AGENDA
SPECIAL MEETING - HR & ADMINISTRATION COMMITTEE
Wednesday, July 17, 2024 @ 2:30 p.m.
Meeting will stream live at:
https://www.youtube.com/live/-nDKwpe-_x0

1. Call to Order and Declaration of Quorum

2. Adopt Agenda

3. New Title IX Regulations and Affected Policies………………………………………..Page 1
   • Action Items
     - BOR Policy 4.05 - Affirmative Action and EEO Statement
     - BOR Policy 5.02 – Interim Harassment and Nondiscrimination Policy

4. Process for Chancellor Evaluations……………………………………………………..Page 26
   • Action Item
     – New Policy – Process for Chancellor Evaluations

5. Adjournment

HR & Administration Committee members
Sophia Jappinen, Chair
Richard J. Balducci
Juanita James
Elease E. Wright
WHEREAS, the Board of Regents (“Board of Regents”) and Connecticut State Colleges and Universities (“CSCU”) are committed to creating a learning environment and academic community that promotes educational opportunities for all individuals; and

WHEREAS, The Board of Regents and Connecticut State Colleges and Universities are committed to leading, by example, in the areas of equal employment opportunity and affirmative action, and affirmatively seek to attract to its faculty, staff, and student body qualified persons of diverse backgrounds; and

WHEREAS, The Affirmative Action and Equal Employment Opportunity Policy Statement has been updated to comply with federal and state laws and regulations regarding types of protected classes, and includes other technical revisions; 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 1, 2024; and

WHEREAS, The 2024 Title IX regulations have created an opportunity to realign and update CSCU Discriminatory Harassment, Nondiscrimination Title IX-related policies and procedures, and move to a unified policy to create one common community standard expectation for all members of the CSCU; and

WHEREAS, As there are numerous legal challenges underway in several states, other than Connecticut, that may affect the implementation of some or all the new Title IX regulations; and additional consultation with internal CSCU stakeholders is required to complete developing the related System-wide procedures to support the policies, with appropriate
flexibility to accommodate the needs/staffing on specific campuses, it is advisable to title the Discriminatory Harassment, Nondiscrimination, and Title IX Policy as “Interim”; and

RESOLVED, that the Board of Regents approve the proposed revision to the “Affirmative Action and Equal Employment Opportunity Policy Statement” (BOR Policy 4-05); and be it further

RESOLVED, that the Board of Regents rescind the current Title IX Policy Statement (BOR Policy 4-11 dated 7-29-2020) and the current “Sexual Misconduct Reporting, Supporting Measures and Processes” Policy (BOR Policy 5-02 dated 7-29-2020) and adopt in their place the new Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy effective August 1, 2024.
ITEM
Recommendation to advance the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy and Update to Affirmative Action and Equal Employment Opportunity Policy Statement to the full Board of Regents for consideration.

BACKGROUND
CSCU staff have consistently expressed confusion and frustration with existing CSCU policies and procedures related to Title IX, non-discrimination, and Affirmative Action. In addition, there is confusion and conflicting information in the CSCU Title IX policy and the CSCU Student Code of Conduct. Currently, the CSCU System’s Title IX policies comprise a patchwork across several Board policies, the Student Conduct Code, and employee policies. These policies have long needed revision to better support the commitment of the CSCU to provide an educational and employment environment that is free from discrimination and/or harassment based on protected characteristics, and/or retaliation. Ease of use helps not only students, faculty, and staff (and their advisors/supporters), but also the staff who must implement the policies and procedures on the individual campuses.

On April 19, 2024, the U.S. Department of Education promulgated new Title IX regulations that take effect on August 1, 2024, and supersede prior regulations. CSCU must now adjust policies and procedures to comply with these new regulations. At this moment of transition, CSCU has an opportunity to adjust all related policies and procedures to promote best practices in implementation of Affirmative Action, and prevention and response to allegations of all discrimination and/or harassment, and retaliation.

CSCU’s current patchwork of policies does not adequately address harassment and/or discrimination based on all protected characteristics beyond sex as is required under various federal and state laws. Because the 2024 Title IX regulations create an opportunity to realign Title IX policies and procedures, this is an opportune time to CSCU to address not only the required changes under Title IX, but also address the policy gaps at the system-level and move to a unified policy to create one common community standard expectation for all members of the CSCU.

CSCU also has an opportunity now to update the CSCU existing Affirmative Action policy to comply with federal and state law.

It is important to note that there are numerous legal challenges underway in other states that may affect the implementation of some or all the new Title IX regulations. Despite these potential legal challenges, it is our recommendation to proceed given that our current existing policies are not truly adequate to support the work in these key areas. These policy changes are necessary – now – to improve our support and services in these key areas.

Should the Board adopt these policies, we plan to continue our work, in particular, on the Interim Discriminatory Harassment, Nondiscrimination and Title IX Policy. We are already beginning the process of developing system wide procedures to support the policies, with appropriate flexibility to accommodate the needs/staffing on specific campuses. We will continue consulting with relevant stakeholders on the policies and impacts thereof. We will adjust, as necessary, to any legal decisions
that may be forthcoming. Most importantly, we will be working on efforts to train all employees on the new policies and regulations as required by the U.S. Department of Education.

The following summary chart may help provide clarity regarding the various policy revisions underway:

<table>
<thead>
<tr>
<th>Current BOR Policy</th>
<th>Updated/New BOR Policy</th>
<th>BOR Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affirmative Action BOR Policy 4-05</td>
<td>Reviewed and updated language</td>
<td>Human Resources July 17, 2024</td>
</tr>
<tr>
<td>Title IX BOR Policy 4-11 (recommended for recission effective July 31, 2024)</td>
<td>New Interim Connecticut State Colleges and Universities Discriminatory Harassment, Nondiscrimination, and Title IX Policy</td>
<td>Human Resources July 17, 2024</td>
</tr>
<tr>
<td>Sexual Misconduct Reporting, Supporting Measures and Processes BOR Policy 5-02 (recommended for recission effective July 31, 2024)</td>
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<tr>
<td>Student Code of Conduct BOR Policy 2-01</td>
<td>Interim Student Code of Conduct was revised to update the preamble, definitions and prohibited conduct sections, which includes additional language to address protests on campuses; removes self-harm language; and removes Title IX and sexual misconduct components.</td>
<td>Academic &amp; Student Affairs July 18, 2024</td>
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</tbody>
</table>

**ANALYSIS**

The analysis centers on the key changes/updates/additions to the policies in question:

**Summary of Major Changes Related to the Affirmative Action and Equal Employment Opportunity Policy Statement**

- The Affirmative Action and Equal Employment Opportunity Policy Statement has been updated to comply with federal and state laws and regulations regarding types of protected classes.
- The policy has been reformatted for reading clarity.
- Typos were corrected.
• Contact information has been updated (and will need to be updated again in the near future).

