

# **CSCU** Board of Regents

## **AGENDA - SPECIAL MEETING**

**2:30 p.m., Wednesday, July 31, 2024**

**Conducted Via Webex and Live Streamed at**

[https://www.youtube.com/live/u5KRR2Hy\\_fl](https://www.youtube.com/live/u5KRR2Hy_fl)

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1. Call to Order, Roll Call & Declaration of Quorum
2. Adoption of Agenda
3. Action Items
  - a. Implementation of CSCU Human Resources Policies..... Page 1
    - Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy.. Page 9
    - Affirmative Action and Equal Employment Opportunity Policy Statement.... Page 23
  - b. Interim Student Code of Conduct..... Page 26
  - c. Policy on the Appointment and Evaluation of CSCU Chancellor.....Page 65
4. Adjourn

**Please note: There is no invitation for public comment at Special Meetings of the Board of Regents.**

# **CSCU** Board of Regents

## **CT BOARD OF REGENTS FOR HIGHER EDUCATION**

### **RESOLUTION**

concerning

#### **Implementation of CSCU Policies related to New Title IX Regulations**

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

**July 31, 2024**

**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 adopt the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy and adopt the update to Affirmative Action and Equal Employment Opportunity Policy Statement.

**BACKGROUND**

The policy work before results from a convergence of issues that compel a comprehensive overhaul of policies dealing with Title IX, discriminatory harassment, nondiscrimination, and retaliation. The factors at play include:

- 1) The current CSCU policies have long needed updating to better comply with state and federal regulations and clarify and streamline policies and procedures for everyone involved.

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 existing 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 those who must implement the policies and procedures on the individual campuses and in the System Office.

- 2) There has been a lack of clarity in policies and a lack of clear direction specifically around discriminatory harassment, nondiscrimination and retaliation.

CSCU current patchwork of policies does not adequately address harassment and/or discrimination and/or retaliation based on all protected characteristics beyond sex as is required under various federal and state laws. As such, this is an opportune time for CSCU to address the lack of clarity around these issues at the system-level and move to a unified policy to create one common community standard for all members of the CSCU.

- 3) 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 is now required to adjust policies and procedures related to Title IX to comply with these new regulations.

- 4) There was a committee convened by the previous Provost to review and update the Student Conduct Code.

The details of this work are being processed through the Academic and Student Affairs Committee. However, references to Title IX are being removed to eliminate confusion.

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

<b>Current BOR Policy</b>	<b>Updated/New BOR Policy</b>	<b>BOR Committee</b>
Affirmative Action BOR Policy 4-05	Reviewed and updated language	Human Resources July 17, 2024
Title IX BOR Policy 4-11 (recommended for recession)	New Interim Connecticut State Colleges and Universities Discriminatory Harassment, Nondiscrimination, and Title IX Policy	Human Resources July 17, 2024
Sexual Misconduct Reporting, Supporting Measures and Processes BOR Policy 5-02 (recommended for recession)		
Student Code of Conduct BOR Policy 2-01	Interim Student Code of Conduct is 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.	Academic & Student Affairs July 18, 2024

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, and that we do not even have a system level policy related to non-discrimination. 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.

**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 to 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 the following:

1. Adopt the Affirmative Action Policy Statement – revise BOR 4.05
2. Rescind the Board of Regents' Title IX Policy – BOR 4.02
3. Rescind the Board of Regents' Sexual Misconduct Policy – 5.02
4. Adopt new 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.<sup>1</sup> 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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<sup>1</sup> 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.<sup>2</sup> 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),<sup>3</sup> and other individuals participating in or attempting to

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<sup>2</sup> 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.

<sup>3</sup> 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, post-graduate, 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

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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,<sup>4</sup> 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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<sup>4</sup> 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<sup>5</sup> 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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<sup>5</sup> 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<sup>6</sup> 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**<sup>7</sup> 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

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<sup>6</sup> 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.

<sup>7</sup> 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:**<sup>8</sup> 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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<sup>8</sup> 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.**<sup>9</sup> 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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<sup>9</sup> 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.<sup>10</sup>

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

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<sup>10</sup> 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](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

United States Department of Education, Office for Civil Rights (OCR) (Boston office)  
33 Arch Street, Ninth Floor  
Boston, MA 02110  
(617) 289-0111

United States Department of Justice, Civil Rights Division  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001  
(202) 514-3847 or (855) 856-1247  
(TTY) (202) 514-0716

Offices of the Connecticut Commission on Human Rights and Opportunities  
450 Columbus Boulevard, Suite 2, Hartford, CT 06103; (860) 566-7710  
100 Broadway, Norwich, CT 06360; (860) 886-5703  
55 W. Main Street, Suite 210, Waterbury, CT 06702; (203) 805-6530  
350 Fairfield Avenue, 6th Floor, Bridgeport, CT 06604; (203) 579-6246

