the requirements set forth in the Title IX Regulations; therefore be it
- RESOLVED, That the Board of Regents amends The Student Code of Conduct, Part E: Hearing Procedures for Sexual Misconduct, Sexual Intimate Partner, Domestic Violence & Stalking Reports effective August 14, 2020.

A True Copy:

Erin A. Fitzgerald, Secretary of the
CT Board of Regents for Higher Education

ITEM

The Board of Regents for Higher Education amends the “Student Code of Conduct, Part E: Hearing Procedures for Sexual Misconduct, Sexual Intimate Partner, Domestic Violence & Stalking Reports” to comply with United States Department of Education promulgated Regulations under Title IX of the Education Amendments of 1972 (“Title IX”).

BACKGROUND

The United States Department of Education promulgated regulations under Title IX of the Education Amendments of 1972 (“Title IX”). These regulations set forth certain specific requirements, including, but not limited to factors for determining whether a matter is subject to Title IX. However, the factors are limiting and certain acts of sexual misconduct that would violate the Student Code of Conduct do not violate Title IX. The changes to Part E of the Student Code of Conduct provide for following the processes required under Title IX, while continuing to provide the institutions with a process for addressing sexual misconduct that violates the BOR policy and the Code of Conduct.

ANALYSIS

The revisions to the Student Code of Conduct appear only in Part E.

In accordance with the requirements of the Title IX regulations, the parties are referred to as “Complainant” and “Respondent” with an emphasis on equal treatment of both parties. The amended Code of Student Conduct clearly presents the role of the Title IX Coordinator to determine not only supportive measures, but also whether a matter is within the scope of Title IX, within the Student Code of Conduct or fails to meet either standard. These changes are necessary for compliance with State and Federal law and existing Board policy.

RECOMMENDATION

That the Board of Regents for Higher Education amend the “Student Code of Conduct, Part E: Hearing Procedures for Sexual Misconduct, Sexual Intimate Partner, Domestic Violence & Stalking Reports” effective August 14, 2020.

PART E: HEARING PROCEDURES FOR SEXUAL MISCONDUCT, SEXUAL INTIMATE PARTNER, DOMESTIC VIOLENCE & STALKING REPORTS

In addition to disciplinary procedures applicable to State University students in Section II, Community College students in Section III, and Charter Oak State College Students in Section IV, for any hearing conducted involving allegations of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking and intimate partner violence the Complainant and the Respondent shall each have the following rights:

1. All complaints of sexual misconduct will be reviewed by the Title IX Coordinator who will determine supportive measures and whether the complaint falls within the scope of Title IX.
2. If the institution's Title IX Coordinator determines that the alleged harassment is
 - (1) so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity; or,
 - (2) implicates an employee of the institution, alleging that the employee conditioned a provision of an aid, benefit, or service upon the complainant's participation in unwelcome sexual conduct; or,
 - (3) alleges "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v)¹, "dating violence" as defined in 34 U.S.C. 12291(a)(10)², "domestic violence" as defined in 34 U.S.C. 12291(a)(8)³, or "stalking" as defined in 34 U.S.C. 12291(a)(30)⁴ as defined in 34 U.S.C. 12291(a)(30)⁵

and

¹ 20 U.S.C. 1092(f)(6)(A)(v), The term "[sexual assault](#)" means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

² 34 U.S.C. 12291(a)(10) The term "[dating violence](#)" means violence committed by a person - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

³ 34 U.S.C. 12291(a)(8) The term "[domestic violence](#)" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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 the jurisdiction.

⁴ 34 U.S.C. 12291(a)(30) (30) The term "[stalking](#)" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

⁵ 34 U.S.C. 12291(a)(30) (30) The term "[stalking](#)" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

(4) the alleged harassment occurred within the United States on property owned or controlled by the institution or any building owned or controlled by a student organization officially recognized by the institution; and

(5) at the time of the filing the Complainant was participating or attempting to participate in the educational program or activity;

The Title IX coordinator will initiate the Title IX Process.

The Title IX Process and Procedures are available on-line and through the Office of the Title IX Coordinator.