Summary of Major Changes Related to Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy

The draft Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy addresses the following changes required to move CSCU from the 2020 Title IX regulations to the 2024 Title IX regulations, while retaining compliance with other federal laws (such as the Clery Act and VAWA) as well as state laws:

• **Expanded Definitions and Jurisdiction:** The 2024 Title IX regulations provide full protection from sex-based harassment and discrimination. The 2024 regulations expand the definitions of sex discrimination and sex-based harassment while also expanding Title IX jurisdiction. The 2024 amendments clarify the definition of sex-based harassment and the scope of sex discrimination to prohibit discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Another major change in the 2024 regulations is that it defines “sex-based harassment” as a form of sex discrimination that include sexual harassment and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity, that is quid pro quo harassment, hostile environment harassment, or one of four specific offenses of forms of interpersonal violence referenced in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (“Clery Act”) as amended by the Violence Against Women Reauthorization Act of 2013. The 2024 regulations also require specific grievance procedures for allegations of sex/gender discrimination and retaliation to bring alignment and parity with grievance procedures used to resolve allegations of sexual harassment.

• **Sexual Orientation and Gender Identity:** The 2024 regulations now explicitly recognize that discrimination against LGBTQI+ students, employees, and others based on sexual orientation and gender identity are forms of discrimination under Title IX, bringing federal law into alignment with existing requirements under state law. The rule prohibits discrimination and harassment based on sexual orientation, gender identity, and sex characteristics in federally funded education programs. Note that the 2024 Title IX regulations do not address protections for transgender students in athletics. Instead, the U.S. Department of Education indicates that the regulatory process for Title IX regulations related to athletics is still ongoing.

• **Pregnant and Parenting Students:** Although CSCU has policies protecting employees regarding pregnancy or related conditions, the 2024 Title IX regulations reemphasize that discrimination based on pregnancy or related conditions, including pregnant students and/or student or employee applicants, violates Title IX.
• **Evidentiary Standard of Proof:** The evidentiary standard of proof will be the preponderance of the evidence for determining whether a policy violation occurred. The preponderance of the evidence is currently the standard of proof in the BOR/CSCU Policy Regarding Sexual Misconduct Reporting, Supportive Measures and Process Policy and Title IX Grievance Procedures. Consistent with the 2024 Title IX regulations and Connecticut state law, the proposed Equal Opportunity, Harassment, and Nondiscrimination Policy ensures that all comparable proceedings equally apply the same evidentiary standard of proof in adjudicating a complaint.

• **Reporting Requirements:** All CSCU employees (including student-employees), other than those deemed Confidential Employees, are now expected to promptly report all known details of actual or suspected discrimination, harassment, and/or retaliation to the Title IX/Equity Coordinator and provide contact information for the Title IX/Equity Coordinator to affected individuals within the CSCU community.

• **Supportive Measures:** CSCU is permitted to provide supportive measures to a complainant or a respondent affected by conduct that may constitute sex discrimination, including sexual violence and other forms of sex-based harassment as long as such supportive measures are not unreasonably burdensome, are not provided for punitive or disciplinary reasons, and are designed to protect the safety of the parties or CSCU’s educational environment or to provide support during the grievance procedures or during an informal resolution process.

The proposed Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy allows CSCU to have a commonly understood single standard prohibiting discrimination and/or harassment based on all protected characteristics. This will confer the following benefits:

• Prevent the “patchwork approach” of confusing, overlapping, out-of-date, and vague policies that could apply to faculty, staff, and/or students.

• Better manage risk with a consistent approach across all allegations of harassment and/or discrimination, so that CSCU institutions do not treat allegations of one kind of discrimination differently than other kinds of discrimination. Additionally, issues of intersectionality of identity are increasingly present in this work (i.e., an individual who alleges discrimination based on more than one protected characteristic).

• Ease-of-use by practitioners across the CSCU system; consistently following policies and procedures is a key risk management issue and having a common policy and procedural framework for all to follow will enhance this goal.

• Transparency for the CSCU community regarding community standards and ease of training for faculty, staff, and students.
The 2024 Title IX regulations provide for much more flexibility regarding procedures, notably no longer requiring live hearings with advisor-led cross examination. Therefore, CSCU now can bring coherence to the procedures that CSCU institutions utilize to respond reports and allegations of discrimination and/or harassment all with the common goal to stop the harassment/discrimination, prevent its recurrence, and remedy the effects of the harassment/discrimination. Under the supervision of Kim Pacelli as Interim Title IX Coordinator, and with legal guidance from the Office of General Counsel, CSCU practitioners are continuing to refine elements of a common procedural framework that will include:

- Clarity and ease of training for faculty and staff about their reporting responsibilities and when and where to report.

- Clarity and consistency regarding prompt follow-up following a report or disclosure, including ease conducting proper outreach and intake, clear communication to reporting individuals about resolution processes and options, ability to take quick emergency action when needed, and ease of providing immediate supportive measures, where appropriate.

- Adherence to key due process procedural requirements for formal resolution procedures under federal and state laws, as well as consistent with grievance procedures under collective bargaining agreements. Features will include:
  
  - Equitable treatment of complainants and respondents.
  - Conflict-of-interest and bias-free Title IX Coordinators, investigators, and decisionmakers.
  - Reasonably prompt timeframes for all major stages of the resolution process.
  - Presumption that a Respondent is not responsible until a determination is made.
  - Well-trained investigators, with flexibility to assign investigators as appropriate to address differences in institutional practices, structures, and resources.
  - Clarity regarding decision making, including ensuring that determinations regarding policy violations are made by well-trained individuals, and ensuring fidelity to existing requirements regarding sanctioning and remedies (when needed).
  - Reasonable steps to protect privacy of parties and witnesses during the grievance procedures
  - Objective evaluation of relevant evidence and the exclusion of impermissible evidence.
  - Written notice of allegations to the parties and written determinations at the conclusion of the resolution process.
  - Burden on the recipient to gather evidence and decide what is relevant or impermissible.
  - Equal opportunity for the parties to present fact witnesses and other evidence.
  - Equal opportunity for the parties to access the relevant and not otherwise impermissible evidence and a reasonable opportunity to respond.
  - Access to advisors.
An appeal process.

