

**BOARD OF REGENTS FOR HIGHER EDUCATION  
CT STATE COLLEGES AND UNIVERSITIES (CSCU)  
MINUTES OF REGULAR MEETING  
WEDNESDAY, JULY 31, 2024 – 2:30 p.m.  
CONDUCTED IN PERSON AND VIRTUALLY  
LIVESTREAMED ON <https://www.youtube.com/live/ZbKKbZECqKA>**

<b>REGENTS – PARTICIPATING (Y = yes / N = no)</b>	
Marty Guay, Chair	Y
Richard J. Balducci	N
Ira Bloom	Y
Juanita James	Y
Sophia Jappinen	Y
James McCarthy	Y
Richard Porth	N
Luis Sanchez, Student Regent	Y
Ari Santiago	Y
Erin Stewart	Y
Elise E. Wright	Y
Ted Yang	N
*Brendan Cunningham, FAC Chair	Y
*Colena Sesanker, FAC Vice Chair	Y
*Dante Bartolomeo, Labor Commissioner	N
*Charlene Casamento, OPM Undersecretary	Y
*Dr. Manisha Juthani, Public Health Commissioner	N
*Daniel O’Keefe, DECD Commissioner	N
*Charlene Russell-Tucker, Education Commissioner	N
*Kelli-Marie Vallieres, Chief Workforce Officer	Y
<i>*ex-officio, non-voting member</i>	

**CSCU STAFF:**

Terrence Cheng, CSCU Chancellor  
 Jessica Paquette, Vice Chancellor for System Affairs & Chief of Staff  
 Danny Aniello, Special Asst to the Chancellor, Executive Director for System Project Management  
 Dr. Lloyd Blanchard, CSCU Interim Vice President for Administration and Chief Financial Officer  
 Adam Joseph, Vice Chancellor of External Affairs  
 Vita Litvin, Interim General Counsel  
 Dr. Aynsley Diamond, AVP, Academic Affairs  
 Lori Lamb, Interim Assistant Vice Chancellor for Human Resources and Labor Relations  
 Kim Pacelli, Interim CSCU Title IX Coordinator  
 Shannon Walsh, Assistant General Counsel  
 Dr. Manohar Singh, Interim President, Western CT State University  
 Ed Klonoski, President, Charter Oak State College  
 Dr. Dwayne Smith, Interim President, Southern CT State University  
 Dr. Karim Ismaili, President, Eastern CT State University  
 Dr. John Maduko, President, CT State Community College  
 Pam Heleen, Secretary of the Board of Regents (recorder)

1. **CALL TO ORDER**

Chair Guay welcomed everyone to the Special Meeting and called the meeting to order at 2:38 p.m. Following roll call, a quorum was declared.

2. **ADOPTION OF AGENDA**

Chair Guay made a motion to adopt the meeting agenda, which was seconded by Regent James, and unanimously adopted.

3. **CHAIR GUAY'S REMARKS**

Chair Guay noted that the Board had three resolutions to consider:

- Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy and Affirmative Action and Equal Employment Opportunity Policy Statement
- Interim Student Code of Conduct
- Policy on the Evaluation of the CSCU Chancellor

He thanked everyone who has worked on the policies, specifically the Academic & Student Affairs Committee under Regent Ira Bloom and the Human resources Committee under Committee Chair Sophia Jappinen, System Office leadership. There is a deadline of August 1<sup>st</sup> to come into compliance for the new Department of Education regulations.

4. **HUMAN RESOURCES & ADMINISTRATION COMMITTEE** – Committee Chair Sophia Jappinen

The Human Resources and Administration Committee met on July 17th and approved two items for consideration by the full Board. The first item is a resolution on the Implementation of the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy, and Update to the Affirmative Action and Equal Employment Opportunity Policy Statement.

Committee Chair Jappinen introduced Lori Lamb, Interim Assistant Vice Chancellor of Human Resources and Labor Relations to present the item and to answer any questions from the Regents.

- Ms. Lamb recognized all those who contributed to the collective effort to present the items, including Kim Pacelli, Interim CSCU Title IX Coordinator, CSCU General Counsel and her staff, the University Council at CCSU, all Title IX Coordinators across CSCU, DEI leaders, and CSCU institution presidents.
- She introduced Kim Pacelli, the CSCU Interim Title Coordinator and consultant from TNG Consulting, the preeminent national firm that specializes in overall risk management.
- Ms. Lamb identified the convergence of the issues that help set the context for where CSCU is:
  - Existing CSCU policies have long needed updating to better comply with state and federal regulations and clarify and streamline the policies and procedures for everyone, including students, faculty, and staff who may need to utilize these policies, as well as those individuals on campuses who implement them.
  - There has been a lack of clarity in policies and a lack of clear direction, specifically around discriminatory harassment, non-discrimination, and retaliation. Ms. Lamb noted that it was time for CSCU to remedy that lack of clarity.

