



CT BOARD OF REGENTS FOR HIGHER EDUCATION

JOINT MEETING of the HUMAN RESOURCES and ADMINISTRATION AND the ACADEMIC & STUDENT AFFAIRS COMMITTEE

Monday July 20, 2020
1:00 p.m. – via teleconference

MINUTES

Regents Present: HR and Administration Committee
Naomi Cohen (Chair), David R. Jimenez, Elease E. Wright

Academic and Student Affairs Committee
Merle Harris (Chair), Aviva Budd, Holly Howery, Colena Sesanker

Regents Absent: Richard J. Balducci

Staff Present: Jane Gates, Angelo Simoni Jr., Elsa Nunez, Pat Ryiz, Ernestine Weaver, Andy Kripp

The meeting was called to order at 1:00 p.m. by Chair Merle Harris.

Ernestine Weaver, Counsel, presented the three items to the joint Committee for consideration and approval:

- a. Adoption of “Statement of Policy – Title IX”
- b. Amendment of “Policy regarding Sexual Misconduct Reporting, Supportive Measures and Processes Policy”
- c. Amendment of “Student Code of Conduct - Part E: Hearing Procedures for Sexual Misconduct, Sexual Intimate Partner, Domestic Violence & Stalking Reports”

Ms. Weaver stated that the BOR policies listed above must be approved by August 14, 2020, to comply with the new Department of Education’s (DOE) requirements for Title IX. Faculty and staff will receive extensive training on the new Title IX regulations after the three policies are approved by the BOR at its meeting on July 29, 2020.

Legal Affairs and Human Resources reviewed and revised the three policies in compliance with the DOE requirements for Title IX. Ms. Weaver discussed the differences among the current Federal, State, and BOR policies and the new Federal Government Title IX provisions and noted that the Federal Title IX policy is not as stringent as the State of CT and BOR policies.

Angelo Simoni, Executive Director for Student Relations and Compliance, discussed the new training and resources for CSCU faculty and staff. CSCU will use the SUNY Consortium/SCI Institute training best practices protocol. Mr. Simoni noted that CSCU Student Affairs, Student Conduct, and Title IX staff were involved in the selection of the SUNY/SCI training program.

Regent Jimenez asked if feedback on the new DOE Title IX provisions was solicited from each campus Title IX coordinator and if the process was inclusive. Ms. Weaver responded that she reached out to all campuses for feedback. A WebEx meeting was held last week for all campus Student Affairs, Student Conduct and Title IX Coordinators. All campus representatives participated.

In response to a question from Chair Harris regarding sexual assaults abroad, Ms. Weaver noted that the process under the Student Code of Conduct would apply in these instances.

In response to requests from Chair Cohen and Regent Budd, Ms. Weaver agreed to make changes to the Confidentiality Section of the Policy Regarding Sexual Misconduct Reporting, Supportive Measures and Processes Policy by adding off campus counseling and on campus counseling to the list of community college confidential resources.

Chair Cohen asked if there was a timeline for when an investigation needs to start. Ms. Weaver stated that this will be in the procedures. The BOR policy has no timelines. When asked if the BOR policy should have timelines, Ms. Weaver responded that there are so many laws and rules involved and many of them overlap.

Regent Jimenez added that we should and must investigate and hold individuals and leaders responsible through regular auditing and reporting. Ms. Weaver stated that an annual report is submitted to the BOR. This is a statutory requirement.

Chair Cohen asked if there should be annual training and auditing. Mr. Simoni responded that SCI will track training in its database. New Title IX rules require organizations to post all training resources on their websites. SUNY/SCI will manage this.