- The procedural framework will also include hallmark elements that balance CSCU’s ability to ensure that its program and activities are free from discrimination while respecting Complainant autonomy. These elements include:
  - Training for mandated reporters to ensure reports are vetted by Title IX/Equity Coordinators who can determine appropriate next steps that balance the need for autonomy against the safety concerns/concern for the community at-large.
  - Inclusion of a small subset of employees who are available to provide confidential assistance.
  - Enhanced features for privacy and confidentiality.
  - Reduced hurdles to informal resolution measures when appropriate and desired.
  - Continued requirement that in cases that implicate patterns of behavior, safety concerns, minors, and more widespread impact, the institution may need to move forward with a formal grievance procedure.

Summary of Major Changes Related to the Student Code of Conduct

Changes to the Student Code of Conduct are being handled through the Academic and Student Affairs Committee.

Attachments:

- Proposed updates to the Affirmative Action and Equal Employment Opportunity Policy Statement
- Proposed Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy

RECOMMENDATION

Based on the above, staff recommends that the following matters be referred to the full Board of Regents for consideration:

1. Update the Board of Regents’ Affirmative Action Policy – BOR 4.05
2. Rescind the Board of Regents’ Title IX Policy – BOR 4.02 effective July 31, 2024
3. Rescind the Board of Regents’ Sexual Misconduct Policy – 5.02 effective July 31, 2024
4. Create a new policy title: Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy
INTERIM DISCRIMINATORY HARASSMENT, NONDISCRIMINATION, AND TITLE IX POLICY

1. Statement of Policy

The Connecticut State Colleges and Universities (“CSCU”) is committed to providing an educational and employment environment that is free from discrimination and/or harassment based on protected characteristics, and/or retaliation, including retaliation under applicable federal and state laws for engaging in protected activity.1 To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of its education program or activity, CSCU has developed this Discriminatory Harassment, Nondiscrimination, and Title IX Policy (the “Policy”) that provides for a prompt, fair, and impartial resolution of allegations of protected characteristic discrimination, harassment, and/or allegations of retaliation. CSCU values and upholds the equal dignity of all members of its community and strives to balance the rights of all individuals when resolving allegations during what is often a difficult time for all involved.

2. Definitions

- **College or University.** Any of the institutions within CSCU, including Central Connecticut State University, Charter Oak State College, Connecticut State Community College, Eastern Connecticut State University, Southern Connecticut State University, and Western Connecticut State University.

- **Complainant.** A student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, and/or retaliation under this Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, and/or retaliation under this Policy and who was participating or attempting to participate in CSCU’s education program or activity at the time of the alleged discrimination, harassment and/or retaliation.

- **Complaint.** An oral or written request to CSCU that can objectively be understood as a request for CSCU to investigate and make a determination about allegations of discrimination, harassment, and/or retaliation under this Policy.

- **CSCU.** The Connecticut State Colleges and Universities, which includes the CSCU system office, and any and all specific Colleges or Universities within the CSCU. For purposes of this Policy, the term “CSCU” could mean the CSCU system or any College or University interchangeably.

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1 This Policy does not cover whistleblower retaliation complaints. Reports concerning corruption, unethical practices, mismanagement, violation of State laws and regulations, gross waste of funds, abuse of authority or danger to the public safety in any in any College or University, may be submitted to the State Auditors of Public Accounts, as authorized under the Whistle Blower Act, Gen. Stat. 4-61dd. Individuals may file a whistleblower retaliation complaint by visiting the Auditors of Public Accounts website.
• **Education Programs and Activities.** Locations, events, or circumstances in which CSCU exercises substantial control over both the Respondent and the context in which the conduct occurred.

• **Informal Resolution.** A resolution to a Report or Complaint agreed to by the Parties and CSCU that occurs prior to a final determination in the Resolution Process.

• **Parties.** The Complainant(s) and Respondent(s), collectively.

• **Protected Characteristic.** Any characteristic for which a person is afforded protection against discrimination and/or harassment by law or CSCU Policy.

• **Report.** When a faculty, staff, student, or third party informs CSCU of conduct that reasonably may constitute discrimination, harassment, and/or retaliation under this Policy.

• **Resolution Process.** The investigation and resolution, including informal resolution, of allegations of discrimination, harassment, and/or retaliation under this Policy.

• **Respondent.** A person who is alleged to have engaged in conduct that could constitute discrimination, harassment, and/or retaliation for engaging in protected activity under this Policy.

• **Supportive Measures.** Non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to CSCU’s education program or activity, including measures designed to protect the safety of all Parties and/or the CSCU educational environment and/or to deter discrimination, harassment, and/or retaliation.

• **Title IX/Equity Coordinator.** At least one official designated by a College or University to ensure compliance with Title IX and other federal and state civil rights laws and institutional compliance with this Policy. References to the Title IX/Equity Coordinator throughout this Policy may include the Title IX/Equity Coordinator’s designee.

3. **Notice of Nondiscrimination**

CSCU complies with all federal, state, and local laws, regulations, and ordinances prohibiting discrimination, harassment, and/or retaliation, including retaliation for engaging in protected activity, in public post-secondary education institutions. CSCU does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of actual or perceived age, ancestry, color, gender expression, gender identity, genetic information and/or family medical history, intellectual disability, learning disability, parental, family or marital status, past or present history of mental disability, physical disability, pregnancy or related conditions, race or national origin, religion or creed, sex, sexual orientation, veteran or military status, arrest and/or criminal conviction status, lawful source of income, citizenship or immigration status, or any other protected characteristic under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any
grievance process within the institution, with the Equal Employment Opportunity Commission and/or the Connecticut Commission on Human Rights and Opportunities ("CHRO").

This Policy prohibits discrimination, harassment, and/or retaliation in access to employment and/or educational opportunities. Therefore, any act by CSCU or a member of the CSCU community that denies, deprives, unreasonably interferes with or limits a person's education or employment, residential, and/or social access, benefits, and/or opportunity based upon that person’s actual or perceived protected characteristic(s), is in violation of this Policy. CSCU will promptly and effectively address any such discrimination, harassment, and/or retaliation when it has knowledge and/or notice of it using procedures promulgated pursuant to this Policy.

4. Key CSCU Contacts

CSCU has identified the Executive Director of EEO and Civil Rights/Title IX Coordinator to coordinate the System’s compliance with federal, state, and other civil rights laws and policies.

Each College or University has identified a Title IX/Equity Coordinator to coordinate civil rights compliance and the Resolution Process. The Vice-President of Diversity, Equity and Inclusion serves as the Title IX/Equity Coordinator for Connecticut State Community College (“CCSC”). Each CSCC campus has a Deputy Title IX/Equity Coordinator to support civil rights compliance and programming for their institution.