On April 19, 2024, the US Department of Education promulgated new Title IX regulations that supersede existing Title IX regulations. Policies need to be amended in accordance.

- Ms. Lamb added that a committee has been looking at the student conduct code and how to make it better. It was important that it be looked at in the context of the new Title IX regulations, as well.

- She also noted that the Discriminatory Harassment, Non-discrimination, and Title IX Policy is interim. It was recommended as such because the August 1st deadline has not provided sufficient opportunity to adequately consult with all stakeholders, especially faculty and students who are not well represented during summer months. There is more work to do; interim procedures are being developed that will implement these policies.
- Training under the new Title IX regulations will be required for all of faculty and staff.
- CSCU must stay alert to numerous legal challenges; there are many of them across various states. So far, CSCU is not impacted, but this could change both locally and politically in the coming months.
- Ms. Lamb mentioned an updated Affirmative Action policy statement is also presented to make sure that CSCU complies with both federal and state laws and to add clarity.
- This collective work will significantly move CSCU forward in these crucial areas; it not only sets the policy framework for the important work that must be done, but also helps establish CSCU as firmly committed to providing an education and working environment that is free from discrimination and harassment based on any protected characteristic and free from retaliation.
- Kim Pacelli added that even though Title IX has always prohibited discrimination on the basis of sex and gender and is very closely connected with sexual harassment, the idea that CSCU has to have specific procedures that adhere to federal regulations for all discrimination cases in addition to all cases associated with harassment is a bit new. There is a broadening of the scope of the procedures; so, it makes it an opportune time to look more globally at a policy that addresses all. She added that the new Title IX regulations broaden the scope of bad behaviors that arguably fall under Title IX. This presents the opportunity to update the definitions of what constitutes forms of discriminatory harassment or discrimination and connects them with all civil rights issues.

*Regent James made a motion to approve the resolution which was second by Regent Bloom. The resolution was approved by unanimous voice vote.*

**5. ACADEMIC & STUDENT AFFAIRS COMMITTEE – Committee Chair Bloom**

Committee Chair Bloom reported that the Academic & Student Affairs Committee met on July 18th and approved an Interim Student Code of Conduct policy for full Board consideration. He noted that the substantive changes that have been incorporated in the Interim policy are as a direct result of the revised regulations mandated by the US Department of Education, as well as changes required by the Department of Justice. One important item to note is that the new 2024 regulations of the Department of Education do not address the issue of protections for transgender students in athletics with the US Department of Education indicating that the regulatory process related to athletics is ongoing. There are other non-substantive changes to the document, for instance the inclusion of CT State language and the change in the Chancellor's title from President.

- Regent Bloom added that the Code is "Interim." There are numerous legal challenges underway in several states that may affect the implementation of some or all the new Title IX regulations. Additional consultation with internal stakeholders, including institution administrators, faculty and students, is required to complete the necessary revisions to the Student Code of Conduct, including more coordination between this policy and the Interim Non-discriminatory Harassment Policy and a separated Academic Integrity Policy.
- The ASA Committee anticipates receiving regular updates from staff as this process moves forward.
- Regent Bloom turned the discussion over to Interim General Counsel Vita Litvin to provide some background from the Department of Education and Department of Justice, as well as the references to the proposed Interim Discriminatory Harassment, Nondiscrimination, and Title IX

Policy. Ms. Litvin mentioned the confusion within CSCU institutions regarding applying three separate board policies that cover the same subject matter regarding sexual misconduct. The streamlining of the Interim Discriminatory Harassment, Non-discrimination, and Title IX Policy is timely and necessary to bring all components together.