Connecticut Commission on Women, Children and Seniors, Equity & Opportunity  
18-20 Trinity Street  
Hartford, CT 06106  
(860) 240-1424

State of Connecticut: Employee Grievance Procedure  
(contact the College or University Human Resources Office or union representative for  
Grievance forms and/or procedures)  
200 Folly Brook Boulevard  
Wethersfield, CT 06109  
(860) 566-3450

#### **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.

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**BOARD OF REGENTS FOR HIGHER EDUCATION  
CONNECTICUT STATE COLLEGES AND UNIVERSITIES**

**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 statement 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.

Note: The yellow areas above are references that will change in the near future. No changes will be made to the substantive policy.

# **CSCU** Board of Regents

## **CT BOARD OF REGENTS FOR HIGHER EDUCATION**

### **RESOLUTION**

concerning

#### **CSCU Student Code of Conduct**

**July 31, 2024**

**WHEREAS**, the Board of Regents for Higher Education on March 13, 2014 adopted the Student Code of Conduct and has amended the policy from time to time to remain consistent with state and federal law, regulatory requirements and best practices; 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 Student Code of Conduct must be amended to address the requirements set forth in the Title IX regulations; and

**WHEREAS**, additional revisions to other sections of the Student Code of Conduct were also necessary to ensure compliance with federal and state law; and

**WHEREAS**, the requirements outlined above have made it necessary to update the Student Code of Conduct’s intent, language, and substance in the Preamble, Introduction, Delegation of BOR Authority and Parts A-F, including Definitions, Prohibited Conduct, and other consolidated/streamlined sections; and

**WHEREAS**, 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 stakeholders, including institution administrators, faculty and students, is required to complete the necessary revisions to the Student Code of Conduct. As such, it is advisable to title the Student Code of Conduct policy as “Interim”; therefore, be it

**RESOLVED**, that the Board of Regents approve the proposed revisions to the Student Code of Conduct and designate the revised Student Code of Conduct as an “Interim” policy to be further be amended in the next academic year effective July 31, 2024.

**ITEM**

Approval of revisions to the Student Code of Conduct and designation of the revised Student Code of Conduct as an “Interim” BOR policy.

**OVERVIEW**

- Changes to the Student Code of Conduct are necessitated by multifaceted influences, including recent changes to the U.S. Department of Education’s Title IX regulations, guidance from the Department of Justice, as well as internal confusion in applying multiple CSCU policies that cover the same sexual misconduct subject matter.
- The Student Code of Conduct is one of three BOR/CSCU policies that is part of a systemic overhaul in the way the BOR/CSCU governs sexual misconduct and Title IX matters. The new *Interim Discriminatory Harassment, Nondiscrimination and Title IX* policy will streamline all discriminatory and harassing misconduct into one comprehensive policy and will govern not only students but also faculty and staff under the same rules.
- The Student Code of Conduct will no longer include the student-specific procedures regarding sexual misconduct; rather, it will refer jurisdiction to the new *Interim Discriminatory Harassment, Nondiscrimination and Title IX* policy.
- The remaining changes in this *Interim Student Code of Conduct* fall into one of two categories:
  - (1) general changes to the preamble, definitions, jurisdiction, and scope; or
  - (2) changes to the prohibited conduct section. The Summary of Changes section below provides an in depth explanation of the changes in these categories.

**BACKGROUND**

In 2020, the U.S. Department of Education promulgated updated regulations under Title IX of the Education Amendments of 1972. The Title IX regulations required significant changes be made to procedures regarding formal complaints of sexual harassment. Accordingly, in 2020 the BOR passed the Statement of Title IX Policy, revised the Sexual Misconduct Policy, and revised the Student Code to ensure compliance with state and federal law.

Since then, CSCU administrators have consistently expressed confusion and frustration with the aforementioned policies and procedures because three separate BOR policies covered the same subject matter. The current Student Code contains definitions, responsibilities and procedures regarding sexual misconduct and sexual harassment that overlap but are not consistent with the definitions and procedures set forth in the separate Sexual Misconduct Policy and Title IX Policy. 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.

In January 2023, the Office of Academic and Student Affairs at the System Office formed and charged a Student Code of Conduct Task Force to revise the CSCU Student Code of Conduct. The Task Force

leadership included representatives from CSCU universities, CT State and Charter Oak State College from student affairs, DEI, judicial affairs, the registrar's office, and the Office of General Counsel in an advisory capacity.