Collectively, these individuals are responsible for providing comprehensive nondiscrimination education and training; coordinating a timely, thorough, and fair Resolution Process of all alleged prohibited conduct under this Policy; and monitoring the effectiveness of this Policy and related procedures to ensure that CSCU’s education and employment environments are free from discrimination, harassment, and/or retaliation.

5. Applicability and Jurisdiction

This Policy applies to all faculty, staff, employees, students (as currently defined in the BOR/CSCU Student Code of Conduct), and other individuals participating in or attempting to

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2 Note that individuals who serve as Title IX/Equity Coordinator for the institutions may have additional job titles and functions, as well. Although other staff from institutions may support related procedures under this Policy, all faculty and staff are always encouraged to coordinate efforts with their institution’s Title IX/Equity Coordinator.

3 Under the BOR/CSCU Student Code of Conduct at the time of the adoption of this Policy: “Student” means any person who has been notified of their acceptance for admission, registered, enrolled, or attending any College or University course or program. This applies whether enrollment is full-time or part-time; whether the course(s) occur on-campus, online, or at an off-campus instructional site (domestically, or internationally such as students studying abroad); and whether the student is pursuing undergraduate, graduate, non-degree seeking, postgraduate, or professional studies. This may also apply to any person who resides in a College or University residence hall. Persons who withdraw or otherwise depart a College or University after allegedly violating the Student Code are still considered students for the purpose of resolution through this Student Code. For the purposes of applying this Student Code, the Chief Student Conduct Officer, or designee, may use discretion in
participate in the CSCU’s education programs and activities, including but not limited to contractors, vendors, visitors, guests, or other third parties. This Policy may be applied to incidents, patterns or practices, and/or institutional culture/climate, all of which may be addressed in accordance with this Policy. This Policy applies to the CSCU’s education programs and activities, circumstances where CSCU has disciplinary authority, and to misconduct occurring within any building owned or controlled by an officially recognized student organization (as defined in the BOR/CSCU Student Code of Conduct).

This Policy shall apply on and off CSCU campus property, at CSCU-sponsored activities, and at activities conducted by officially recognized student organizations. This also applies to conduct that occurs online and through other forms of electronic communication and social media. CSCU is more likely to exercise jurisdiction off-campus if the conduct poses a threat to anyone’s health, safety, or security, could negatively affect the mission or reputation of CSCU, poses a threat of undermining CSCU’s educational process, involves an alleged violation of local, state or federal law, or if CSCU is required to do so by law.

This Policy applies to alleged incidents of discrimination, harassment, sex-based harassment, and/or retaliation that occur after August 1, 2024. For alleged incidents of sexual misconduct occurring prior to August 1, 2024, CSCU shall apply the policies promulgated by the Board of Regents at the time the alleged incident occurred, and procedures promulgated pursuant to those policies. All policies and procedures may be obtained by contacting the Executive Director of EEO and Civil Rights/Title IX Coordinator.

For disciplinary action to be issued under this Policy, the Respondent must be a CSCU faculty member, staff, or student subject to CSCU’s disciplinary authority. If the Respondent is unknown or is not a member of CSCU, the Title IX/Equity Coordinator will offer to assist the Complainant in identifying appropriate campus and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). The Title IX/Equity Coordinator can also assist in contacting local or campus law enforcement if the Complainant would like to file a police report about criminal conduct.

When a Respondent is enrolled in or employed by another institution, the Title IX/Equity Coordinator may assist the Complainant in contacting the appropriate individual at that institution, as it may be possible for the Complainant to pursue action under that institution’s policies.

Similarly, the Title IX/Equity Coordinator may be able to assist and support a student, faculty, or staff Complainant who experiences discrimination, harassment, and/or retaliation in an

determining if the person’s “student” designation and will have the authority to make any final determination as to whether or not a person is a “student.” Generally, a student is not considered to have a continuing relationship if a student has not been enrolled in classes at a College or University for three (3) or more consecutive terms.
externship, study abroad program, or other environment external to CSCU where harassment and/or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a CSCU faculty, staff, or student’s work or educational environment, those effects may be addressed remedially by the Title IX/Equity Coordinator, if brought to their attention.

6. Prohibited Conduct

CSCU faculty, staff, and students are entitled to an employment and educational environment that is free of discrimination, harassment, and/or retaliation. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by the First Amendment or principles of academic freedom. When speech or conduct may be protected by the First Amendment and/or academic freedom, including speech in a public setting and/or speech that is also motivated by political or religious belief, CSCU may nevertheless have an obligation to respond and offer supportive measures for those impacted.

CSCU may communicate its opposition to stereotypical, derogatory opinions; provide counseling and support for students affected by such harassment; or take steps to establish a welcoming and respectful campus environment, which could include making clear that CSCU values the diversity and inclusion of individuals of all backgrounds across the entire CSCU system.

All definitions of prohibited conduct below encompass actual and/or attempted offenses. Violation of any other CSCU policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

A. Discrimination is different treatment with respect to an individual’s employment or participation in an education program or activity based, in whole or in part, upon the individual’s actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or creed. Discrimination can take two primary forms:

- **Disparate Treatment Discrimination**: Any intentional differential treatment of a person or persons that is based on an individual’s actual or perceived protected characteristic and that excludes an individual from participation in; denies the individual benefits of; or otherwise adversely affects a term or condition of an individual’s participation in a CSCU program or activity.

- **Disparate Impact Discrimination**: Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that excludes an individual from participation in; denies the individual benefits of; or
otherwise adversely affects a term or condition of an individual’s participation in a CSCU program or activity.

B. **Discriminatory Harassment** is unwelcome conduct based on actual or perceived protected characteristic(s), that based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe, persistent, or pervasive, that it limits or denies a person’s ability to participate in or benefit from a CSCU program or activity.

C. **Sex-based Harassment** is a form of sex discrimination and means sexual harassment and other harassment based on sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

- **Quid pro quo**: an employee agent, or other person authorized by CSCU, to provide an aid, benefit, or service under a CSCU program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service, on a person’s participation in unwelcome sexual conduct.

- **Hostile Environment Harassment**: unwelcome sex-based conduct, that based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive, that it limits or denies a person’s ability to participate in or benefit from the CSCU’s education program or activity.

- **Sexual Assault**: Any sexual act, including Rape, Sodomy, Sexual Assault with an Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also, unlawful sexual intercourse.
  a. **Rape**: Penetration, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
  b. **Sodomy**: Oral or anal penetration, of the Complainant by the Respondent, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or, because of their temporary or permanent mental or physical incapacity.