- Ms. Litvin noted that the Student Code will no longer have student-specific procedures regarding sexual misconduct, rather the interim code refers jurisdiction to the new Interim Discriminatory Harassment, Non-Discrimination and Title IX policy. The other notable changes fall into two large categories - one is revisions to the Preamble, the definitions, the jurisdiction, and the scope of the code; the second category is revisions to the prohibited conduct section. Some significant changes of note within the prohibited conduct section are language and additional tools provided to our communities to address protests on campuses given the state of national politics and that we are in an election year.
- Self-harm language has been removed from the prohibited conduct, suspensions, and resident hall separation sections.
- Work on the code is definitely not complete, and work will continue to revise the Student Code in the coming academic year. CSCU institutional leaders have expressed the need to separate academic misconduct from the code and establish a separate Academic Integrity Policy that would provide robust language around the use of artificial intelligence in the classroom and in the workplace.
- The behavioral misconduct procedure section still needs to be further evaluated and revised to ensure compliance with federal and state laws and regulations and to establish consistent best practices throughout CSCU.
- Regent Santiago asked that the information regarding self-harm be clarified. Ms. Litvin stated that the student code currently contains, within its prohibited conduct section, language that prohibits self-harm. Self-harm is not behavior or conduct that should be punishable under the code. That language is also being removed from the interim suspensions section of the code. References are being removed in order to be compliant with the ADA.
- Regent Santiago asked for clarification about changes related to campus protests. Ms. Litvin shared that there are specific sections of the code that address the First Amendment (i.e., use of firearms, the prohibition on erecting permanent and semi-permanent structures without authorization). Those types of tools are provided for our campuses to be able to regulate conduct and to ensure a peaceful, welcoming, and safe environment for students.
- Regent James reiterated, as was discussed in the ASA Committee meeting, that there will be appropriate training and communication of all of these new policies and procedures for the different constituent groups within the system.
- Professor Cunningham's question was prompted by a report that came out a few days after the ASA meeting detailing the fact that the University of California system has calculated that their response to protests cost them roughly \$30 million. His question was twofold - does this new policy push CSCU towards the University of California type response to protests and what is the financial risk exposure to CSCU as a consequence of that. Regent Bloom responded that the Code provides a great deal of discretion for university and college officials as to how the provisions are administered. These are rules of conduct that can be enforced depending on what the circumstances are; it is an administrative decision that is made at particular events.

*Committee Chair Bloom presented the resolution as a motion to approve. It was second by Regent James. The resolution was approved by unanimous voice vote.*

6. **HUMAN RESOURCES & ADMINISTRATION COMMITTEE** - Committee Chair Jappinen

The HR Committee's second item is a resolution on adopting a policy related to the Appointment and Evaluation of the Chancellor. Lori Lamb presented the item.

- Ms. Lamb introduced the new policy related to the Chancellor's appointment and evaluation comes to ensure that the Board's oversight responsibilities include a consistent process for evaluating your chief executive officer, the Chancellor. The policy is a collaborative effort with the BOR HR committee and input from Terry MacTaggart from AGB who's been working with the Board of Regents on a number of items. The Chancellor has reviewed and understands and agrees with the general principles involved in the policy.
- The policy provides for a required annual evaluation of the Chancellor, largely under the supervision and direction of the BOR Chair. The chair will obtain necessary input and will use that to inform the evaluation that is ultimately delivered to the Chancellor. In addition, every three years, there will be a comprehensive or 360-degree evaluation which will involve seeking input from a much broader audience than perhaps the annual evaluation would. The Chair will have the opportunity to implement this process and develop procedures for doing so. The policy intentionally does not include specific procedures so that they could vary from time to time depending upon the conversation between the Chair and the Chancellor. Also, AGB may provide additional input on some best practices. This three-year portion of the evaluation process was a specific recommendation from Terry MacTaggart from AGB.
- Professor Sesanker made suggestions related to the implementation of the policy and to the explicit process of the evaluation.
  - Any political stance taken by and claimed by the leadership should be a public political stance.
  - The evaluation process should make use of the voices of faculty and staff and that the faculty advisory committee is available for just that purpose. It would be good to have a written response on file to any self-evaluation.

Ms. Lamb responded that the policy is written to provide the Board Chair enough discretion to collect that exact type of feedback; every piece of feedback is not enumerated in the policy. Professor Sesanker's recommendation will be taken into consideration in developing the procedures moving forward. Professor Sesanker followed up by saying that she didn't think that it should be up to the discretion of the Board; there should be documentation of the input and context of faculty and staff. Chair Guay committed to getting faculty feedback in writing.

- Regent James reminded the Board that there must be a balance between transparency and protecting privacy. Things needed from an implementation and execution standpoint have to be very carefully balanced in terms of the need for transparency and shared governance with the needs of protecting the privacy of the individual. Ms. Lamb reminded the Board that we also have to always comply with the state public meeting law.
- Regent McCarthy added that there is a balance between a very in depth, very careful more public kind of evaluation every third year and the annual evaluation. Regent Bloom agreed.

*Regent James presented the resolution as a motion to approve. It was second by Regent Wright. The resolution was approved by unanimous voice vote.*

7. **ADJOURNMENT**

*Chair Guay made a motion to adjourn the meeting adjourned at 3:16 p.m. The motion was seconded by Regent James and unanimously carried.*

Submitted,

Pamela Heleen  
Secretary of the CT Board of Regents for Higher Education