In April 2024, the US Department of Education released final Title IX regulations that amend 34 C.F.R. §106.1 and take effect on August 1, 2024. Due to the numerous changes in the Title IX regulations (i.e., definitions to scope of conduct, applicability of sex discrimination, grievances procedure options), CSCU retained a consultant to assist in revising the Title IX Policy ("Title IX Policy") and the Sexual Misconduct Reporting, Supportive Measures and Process Policy ("Sexual Misconduct Policy").

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 CSCU institutional leaders have expressed the need to separate academic misconduct from the Student Code and establish a separate academic integrity policy with more robust language concerning artificial intelligence, which will require additional consultation with internal stakeholders, including institution administrators, faculty and students to complete the remaining necessary revisions to the Student Code of Conduct, it is advisable to title the Student Code of Conduct policy as "Interim."

### **SUMMARY OF CHANGES**

The proposed Interim Student Code of Conduct addresses the revisions to the Student Code of Conduct (BR 20-104, amended 7/29/2020).

#### 1. General Updates:

The intent, language and substance of Section I, which includes the Preamble, Introduction & Delegation of BOR Authority, and Parts A – F have been updated as follows:

- a. Preamble now refers to the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy, and includes revisions to the enumerated protected classes in the last paragraph of the Preamble.
- b. Introduction section now includes language regarding the BOR's authority to establish standards, regulations, and procedures for students. The updates also explain the BOR and Chancellor's delegation of authority for policies and procedures, as well as oversight and accountability.

#### 2. Part A (Definitions) Updates:

- a. "Student" updated to address issues in assessing whether an individual has a continuing relationship with a CSCU institution and, thus, subject to jurisdiction of the Code.
- b. "College" and "CSCU" definitions were updated to include the newly accredited CT State Community College.
- c. "Policy" updated to specifically reference the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy.

3. Part B Updates:

Application, Scope and Jurisdiction sections have been consolidated and streamlined to explain these provisions clearly and concisely.

4. Part C (formerly Part D): Prohibited Conduct major updates include:

- i. Acts of dishonesty definition expanded;
- ii. Removed “sexual harassment” and instead referred to the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy
- iii. Removed “intimate partner violence” and instead referred to the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy
- iv. Removed “stalking” and instead referred to the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy
- v. Updated “harassment” to appropriate standard and clarified that discriminatory harassment will be administered by the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy
- vi. Updated “disorderly, lewd, or indecent” conduct provision to better explain the conduct that violates this provision.
- vii. Removed “self-harm” reference from “behavior that endangers the health safety, or well-being ...” The U.S. Department of Education, relevant federal law and legal precedent have made it clear that self-harm may not be subject to discipline. In the same paragraph, we also removed “or emotional” because it could be inferred to be at odds with the First Amendment right to freedom of speech. If the speech or conduct is ultimately unprotected (i.e., is discrimination harassment that violates Title VI) it will still be adjudicated under the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy.
- viii. Updated “Starting fires...” to better explain the conduct that violates this provision.
- ix. Updated “use, possession ... narcotics” provision to explicitly state “The use or possession of marijuana (medical or otherwise) on campus is restricted by federal laws, such as the federal Safe and Drug Free Schools and Communities Act and the Drug- Free Workplace Act. Accordingly, CSCU Colleges and Universities prohibit the use or possession of marijuana, including medical marijuana, on campus.”
- x. Removed “gambling” provision because online gambling has since been legalized. The Code still includes a prohibition on violating federal, state or local laws, regulations, and/or ordinance that would encompass any illegal gambling.
- xi. Expanded definition of “disruption or obstruction” to better explain conduct that violates this provision and is not protected by the 1<sup>st</sup> Amendment.
- xii. In light of the current Presidential election year and the current political climate around the nation, added language to address 1<sup>st</sup> Amendment and protests on campus:

- “Disruptive behavior, which is defined as participating in or inciting others to participate in the deliberate interference with the freedom of any person to express their views, or disruption, obstruction or prevention of the peaceful and orderly conduct of any CSCU activity, including, but not limited to: classes, lectures, quiet study, research, events, speaker presentations, administration, Student Conduct proceedings, the living/learning environment, or other CSCU or BOR activities or meetings, on or off-campus; or of other non-CSCU activities when the conduct occurs on CSCU premises; or of the living environment, on or off-campus.”
- “Forcible entry and/or unauthorized presence in CSCU owned buildings or property, including but not limited to, construction of permanent or semi-permanent structures within CSCU owned buildings, in or on CSCU property for any activity, unless the construction itself is undertaken and/or approved by the State, BOR, College and/or University.”