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4 Throughout this Policy, “based on sex” means conduct that is sexual in nature, or that is directed to the Complainant because of his/her/their actual or perceived sex or gender identity.
c. **Sexual Assault with an Object:** Respondent’s use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of the Complainant, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

d. **Fondling:** The touching of the private body parts (breasts, buttocks, groin) of the Complainant by the Respondent or causing the Complainant to touch the Respondent’s private body parts intentionally for a sexual purpose without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity or physical incapacity.

e. **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Connecticut law.

f. **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent in Connecticut.

D. **Dating Violence:** Violence\(^5\) committed by a Respondent, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: length of the relationship, type of relationship, and/or frequency of the interaction between the Parties involved in the relationship.

E. **Domestic Violence:** Felony or misdemeanor crimes committed by a person who: is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of Connecticut, or a person similarly situated to a spouse of the Complainant; is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; shares a child in common with the Complainant; or commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of Connecticut.

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\(^5\) For purposes of this Policy, violence is defined as intentionally or recklessly causing the Complainant physical, emotional, or psychological harm. Legitimate use of violence for self-defense is not chargeable under this Policy because the purpose is safety, not harm. Consensual use of violence, such as in kink relationships, would also not meet this definition, in most circumstances.
F. **Stalking:** engaging in a course of conduct\(^6\) based on sex, that is directed at the Complainant that would cause a reasonable person to fear for the person’s safety, or the safety of others; or suffer substantial emotional distress.

G. **Sexual exploitation\(^7\)** occurs when the Respondent 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 offenses. Examples of behavior that could rise to the level of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual’s sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person’s identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person’s will by threatening to show, post, or share information, video, audio, or an image that depicts the person’s nudity or sexual activity
- Knowingly soliciting a minor for sexual activity

\(^6\) For purposes of this definition, “A ‘course of conduct’ requires that there be more than one incident and the conduct must be directed at a specific person. Stalking can occur in person or using technology, and the duration, frequency, and intensity of the conduct should be considered. Stalking tactics can include, but are not limited to watching, following, using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks. Merely annoying conduct, even if repeated, is a nuisance, but is not typically considered to be stalking.

\(^7\) Sexual exploitation is further defined as a crime in Connecticut State Law.
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually-related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)
- Creating or disseminating images or videos of child sexual abuse material

H. Retaliation: Adverse action, including intimidation, threats, coercion, or discrimination, against any person, by the CSCU, any student, employee, or a person authorized by CSCU to provide aid, benefit, or service under CSCU’s education programs or activities, for the purpose of interfering with any right or privilege secured by law or Policy, or because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or Resolution Process pursuant to this Policy, including an informal resolution, or in any other appropriate steps taken by CSCU to promptly and effectively end any discrimination, harassment, and/or retaliation in its education programs or activities, prevent its recurrence, and/or remedy its effects.

I. Unauthorized Disclosure: Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by CSCU; or publicly disclosing a party’s personally identifiable information without authorization or consent.

As used in this Policy, the following definition (and concepts) apply:

Consent is an understandable exchange of affirmative and clear words or actions, which indicate a willingness to voluntarily participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. The lack of a negative response is not consent. An individual who is incapacitated by alcohol and/or other drugs both voluntarily or involuntarily consumed may not give consent. Past consent to sexual activity does not imply ongoing future consent. Consent can also be withdrawn once given, if the withdrawal is reasonably and clearly communicated. If consent is withdrawn, sexual activity should cease within a reasonably immediate time.

Consent cannot be given if any of the following are present: Force, Coercion, or Incapacitation.

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8 Nothing in this section restricts the ability of the Parties to: obtain and present evidence, including by speaking to witnesses (as long as it does not constitute retaliation under this Policy), consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the Resolution Process.
A. **Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and/or coercion that overcome resistance.

B. **Coercion** is unreasonable pressure for sexual activity. Coercion is more than an effort to persuade, entice, or attract another person to have sex. Conduct does not constitute coercion unless it wrongfully impairs an individual’s freedom of will to choose whether to participate in sexual activity.

C. **Incapacitation** is a state where an individual cannot make rational, reasonable decisions due to the debilitating use of alcohol and/or other drugs, sleep, unconsciousness, or because of a disability that prevents the individual from having the capacity to give consent. Intoxication is not incapacitation and a person is not incapacitated merely because the person has been drinking or using drugs. Incapacitation due to alcohol and/or drug consumption results from ingestion that is more severe than impairment, being under the influence, drunkenness, or intoxication. The question of incapacitation will be determined on a case-by-case basis. Being intoxicated or incapacitated by drugs, alcohol, or other medication will not be a defense to any violation of this Policy.

7. **Reports/Complaints of Discrimination, Harassment and/or Retaliation**

A Report provides notice to CSCU of an allegation or concern about discrimination, harassment, and/or retaliation and provides an opportunity for the Title IX/Equity Coordinator to provide information, resources, and supportive measures. A Complaint provides notice to CSCU that the Complainant would like to initiate an investigation or other appropriate resolution procedures. An individual may initially make a Report and may decide at a later time to make a Complaint. Reporting options are detailed in procedures promulgated pursuant to this Policy; however, Reports or Complaints of discrimination, harassment, and/or retaliation may be made by making a verbal or written Report or Complaint to the Title IX/Equity Coordinator.

Reporting carries no obligation to initiate a Complaint, and in most situations, CSCU may be able to respect a Complainant’s request to not initiate the Resolution Process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where CSCU may need to initiate the Resolution Process.

8. **Mandated Reporting and Confidential Employees**

All CSCU employees (including student-employees), other than those deemed Confidential Employees below, are Mandated Reporters and are expected to promptly report all known details of actual or suspected discrimination, harassment, and/or retaliation to the Title IX/Equity Coordinator immediately.
Complainants and other individuals should consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Title IX/Equity Coordinator. A Complainant who desires formal action in response to their allegations may report to any Mandated Reporter, who can connect them with resources to report alleged crimes and/or Policy violations, and Mandated Reporters will immediately notify the Title IX/Equity Coordinator (and/or police, if desired by the individual or required by law), who will act when an incident is reported to them.

CSCU makes every effort to preserve the Parties’ privacy. Information related to a Report or Complaint will be shared with a limited number of CSCU employees who “need to know” in order to assist in providing supportive measures or evaluating, investigating, or resolving a Report or Complaint. All employees who are involved in the CSCU’s procedures under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with federal and state law. CSCU will not share the identity of any individual who has made a Report or Complaint; any Complainant; any individual who has been reported to be the perpetrator of discrimination, harassment, and/or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under this Policy.