A discussion was held regarding the CSCU Title IX Coordinators. Comments and questions involved responsibilities, skill sets, and qualifications for coordinators. Questions were raised regarding whether the coordinators must notify campus and system office leadership when a case is closed or when they determined that a case doesn't violate Title IX, and the role of the System Office in the process. Title IX Coordinators decide whether a violation falls under Title IX or the BOR Policy and they inform campus leadership of closed cases. The Regents requested that the policy state that Title IX coordinators must inform campus leadership. Regent Jimenez noted that the process depends heavily on the Title IX Coordinators and suggested the System Office provide a list of CSCU Title IX Coordinators and who oversees them to the members of the two committees and that time be scheduled at a full Board meeting for a discussion of Title IX and related issues. Mr. Simoni noted

that students can file complaints against the campus and on how their cases were handled. The System Office can intervene.

Mr. Simoni also noted that SUNY/CSI will provide training to Title IX Coordinators. He stated that he will share the SUNY/CSI training program and materials with the Committee Members.

Chair Cohen asked if all faculty and students are aware of what they need to do. Mr. Simoni stated that there is signage and that Women's Centers, Student Affairs, and Student Conduct staff work with sexual assault victims. Chair Cohen asked if there was a 24/7 phone number on each campus to which Mr. Simoni replied that CT community colleges don't have 24/7 policing. CSUs do provide a 24/7 number and have MOUs with local agencies. Chair Harris stated that this issue will be moved forward to the BOR.

Chair Harris brought up the issue of an incident happening in an off-campus park or other location not controlled by the university or college. Ms. Weaver stated that this would not fall under Title IX as CSCU does not own or control the property. However, we would still deal with the incident under Connecticut law and/or Board policy.

Regent Cohen noted the four areas of the Policy Regarding Sexual Misconduct Reporting, Supportive Measures and Processes Policy that will be revised as a result of this meeting:

1. On and off campus language

Under CONFIDENTIALITY:

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.

2. Property of officially recognized student organization

Under SEXUAL MISCONDUCT INVESTIGATION AND PROCEDURES

(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

3. Review by institution president

4. Annual audit.

Added REVIEW AND AUDIT

The Title IX Coordinator will report regularly 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 and this will be shared with the HR/ASA joint meeting.

Ms. Weaver stated that she could make the changes and send the revised policies to the Committee chairs for review.

Chair Harris called for a motion on each of the three policies with the discussed amendments.

Statement of Policy – Title IX

Chair Harris called for a motion to approve the Statement of Title IX Policy. The motion was moved by Regent Wright and seconded by Regent Howery. Chair Harris called for a vote to approve the Statement of Title IX Policy. A vote was taken and the vote was unanimous.

Policy Regarding Sexual Misconduct Reporting, Supportive Measures and Processes Policy

Chair Harris called for a motion to approve the amended Policy Regarding Sexual Misconduct Reporting, Supportive Measures and Processes Policy including the revisions to the following two sections: Confidentiality and Sexual Misconduct Investigation and Procedures, and, the addition of the Review and Audit Section. The motion was moved by Regent Budd and seconded by Regent Howery. Chair Harris called for a vote to approve the revisions to the Policy Regarding Sexual Misconduct Reporting, Supportive Measures and Processes Policy. A vote was taken and the vote was unanimous.

Student Code of Conduct - Part E: Hearing Procedures for Sexual Misconduct, Sexual Intimate Partner, Domestic Violence & Stalking Reports

Chair Harris called for a motion to approve the Student Code of Conduct - Part E: Hearing Procedures for Sexual Misconduct, Sexual Intimate Partner, Domestic Violence & Stalking Reports Policy. The motion was moved by Regent Cohen and seconded by Regent Wright. Chair Harris called for a vote to approve the Student Code of Conduct - Part E: Hearing Procedures for Sexual Misconduct, Sexual Intimate Partner, Domestic Violence & Stalking Reports Policy. A vote was taken and the vote was unanimous.

On a motion by Regent Budd and seconded by Regent Wright, the Regents voted unanimously to adjourn the joint meeting of the joint BOR Human Resources and Administration and the Academic and Student Affairs Committees at 2:18 p.m.