5. Deleted Part E: Sexual Misconduct, Sexual Intimate Partner, Domestic Violence & Stalking

The Student Code of Conduct Task Force assessed whether Part E of the Student Code of Conduct was legally necessary and determined that given the confusion expressed by CSCU administrators adjudicating student cases, it was advisable and legally permissible to remove Part E from the Student Code and instead explicitly state that student conduct shall be adjudicated under the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy.

6. Revised Section II, Part B (Disciplinary Procedures: Nonacademic Misconduct):

Revocation of Admission and/or Degree - The following language has been added: “Upon the recommendation of the Hearing Body, admission to a University may be revoked by a University. Upon the recommendation of the Hearing Body, a degree conferred by the University may be revoked by the University with the approval of the BOR.”

7. Revised Section II, Part C (Interim Suspensions and Residence Hall Separations):

Section II, Part C (1) ("Basis for Imposition of Interim Suspension or Residence Hall Separation") Deleted "(ii) to ensure the Student's own physical or emotional safety and well-being" to ensure the University is not punishing students for self-harm or other mental health disabilities in violation of the ADA.

8. Revised Disciplinary Procedures:

The disciplinary procedures section in Section II (Connecticut State Universities), Section III (CT State Community College), and Section III (Charter Oak State

College) were supplemented to include the following statement as appropriate for each institution:

Connecticut State Universities/Connecticut Community State College/Charter Oak State College are committed to creating a learning environment and academic community that promotes educational opportunities for all individuals, including those with disabilities. It is the responsibility of students with documented physical or learning disabilities seeking accommodation to notify their appropriate campus accessibility/disability services office in a timely manner concerning the need for such accommodation. Connecticut State Universities/Connecticut Community State College/Charter Oak State College will make reasonable accommodations for access to programs, services, and facilities as outlined by applicable state and federal laws.

A student requesting an accommodation related to an administrative conference or hearing must follow the appropriate process for requesting an accommodation through the appropriate campus accessibility/disability services office. The office designated to work with students with disabilities will make a determination regarding the request and notify the appropriate parties.

### **ONGOING WORK**

Work will continue regarding additional revisions to the Interim Student Code of Conduct. CSCU institutional leaders have expressed the need to separate academic misconduct from the Code and establish a separate academic integrity policy with more robust language concerning artificial intelligence. Additionally, CSCU institution behavioral misconduct procedures need to be further evaluated and revised to ensure consistent best practices throughout the CSCU System.

### **RECOMMENDATION**

That the Board of Regents approve the proposed revisions to the Student Code of Conduct and designate the revised Student Code of Conduct as an “Interim” policy to be further amended in the 2024 - 2025 academic year. Additional revisions to this interim policy will be brought before the Board of Regents for approval.



2.1	Student Code of Conduct	Approved 3/13/2014; amended 4/17/2014, 1/15/2015, 6/16/2016, 7/29/2019, 7/31/2024
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**BOARD OF REGENTS FOR HIGHER EDUCATION**  
**CONNECTICUT STATE COLLEGES AND UNIVERSITIES**  
*Interim Student Code of Conduct*

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## I. STUDENT CODE OF CONDUCT

### PREAMBLE

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. In line with this purpose, the Board of Regents for Higher Education (“BOR”) in conjunction with the Connecticut State Colleges and Universities (“CSCU”) has the duty to protect the freedoms of inquiry and expression, and furthermore, has the responsibility to encourage all of its members to develop the capacity for critical judgment in their sustained and independent search for truth.

CSCU has certain self-defined institutional values. Principal among these values is respect for the safety, dignity, rights, and individuality of each member of the CSCU community. The opportunity to live, study, and work in an institution which values diverse intellectual and cultural perspectives and encourages discussion and debate about competing ideas in an atmosphere of civility is considered a privilege and an honor by those who are invited to join the CSCU community.

All members of the CSCU community must at all times govern their social and academic interactions with tolerance and mutual respect so that the students who pass through a CSCU door are enriched by these experiences and are prepared for full and enlightened participation in a multi-cultural society. Because of the BOR’s and CSCU’s commitment to principles of pluralism, mutual respect, and civility, certain activities or behaviors are not acceptable on CSCU campuses. Acts of intolerance, hatred or violence based on race, religion, sexual orientation or expression, disability, gender, age, ethnic background, gender identity or express, or other protected classes, are antithetical to CSCU’s fundamental principles and values. Allegations of conduct that could constitute a violation of the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy, and the *Student Code* will be administered according to the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy and applicable procedures.

It is the BOR’s and CSCU’s responsibility to protect our students’ right to learn by establishing an environment of mutual respect and civility.