Confidential Employees. 9 To enable individuals to access support and resources without filing a Complaint, CSCU has designated specific employees as Confidential Employees. Those designated by CSCU as Confidential Employees for purposes of this Policy are not required to report actual or suspected discrimination, harassment, and/or retaliation in a way that identifies the reporting individual. They will, however, provide individuals with the Title IX/Equity Coordinator’s contact information and offer options and resources without any obligation to inform an outside agency or the Title IX/Equity Coordinator unless an individual has requested the information be shared.

There are three categories of Confidential Employees: 1) Those with confidentiality bestowed by law or professional ethics, such as lawyers, medical professionals, clergy, and counselors; 2) Those whom CSCU has specifically designated as confidential for purposes of providing support and resources to the individual; and 3) Those conducting human subjects research as part of a study approved by an Institutional Review Board (IRB). For those in category 1), above, to be able to respect confidentiality, they must be in a confidential relationship with reporting individual, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving the report. These individuals will maintain confidentiality except in extreme cases of health or safety emergencies, immediacy of threat or

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9 The term “confidential” as used in this Policy differs from the use of the term “management/confidential” typically used to describe a category of employees within CSCU.
danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.\textsuperscript{10}

If a Complainant would like the details of an incident to be kept confidential, they may speak with the following Confidential Employees:

- Campus-based counseling center staff
- Campus-based health center staff
- Any clergy affiliated with a College or University
- Ombudspersons
- On-campus victim advocates
- Sports medicine staff/Athletic trainers

In addition, a Complainant may speak with individuals unaffiliated with CSCU without concern that Policy will require them to disclose information to the CSCU without permission such as: licensed professional counselors and other medical providers, local rape crisis counselors, domestic violence resources, local or state assistance agencies, clergy/chaplains, attorneys.

9. Supportive Measures

The Title IX/Equity Coordinator will offer and implement appropriate and reasonable supportive measures to individuals in response to reports of alleged discrimination, harassment, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to CSCU’s education program or activity, including measures designed to protect the safety of all individuals and/or the educational environment and/or to deter discrimination, harassment, and/or retaliation.

10. Standard of Proof

CSCU uses the preponderance of the evidence standard of proof when determining whether this Policy has been violated. This means that the CSCU will decide whether it is more likely than not based upon the available information at the time of the decision, that an individual is in violation of this Policy.

11. Time Limits on Reporting

There is no time limitation on providing Reports or Complaints to a Title IX/Equity Coordinator. However, if an individual is no longer subject to the CSCU’s jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible. Acting on Reports or Complaints significantly impacted by the passage of time

\textsuperscript{10} All employees must always comply with BOR Policy 5.6, Reporting Suspected Abuse or Neglect of a Child, as applicable.
(including, but not limited to, the rescission or revision of Policy) is at CSCU’s discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

12. Bias and Conflicts of Interest

Title IX/Equity Coordinators are expected to act without bias and conflicts of interest. Title IX/Equity Coordinators are trained to ensure they are not biased for or against any individual in a specific Complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by a Title IX/Equity Coordinator, contact the Executive Director of EEO and Civil Rights/Title IX Coordinator. Concerns of bias, conflict of interest, misconduct, or discrimination by other individuals involved in administering this Policy should be raised with the Title IX/Equity Coordinator.

13. External Agency Contact Information

Concerns about the CSCU’s application of this Policy and compliance with federal or state civil rights laws may also be addressed to the agencies below. Making a Report or Complaint under this Policy has no bearing on reporting to an external enforcement agency. Individuals may concurrently make reports to law enforcement, external enforcement agencies, and any other entity as appropriate to their circumstances.

Contact information for state and federal agencies where one can report discrimination, harassment, retaliation and/or sexual misconduct in the workplace or educational environment are provided below. Individuals should contact these agencies directly for information on the respective reporting process, reporting timelines, and other matters.

**United States Equal Employment Opportunity Commission (EEOC)**
John F. Kennedy Federal Office Building
Government Center, Room 475
Boston, MA 02203
(617) 565-3200

**United States Department of Education, Office for Civil Rights (OCR)**
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
(800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
14. Revision of this Policy

This Policy succeeds previous policies addressing discrimination, harassment, sexual misconduct, including Statement of Title IX Policy effective 7/29/2020, and/or retaliation, though previous policies and procedures related to sexual misconduct, including the Statement of Title IX Policy, remain in force for incidents occurring before August 1, 2024. The Executive Director of EEO and Civil Rights/Title IX Coordinator is responsible for periodic review and updates to this Policy, in consultation with the Office of General Counsel and other relevant CSCU stakeholders. The BOR reserves the right to revise this Policy as necessary.

This Policy is effective August 1, 2024.
Affirmative Action and Equal Employment Opportunity Policy Statement

The Board of Regents of Higher Education (“Board of Regents”) and Connecticut State Colleges and Universities (“CSCU”) are committed to leading, by example, in the areas of equal employment opportunity and affirmative action. The Board of Regents and the Connecticut State Colleges and Universities affirmatively seek to attract to its faculty, staff, and student body qualified persons of diverse backgrounds. Additionally, the Board of Regents commits to promote representative racial and ethnic diversity among its students, faculty, administrators, and staff at public institutions of higher education. Equal employment opportunity and affirmative action are essential to achieving public higher education’s goals of academic excellence and quality.

Equal Employment Opportunity

The Board of Regents is an equal employment opportunity/affirmative action employer. To ensure that employees and job applicants are not subjected to unlawful discrimination, it is the Board of Regent’s policy to comply with all State and Federal laws and regulations that prohibit employment discrimination and mandate specific actions for the purpose of eliminating present and past discrimination. Equal employment opportunity is the purpose and goal of affirmative action.

In accordance with this Policy and as delineated by federal and Connecticut law, the Board of Regents deems equal employment opportunity to be the employment of individuals without consideration of actual or perceived age, ancestry, color, gender identity or expression, genetic information and/or family medical history, intellectual disability, learning disability, parental, family or marital status, past or present history of mental disability, physical disability, pregnancy or related conditions, race or national origin, religion or creed, sex, sexual orientation, veteran or military status, arrest and/or criminal conviction status, lawful source of income, citizenship or immigration status, status as a victim of domestic violence, workplace hazards to reproductive systems, or any other protected characteristic, including protections for those opposing discrimination or participating in any grievance process within the institution, with the Equal Employment Opportunity Commission and/or the Connecticut Commission on Human Rights and Opportunities (“CHRO”), or other factors that cannot lawfully be the basis for employment actions, unless there is a bona fide occupational qualification under applicable local, state, or federal law.