3. If the institution's Title IX Coordinator determines that the alleged harassment does not meet the factors in Section 2 above, but the alleged misconduct violates the Student Code of Conduct, the following procedures apply:

- a. At any meeting or proceeding, both the Complainant and Respondent (Respondent means the person who has been reported to be the perpetrator of conduct violating the Student Code of Conduct) may be accompanied by an advisor or support person of the student's choice provided the advisor or support person does not cause a scheduled meeting or hearing to be delayed or postponed and provided an advisor or support person may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process (or other proceeding or pertaining to a report of sexual misconduct);
- b. Both the Complainant and Respondent are entitled to request that disciplinary proceedings begin promptly;
- c. Any hearing regarding an accusation of sexual misconduct shall (i) be fair, prompt and impartial; (ii) be conducted by a Hearing Body annually trained in issues relating to sexual misconduct (iii) use the preponderance of evidence (more likely than not) standard; (iv) shall allow both the Complainant and Respondent the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding; (v) provide both the Complainant and Respondent with equal access to any information that will be used during meetings and hearings; (vi) invoke the standard of "affirmative consent"⁶ in determining whether consent to engage in sexual activity was given by all persons who engaged in sexual activity; (vii) presume that the Respondent is not responsible until the conclusion of the process; and (viii) the hearing will be held live.
- d. In accordance with the Family Educational Rights and Privacy Act (FERPA), Complainant and Respondent have the right to keep their identities confidential;

⁶ The standard of "Affirmative Consent" is set forth in the BOR Sexual Misconduct Reporting, Support Services and Processes Policy and is incorporated herein by reference.

- e. Complainants and Respondents shall be provided written notice of the decision of the Hearing Body simultaneously, normally within one (1) business day after the conclusion of the Hearing. In accordance with the Family Educational Rights and Privacy Act (FERPA) the notice to parties to sexual misconduct shall contain only the following: the name of the parties, the violation committed, if any, and any sanction imposed against the Respondent.
- f. Both parties shall have the same right to request a review of the decision of the Hearing Body (appeal rights) in the same manner and on the same basis; however, if a request for review is determined to be properly made and if the review determines there is sufficient grounds for altering the decision of the Hearing Body, among the other actions that may be taken as set forth above, the sanction of the hearing may be increased or decreased. Notwithstanding the foregoing, in any hearing pertaining to sexual misconduct both the Complainant and Respondent are entitled to be simultaneously provided notice of any change in the results of the hearing prior to the time when the results become final, as well as to be notified when such results become final.

If the institution's Title IX Coordinator determines that the allegations do not constitute a violation of either Title IX or Board policy and can make no finding of responsibility, complainant and respondent will be notified that the matter will be closed.

BOARD OF REGENTS FOR HIGHER EDUCATION

RESOLUTION

concerning

June 18, 2020

- WHEREAS, The CSCU Tuition and Fee Refund Policy was approved on June 16, 2016; and
- WHEREAS, That policy stipulates that students must pay a housing deposit by June 30 for housing in the following academic year and that such deposit may only be refunded under specific identified circumstances or based on an appeals process; and
- WHEREAS, In most years students will have had complete information available about course schedules, teaching modalities and campus operations before June 30 to support their decision to live on campus; and
- WHEREAS, In 2020 the COVID-19 pandemic has resulted in significant uncertainty as the universities have made widespread changes to schedules, modalities, and operations in order to account for public health mandates and to protect students, faculty and staff from illness; and
- WHEREAS, Many students were not able to make an informed decision regarding on-campus housing prior to June 30; and
- WHEREAS, Relying on an appeals process to refund housing deposits to students is unnecessarily burdensome to students and staff at a time when preparing for the return to school should be the highest priority; therefore, be it
- RESOLVED THAT, The Board of Regents for Higher Education permits the universities to extend the deadline for refund of housing deposits during 2020 only to July 31, 2020.

A True Copy:

Erin A. Fitzgerald, Secretary
Board of Regents for Higher Education

ITEM

One-time Deadline Extension for the Refund of Housing Deposits to July 31, 2020

SUMMARY

Board policy (Approved 6/16/2016 BR 16-069) currently requires a June 30 deadline for cancelling housing contracts without penalty. SCSU requested that the deadline be moved to July 31 this year, to accommodate the apportionment of coursework between the various instructional modalities that will be offered this year due to COVID-19. In addition to the ability to cancel the housing contract the non-refundable housing deposit would be applied to the students account or refunded if there is no outstanding balance.

Essentially, the determination of what courses would be offered; on-ground, hybrid, hy-flex, or entirely on-line, was not complete at Southern by June 30, and it was thought that parents and students would not want to lock into a non-refundable housing contract with the very real risk of having all of one's courses on-line.

While all CSCU's have an appeals process for releasing a student from a housing contract after the deadline, there was concern that the process would become overwhelmed in the event that many courses were moved online.

Therefore, it is proposed to give each of the CSCU's the option to either change the deadline to July 31, 2020 and provide for the non-refundable deposit to be applied to the student account or remain with their appeals process. This would be a one time, temporary change to the current Board-approved deadline.

The Board policy impacted by this item can be found at:

<https://www.ct.edu/files/policies/3.4%20Tuition%20&%20Fee%20Refund%20Policy.pdf>

RECOMMENDATION

We request approval by the Committee of the attached resolution.

7/21/2020 Finance & Infrastructure Committee
7/29/2020 Board of Regents