### INTRODUCTION & DELEGATION OF BOR AUTHORITY

This Student Code of Conduct (hereinafter the “Student Code” or “Code”) describes the types of conduct that is not acceptable in an academic community and the general process by which violations of the Code will be addressed. All students are expected to familiarize themselves with and are required to abide by the provisions of the Student Code. Students who breach the trust that has been extended to them by the CSCU community will be held accountable for their conduct. The conduct process within this Student Code is intended to be part of the educational mission of CSCU that promotes individual student development and the welfare of the CSCU community while upholding principles of fundamental fairness. Thus, the student conduct proceedings are not criminal proceedings and are not subject to court rules of procedure and evidence.

The BOR has the statutory authority to establish standards, regulations and procedures for students. The BOR has charged the CSCU Chancellor with developing the standards, regulations and procedures to protect student rights and to address student abdication of responsibilities in collaboration with the CSCU under the jurisdiction of the BOR. In turn, the CSCU Chancellor has delegated the responsibility for these standards, regulations and procedures to specified administrative officials. Therefore, the Student Code is administered under the direction and oversight of the CSCU Senior Vice President of Academic and Student Affairs. The CSCU Senior Vice President of Academic and Student Affairs is responsible for administering and coordinating recommendations from the CSCU community regarding suggested revisions to the Student Code and presenting the proposed substantive changes to the Academic Council, the Student Affairs Council, and the Academic and Student Affairs Committee for BOR's consideration and approval.

*Disclaimer: This Code is neither a contract nor an offer of a contract between any BOR governed institution and any student. The provisions of this Code are subject to revision at any time.*

## **PART A: DEFINITIONS**

The following terms are defined in an effort to facilitate a more thorough understanding of the Student Code. This list is not intended to be a complete list of all the terms referenced in this Student Code that might require interpretation or clarification. The College or University Disciplinary Officer or Conduct Administrator shall make the final determination on the definition of any term found in this Student Code.

1. "Accused Student" or "Accused Student Organization" or "Respondent" means any Student or Student Organization, as defined in this Student Code, who is alleged to have engaged in conduct that violated this Student Code.
2. "Advisor" means a person who accompanies an Accused Student or Complainant for the limited purpose of providing advice, guidance, and support to the Accused Student or Complainant. An advisor may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process).
3. "Appellate Body" means any person or persons authorized by the University Vice President for Student Affairs, Community College Dean of Students, Charter Oak State College Provost or their designee to consider an appeal from a determination by a Hearing Body that a student has violated the Student Code.
4. "Calendar Days" means the weekdays (Mondays through Fridays) when the University or College is open.
5. "College" means Connecticut State Community College or Charter Oak State College.
6. "Complainant(s)" means the person(s) who initiates a complaint by alleging that a Student(s)

or a Student Organization violated the Student Code.

7. “CSCU” means either collectively or singularly, any of the following institutions: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, Western Connecticut State University; Connecticut State Community College, and Charter Oak State College.
8. “CSCU Affiliates” means individuals and/or entities with whom or with which the College or University has a contractual relationship.
9. “College or University Official” includes any person employed by any College or University to perform administrative, instructional, or professional duties.
10. “CSCU Premises” means all land, buildings, facilities, and other property in the possession of, or owned, used, and/or controlled by, the BOR, University or College, either solely or in conjunction with another entity.
11. “Disciplinary Officer” or “Conduct Administrator” means a University, College or CSCU official who is authorized to determine the appropriate resolution of an alleged violation of the Code, and/or to impose sanctions or affect other remedies as appropriate. Subject to the provisions of this Code, a disciplinary officer or conduct administrator is vested with the authority to, among other duties: investigate a complaint of an alleged violation of the Code, decline to pursue a complaint, refer identified disputants to mediation or other appropriate avenues of resolution, establish charges against a student, enter into an administrative agreement developed with an Accused Student in accordance with Section II.B.3 of this Code, advise a Hearing Body, and present the case before the Hearing Body.
12. “Hearing Body” or “Hearing Panel” means any person or persons authorized by the University Vice President for Student Affairs, Community College Dean of Students or Charter Oak State College Provost to determine whether a student has violated the Code and to impose sanctions as warranted, including a hearing officer or hearing board.
13. “Institution” means a University or College within the CSCU System.
14. “Instructor” means any faculty member, teaching assistant or any other person authorized by the University to provide educational services, including, but not limited to, teaching, research, and academic advising.
15. “May” is used in the permissive sense.
16. “Member of the CSCU Community” means any person who is a student, an official or any other person who works for CSCU, either directly or indirectly (e.g., for a private enterprise doing business on a CSCU campus).
17. “Policy” is defined as the written regulations, standards, and student conduct expectations approved by the BOR and adopted by CSCU and found in, but not limited to, the Student

Code, The Student Handbook, The Residence Life Handbook, CSCU IT Acceptable Use Policy, or the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy.