Affirmative Action

Affirmative Action is a positive program of purposeful activity undertaken with conviction and effort to overcome present effects and past practices, policies, and barriers to equal employment opportunity. Affirmative action plans and programs are designed to achieve the full and fair participation of all protected class members found to be underutilized in the workforce or adversely affected by past policies and practice.
The Board of Regent’s commitment to affirmative action requires that the System Office and each College and University within the Connecticut State Colleges and Universities System make good faith efforts that may be necessary in all aspects of personnel administration to ensure that the recruitment and hiring of underrepresented individuals reflect their availability in the job market; that the causes of underutilization are identified and eliminated; that alternative approaches are explored when personnel practices have a negative impact on protected classes; and, that the terms and conditions, and privileges of employment, including upward and lateral mobility, are equitably administered.

The Board recognizes the employment difficulties experienced by individuals with disabilities and by many older people. Therefore, the Board will take necessary steps to identify and overcome areas of underutilization of such people in the workforce and to achieve their full participation in all System programs, processes, and services.

The Board of Regents is committed to ensuring that all Connecticut State Colleges and Universities services and programs are provided in a fair and impartial manner and thus has established affirmative action and equal employment opportunity as immediate and necessary system-wide objectives.

Each College and University and the System Office prepares an annual Affirmative Action Plan. The Affirmative Action Plans must comply with Connecticut law and regulations, provide a detailed, results-oriented set of procedures that blueprints a strategy to combat discrimination and implement equal employment opportunity and affirmative action goals. The objective of the Affirmative Action Plans is to set quantitative and non-quantitative goals, that promote affirmative action and/or eliminate any policy or employment practice that adversely affects protected class members.

Complete versions of the Affirmative Action Plans for each College and University within the Connecticut State Colleges and Universities System, and the Affirmative Action Plan for the System Office can be found online at: https://www.ct.edu/hr/nondiscrimination.

The Board of Regent’s policies and procedures against discrimination and harassment are included in the Affirmative Action Plans along with complaint procedures. Faculty, employees, students and other individuals participating in or attempting to participate in the CSCU’s education programs or activities may file complaints of discrimination, harassment, retaliation or alleged violations of this Policy may do so by contacting:

Lori Lamb, Interim Assistant Vice Chancellor for HR & Labor Relations  
Phone: 860-723-0250  
Address: 61 Woodland St., Hartford, CT 06105

Faculty, employees, students and others shall not be subjected to harassment, intimidation or any type of retaliation because they have (1) filed a complaint; (2) assisted or participated in an investigation, compliance review, hearing or any other activity related to the administration of any
federal, state or local law requiring equal employment opportunity; (3) opposed any act or practice made unlawful by any federal, state or local law requiring equal opportunity; (4) exercised any other legal right protected by federal state or local law requiring equal opportunity.

**Accountability**

The Board of Regents hereby commits to ensure that Connecticut State Colleges and Universities make every effort to implement effective Affirmative Action Plans within timetables set forth in such Plans. The Board of Regents fully expects the CSCU executive and supervisory staff to treat compliance with Federal and State of Connecticut affirmative action statutes as a top priority and take positive steps to ensure the successful implementation of the policies, procedures and objectives of affirmative action and equal opportunity throughout Connecticut State Colleges and Universities, including the System Office.

In issuing this **Affirmative Action and Equal Employment Opportunity Policy Statement**, the Board of Regents reiterates the need for affirmative action and equal opportunity and attests to the Connecticut State Colleges and Universities' determination to identify strengths and weaknesses throughout our employment system, resolve problems when they appear, recruit employees vigorously and affirmatively, and retain current employees while also helping them prepare for advancement.

_________________________  _______________________
Martin Guay, BOR Chair          Date

Note: The yellow areas above are references that will change in the near future. We request the Boards’ authorization to update as needed regarding contact information. No changes will be made to the substantive policy.
WHEREAS, pursuant to Connecticut General Statutes § 10a-1b(a) the Board of Regents for Higher Education (“BOR”) appoints the Chancellor of the Connecticut State Colleges and Universities (“CSCU”) who serves at the pleasure of the BOR as the Chief Executive Officer of the BOR; and

WHEREAS, the BOR fulfills one of its most important responsibilities in appointing a Chancellor, and that responsibility implies an equally important one: to review and assess the Chancellor’s performance in office; and

WHEREAS, performance evaluations provide the BOR with a formal opportunity to clarify the mission, objectives, accountability of its Chief Executive Officer; and

WHEREAS, a systematic, periodic, and defined procedure is needed to support the Chancellor’s evaluation; therefore, be it;

RESOLVED, that the BOR adopt the Policy on the Appointment and Evaluation of CSCU Chancellor effective July 31, 2024.
ITEM

Recommend that the Policy on the Appointment and Evaluation of the Chancellor be advanced to the full Board of Regents for consideration.

BACKGROUND

The Human Resources Committee of the BOR identified a gap in the practice related to the performance evaluation of the Chancellor. As such, they requested a proposal to implement a consistent and thorough evaluation process. This process was developed by the Human Resources Committee in consultation with Terrance MacTaggart, the BORs consultant from AGB.

ANALYSIS

Authority

Pursuant to Connecticut General Statutes § 10a-1b, the Board of Regents for Higher Education (“BOR”) shall appoint a Chancellor of the Connecticut State Colleges and Universities who shall serve at the pleasure of the BOR as the Chief Executive Officer of the BOR.

Implementation of a Performance Evaluation Process for the Chancellor

The BOR will oversee the evaluation of the Chancellor’s performance on a regular basis to include an annual review focused on the Chancellor’s annual goal statement and a comprehensive (360) evaluation conducted every three years.

Objectives of the performance evaluation process include:

- To support the Chancellor’s performance as the BOR’s chief executive officer,
- To contribute to the Chancellor’s leadership development,
- To promote accountability and transparency in the Board-Chancellor relationship,
- To create a shared understanding between the BOR and the Chancellor of the plans, goals, expectations, and the criteria against which the Chancellor’s effectiveness will be measured, and
- To contribute to other BOR decisions regarding the Chancellor such as contract and compensation.

Elements of the Evaluation Process

The evaluation process shall include the following elements:

- Overall supervision of the process by the Chair of the Board or a delegee,
- The Chancellor’s self-assessment related to the major accomplishments by the Chancellor prior to the annual assessment and the comprehensive assessment,
• The self-assessment shall include reference to challenges facing the Chancellor, signature accomplishments, measures (metrics) of progress, relevant political, economic and other factors affecting performance, and ongoing projects and priorities,
• Input on the Chancellor’s performance from each voting member of the Board provided to the Chair or delegee,
• The Chair or delegee will consolidate the consistent themes from that feedback,
• The Chair, delegee and/or a Regent committee designated by the Chair will provide feedback to the Chancellor,
• A meeting with the Chancellor to discuss the evaluation,
• A written summary of the evaluation will be retained in the Chancellor’s personnel file,
• The comprehensive/360 evaluation to be conducted every three years will follow the same best practices format except that it will include a more comprehensive Chancellor’s self-assessment, interviews with all Regents, Presidents and senior staff, and a report to the Chancellor and the Board to be presented by a neutral or external evaluator.