18. “Prohibited Conduct” means the conduct prohibited by this Code, as more particularly described in Part I.C of this Code.
19. “Reporting Party” means any person who alleges that a student has violated this Code.
20. “Shall” and “will” are used in the imperative sense.
21. “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, post-graduate, 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 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 University for three (3) or more consecutive terms, or has not been enrolled in classes at a College within two (2) calendar years after the conclusion of their last registered College course.
22. “Student Code” or the “Code” means this Student Code of Conduct.
23. “Student Organization” means an association or group of persons that have complied with the formal requirements for University or College recognition.
24. “Support Person” means a person, who accompanies an Accused Student, a Reporting Party or a victim to a hearing for the limited purpose of providing support and guidance. A support person may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process.
25. “University” means any of the following CSCU institutions: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, or Western Connecticut State University.

## **PART B: APPLICATION, SCOPE AND JURISDICTION**

1. The *Student Code* shall apply on CSCU campus property, at CSCU-sponsored activities, and at activities conducted by student organizations and may apply to off-campus

conduct. This also applies to student conduct that occurs online and through other forms of electronic communication and social media. A College or University may 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 the College or University, poses a threat of undermining the College or University's educational process, involves an alleged violation of local, state or federal law, or if the College or University is required to do so by law.

2. Students remain subject to the *Student Code* and any applicable policies, procedures, rules, regulations or codes of conduct of affiliated clinical sites, offsite locations where a CSCU operates a program or another entity or higher education institution in the United States or abroad. Violations of either the *Student Code* or policies, procedures, rules, regulations or codes of conduct at another entity or higher education institution while a student at CSCU, regardless of location, may lead to disciplinary action by the other entity or higher education institution and/or the CSCU against a student. The Disciplinary Officer or Conduct Administrator shall decide whether the *Student Code* shall be applied to student or student organization conduct occurring off campus on a case-by-case basis, at the Disciplinary Officer or Conduct Administrator's discretion.
3. Each student shall be responsible for one's own conduct from the time of admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of enrollment (and even if the conduct is not discovered until after a degree is awarded). The *Student Code* shall apply to a student's conduct even if the student withdraws from the College or University while a student conduct matter is pending. The *Student Code* shall also apply to former students who have been determined to have a continuing relationship as defined in Section I.A, with the outcome of the conduct case potentially impacting one's ability to be present on the College or University premises and/or ability to reenroll in the future.
4. Students shall also be responsible for the behavior and conduct of their guests on campus and/or any CSCU Premises and for their guests' familiarity with the College or University rules and policies. Guests are expected to observe all College or University rules and regulations, and students are expected to accompany their guests on campus and/or any CSCU Premises at all times. Authorized or unauthorized guests not in compliance with College or University rules and/or policies may be removed from the College or University property and issued a trespass warning. Any violations of the prohibited conduct listed below by a guest of a student may result in the student being held accountable for the applicable violation.
5. CSCU student conduct proceedings may be initiated without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution resulting from the same or related conduct. Proceedings under *The Student Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Student Conduct Officer. Determinations made or sanctions imposed

under the *Student Code* shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of CSCU rules were dismissed, reduced, or resolved in favor of or against the defendant in the criminal matter.

6. Although there is no time limit for when conduct allegations can be filed against a student or student organization, it is generally more effective to report incidents as soon as possible after they occur, for reasons including but not limited to the following: witness memory, witness availability, obtaining evidence, and ability to hold a student or student organization accountable. Complaints should be submitted as soon as possible after an incident takes place. Discretion will be used with reports that are submitted more than thirty (30) days after an incident may have occurred. In situations when the delayed reporting of an incident makes it difficult to proceed, or when a student or student organization has been separated from a College or University for a considerable amount of time, the Disciplinary Officer or Conduct Administrator shall decide whether it is appropriate to apply the *Student Code* on a case-by-case basis.

## PART C: PROHIBITED CONDUCT

The following list of behaviors is intended to represent the types of acts that constitute violations of this Code.

1. Academic misconduct, which includes, but is not limited to, plagiarism and all forms of cheating.

*Plagiarism* is defined as the submission of work by a student for academic credit as one's own work of authorship which contains work of another author without appropriate attribution.

*Cheating* includes, but is not limited to: (i) use of any unauthorized assistance in taking quizzes, tests or examinations; (ii) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems or carrying out other assignments; (iii) the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff; and (iv) engaging in any other behavior specifically prohibited by a faculty member in the course syllabus.

2. Acts of dishonesty, including but not limited to the following:
  - a. Providing false information, knowingly withholding relevant information, or supplying misleading information to any College or University Official, department or office, faculty member or law enforcement or security officer;
  - b. Misuse of CSCU documents, including, but not limited to forging, transferring, altering or otherwise misusing a student fee card, student

- payroll card, identification card or other College or University identification document, course registration document, schedule card, transcript, or any other institution- issued document or record.
- c. Tampering with the election process of any CSCU recognized student organization;
  - d. Refusing to provide identification, misidentifying oneself, or presenting/possessing any form of false or altered identification to College or University Official; or
  - e. Representing oneself, or a student organization, as having the authority to enter into contracts or agreements that affect CSCU in any way without prior authorization from the CSCU.
3. Disruptive behavior, which is defined as participating in or inciting others to participate in the deliberate interference with the freedom of any person to express their views, or disruption, obstruction or prevention of the peaceful and orderly conduct of any CSCU activity, including, but not limited to: classes, lectures, quiet study, research, events, speaker presentations, administration, Student Conduct proceedings, the living/learning environment, or other CSCU or BOR activities or meetings, on or off-campus; or of other non-CSCU activities when the conduct occurs on CSCU premises; or of the living environment, on or off-campus.
  4. Disorderly, lewd, indecent (including, but not limited to, public nudity and sexual activity in areas generally open to members of a campus community), breach of peace, aiding, abetting or procuring another person to breach the peace on CSCU premises or at functions sponsored by, or affiliated with the University or College, or offensive conduct which causes interference, annoyance, alarm, or recklessly creates a risk thereof at CSCU or on CSCU premises, any function sponsored by CSCU, or CSCU-controlled web or social media sites. This does not apply to speech or other constitutionally protected expression.
  5. Any action that threatens or causes physical harm or endangers the well-being, health, or safety of another person.
  6. Harassment, which is defined as the severe or pervasive use by one or more students of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at another individual that objectively and subjectively has the effect of:
    - a. Unreasonably interfering with an individual's work or equal access to education;
    - b. Creating an intimidating, hostile, or offensive work or academic environment;
    - c. Causing physical or emotional harm to the individual or damage to the individual's property; placing the individual in reasonable fear of harm to the individual and/or the individual's property; and/or



- d. Infringing on the rights of other CSCU community members to fully participate in the programs, activities, and mission of the CSCU.

Harassment based on any actual or perceived protected characteristic is discriminatory harassment, as defined by the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy. Allegations of conduct that could constitute a violation of the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy, and the *Student Code* will be administered according to the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy and applicable procedures.

In determining whether an act constitutes harassment, the Student Conduct Officer will consider the full context of the conduct, giving due consideration to the protection of CSCU climate, individual rights, freedom of speech, academic freedom, and advocacy. Not every act that might be offensive to an individual or a group constitutes harassment and/or a violation of the *Student Code*.

7. Failure to comply with public health or safety guidance set forth by the BOR, CSCU, federal, state, or local authorities, partner/affiliated institutions, and/or host governments or institutions while abroad.
8. Violations of privacy, including, but not limited to, voyeurism and the use of web-based, electronic or other devices to make a photographic, or video record of any person without his or her express consent, especially when such a recording is intended or likely to cause injury or distress. This includes, but is not limited to: (i) surreptitiously taking pictures or videos of another person in spaces where there is an expectation of privacy, such as sleeping areas, bathrooms, gymnasiums, locker rooms, and changing areas; or (ii) sexually exploiting another person by electronically recording or permitting others to view or electronically record, consensual sexual activity without the person's (who is engaged in the activity) knowledge or permitting others to view or listen to such video or audio recording without the person's knowledge or consent. Publicizing or threatening to publicize such records without the consent of the individuals involved is considered a violation of this Code.
9. Hazing, defined as any activity expected of someone for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization that humiliates, degrades, or risks emotional, psychological, and/or physical harm of a person, or which destroys, damages or removes public or private property. The express or implied consent of the victim(s) is not a defense. Apathy or consent to the activity by remaining silent or not objecting in the presence of hazing is not a neutral act and is also a violation of the *Code*.
10. Use, possession, purchase, sale, distribution of alcoholic beverages, except as

expressly permitted by law and CSCU regulations, or presence under the influence of alcohol. Alcoholic beverages may not, under any circumstances, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.