Evaluation Criteria

The Board of Regents could utilize its Key Areas of Focus and Goals, adopted in December 2022 (BR 22-096) to frame the performance evaluation for the Chancellor. Those key areas focus on what should be prioritized and include:

• **Student Success** – sustaining a system that meets the needs of all students and increases the number of students completing personally and professionally rewarding certificate and degree programs and securing careers in their chosen field of study.
• **Innovation and Economic Growth** – ensuring our certificate and degree programs are contributing to the creation of knowledge and the economic growth of the state of Connecticut and preparing students for careers today and in the future.
• **Affordability and Sustainability** – ensuring CSCU is making attendance affordable and our institutions financially sustainable.
• **Systemness** – realizing the full potential of the CSCU as a system of colleges and universities that achieves more than individual institutions can, independent of one another.

These key areas of focus may change from time to time and any changes should be incorporated into the Chancellor’s evaluation process.

Proposed Process and Timelines

In keeping with the CSCU’s practice of evaluating all employees annually, the following evaluation timeline is proposed for the current year’s annual evaluation.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
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<tbody>
<tr>
<td>August 2024</td>
<td>Establish agreed upon criteria for evaluation and goals for FY ’25</td>
</tr>
<tr>
<td>August 2024</td>
<td>Self-Evaluation by Chancellor due to Board of Regents</td>
</tr>
<tr>
<td>September 2024</td>
<td>Collection of feedback by Chair</td>
</tr>
</tbody>
</table>
September 2024  | Meeting of the Board Chair with the Chancellor to provide feedback/assessment; agree on goals for next fiscal year

The following general timeline can be utilized in subsequent years, whether annual evaluation or comprehensive/360 evaluation.

| June/July  | Establish agreed upon criteria for evaluation and goals for FY '25 |
| May       | Self-Evaluation by Chancellor due to Board of Regents |
| June      | Collection of feedback from Board of Regents |
| June/July | Meeting of the Board Chair with the Chancellor to provide feedback/assessment; agree on goals for next fiscal year |

Attachment:

- Proposed Policy on the Appointment and Evaluation of the Chancellor

RECOMMENDATION

Based on the above, staff recommends that the proposed Policy on the Appointment and Evaluation of the Chancellor be advanced to the full Board of Regents for consideration.
Board of Regents for Higher Education

Policy on the Appointment and Evaluation of CSCU Chancellor

Appointment and Duties of Chancellor (referred to as President)

Pursuant to Connecticut General Statutes § 10a-1b(a) the Board of Regents for Higher Education ("BOR") appoints the Chancellor of the Connecticut State Colleges and Universities who serves at the pleasure of the BOR.

The Chancellor of the Connecticut State Colleges and Universities has the statutory authority (1) to implement the policies, directives and rules of the BOR and any additional responsibilities as the BOR may prescribe, (2) implement the goals identified in Connecticut General Statutes § 10a-11c and recommendations made pursuant to Connecticut General Statutes § 10a-11b, (3) build interdependent support among the Connecticut State University System, the CT State Community College and Charter Oak State College, (4) balance central authority with institutional differentiation, autonomy and creativity, and (5) facilitate cooperation and synergy among the Connecticut State University System, CT State Community College and Charter Oak State College.

In accordance with Connecticut General Statutes § 10a-1b, the Chancellor’s executive staff is responsible for the operation of the BOR. The executive staff is under the direction of the Chancellor, who serves as the Chief Executive Officer of the BOR.

Delegation

The BOR delegates full authority and responsibility to the Chancellor consistent with the duties of Chief Executive Officer to take actions required for the CSCU System to function appropriately in accordance with BOR policy, system procedures, guidelines and applicable federal and state law, including but not limited to:

1. Following any BOR action required by BOR policy, signing and execution of all legal and financial documents on behalf of the BOR, including contracts, agreements, and other legal papers;
2. Sub-delegating the Chancellor’s authority to staff under the Chancellor’s direct supervision, as appropriate; and
3. Appointment of staff as is deemed necessary, including, but not limited to, temporary assistants and consultants.

1 BOR Resolution 23-054, dated June 28, 2023, established that the title “President of Connecticut State Colleges & Universities” shall be changed to “Chancellor of Connecticut State Colleges & Universities.”
2 Formerly, “regional community-technical college system.”
The BOR’s delegation to the CSCU Chancellor is conditioned upon ongoing compliance with applicable statutes and law, BOR policies, CSCU System procedures, guidelines, and all applicable state and federal regulations. This delegation expires upon termination of the Chancellor’s employment or as otherwise determined by the BOR.

**Evaluation of CSCU Chancellor**

The BOR fulfills one of its most important responsibilities in appointing the Chancellor of Connecticut State Colleges and Universities and that responsibility implies an equally important responsibility to review and assess the performance of the Chancellor. The BOR shall have a systematic, periodic, and well-defined procedure to utilize in support of the Chancellor’s evaluation.

The evaluation of the Chancellor shall be completed annually. Each year there shall be an evaluation by the Chair. A comprehensive/360 evaluation shall be conducted every three (3) years. The Chair will develop procedures as necessary to complete these evaluations.

The BOR will set general evaluation criteria for review and these criteria may change from time to time depending on the needs of the CSCU System. In addition, the Chancellor, in consultation with the BOR, shall establish annual performance goals and objectives. The evaluation criteria and annual goals should be consistent with the key objectives of the BOR and the educational mission of the CSCU System. The Chancellor’s evaluation will, in part, be based upon the extent to which the Chancellor met or exceeded the agreed upon performance goals.

The Chancellor will prepare a self-assessment, to be submitted to the BOR Chair approximately one (1) month prior to the evaluation meeting. The Chancellor’s self-assessment will include a review of their tenure in office, the established performance goals, and the progress and/or problems in fulfilling the agreed-upon goals and key CSCU System objectives.

The BOR Chair will obtain input they deem necessary regarding the Chancellor’s performance. The BOR Chair shall consolidate this feedback and utilize the information in the overall evaluation of the Chancellor. The BOR Chair may utilize appropriate means to facilitate the gathering of this input.

The BOR Chair, any others they may designate, and the Chancellor will hold a meeting to discuss the results of the evaluation and agree upon goals for the next evaluation period.