11. Consuming, carrying, or possessing an open container of alcohol in the public right-of-way, or on private property without the consent of the landowner or tenant, except as permitted by law.
12. Operating a motor vehicle while impaired by or under the influence of alcohol, narcotics or other controlled substances.
13. Use, possession, purchase, sale, distribution or manufacturing of narcotics, or being under the influence of controlled substances and/or drugs, including, but not limited to, marijuana and or heroin, or possession of drug paraphernalia which can be demonstrated to be linked to drug or controlled substances activity, except as expressly permitted by federal law. The use or possession of marijuana (medical or otherwise) on campus and/or any CSCU Premises is restricted by federal laws, such as the federal Safe and Drug Free Schools and Communities Act and the Drug-Free Workplace Act. Accordingly, CSCU Colleges and Universities prohibit the use or possession of marijuana, including medical marijuana, on campus and/or any CSCU Premises.
14. Use, possession or distribution of firearms, ammunition for firearms, other weapons or dangerous instruments, facsimiles of weapons or firearms, fireworks, explosives or dangerous chemicals. A dangerous instrument is any instrument, article or substance that, under the circumstances in which it is being utilized, is capable of causing death or serious physical injury. The possession of a deadly weapon or dangerous instrument on campus and/or any CSCU Premises is strictly prohibited, even if such item is legally owned.
15. Failure without just cause to comply with the lawful direction of a CSCU College or University Official, or other lawful authority having just cause and acting in the performance of their duties and authority.
16. The setting of or participation in unauthorized fires or explosions; the false reporting of the presence of an emergency such as fires, bombs, incendiary or explosive devices; the unauthorized or improper possession, use, removal, or disabling of fire safety equipment and warning devices; failure to follow standard fire safety procedures; and/or interference with firefighting equipment or personnel.
17. Assisting another person in the commission, or attempted commission of a violation of the *Student Code*, or knowingly in the presence of the commission of the violation(s) of the *Student Code*, including but not limited to conduct of the student's guest.

18. Behaviors in violation of published CSCU policies, College or University policies, rules, or regulations, including but not limited to:
  - a. BOR Information Technology Acceptable Use Policy (BOR Policy IT-001), BOR Information Technology Electronic Communication Policy (BOR Policy IT-002), or the BOR/CSCU Information Security Policy (BOR Policy IT-004);
  - b. Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy; or
  - c. The On-Campus Housing Contract;
19. Theft, which includes, but is not limited to, attempted or actual theft of property or services.
20. Forcible entry and/or unauthorized presence in CSCU owned buildings or property, including but not limited to, construction of permanent or semi-permanent structures within CSCU owned buildings, in or on CSCU property for any activity, unless the construction itself is undertaken and/or approved by the State, BOR, College and/or University.
21. Unauthorized possession, access, duplication, or misuse of CSCU property or other personal or public property, including, but not limited to, records, electronic files, telecommunications systems, forms of identification, and keys.
22. Damage or misuse of property, which includes, but is not limited to, attempted or actual damage to or misuse of CSCU property or other personal or public property, or unauthorized use or misuse of CSCU intellectual property, including but not limited to, trademarks, logos, names, or images.
23. Violation of federal, state or local law, regulation and/or ordinance when such violation represents a substantial or negative impact on the CSCU or any member of the CSCU community.
24. Abuse of the CSCU Student Conduct system, including but not limited to:
  - a. Disruption or interference with the orderly conduct of a Student Conduct Proceeding.
  - b. Falsification, distortion, or misrepresentation of information to a Student Conduct officer or hearing body.
  - c. Influencing or attempting to influence another person to commit an abuse of the Student Conduct system.
  - d. Attempting to discourage or retaliate against an individual's proper participation in, or use of, the Student Conduct system.
  - e. Attempting to intimidate or retaliate against a Student Conduct officer, member of the hearing body or any other participant prior to, during, and/or after a Student Conduct proceeding.
  - f. Initiation of a conduct or disciplinary proceeding knowingly without cause.

- g. Failure to comply with the sanction(s) imposed under the *Student Code*.

## **PART D: CONDUCT AND DISCIPLINARY RECORDS**

The written decision resulting from an administrative conference or a hearing under this Code shall become part of the student's educational record and shall be subject to the provisions of the Family Educational Rights and Privacy Act (FERPA). A student's disciplinary record shall be maintained separately from any other academic or official file maintained by the Institution. Disciplinary records will be maintained for a period of five (5) years from the date of the incident, except that the sanction of expulsion shall be noted permanently.

While student education records are generally protected from disclosure by FERPA, there are a number of exceptions to this rule. Students should be aware that a record concerning his/her behavior while a student at the College or University may be shared with other colleges or universities to which the student may subsequently wish to transfer or be admitted. Similarly, prospective employers may require a student to provide access to his/her education records as part of the employment application process. A record of having been sanctioned for conduct that violates Section I.D. of the Code may disqualify a student for admission to another college or university, and may interfere with his/her selection for employment.

## **PART E: INTERPRETATION AND REVISION**

Questions regarding the interpretation of this Code shall be referred to the University's and Charter Oak State College's Provost or a Community College's Dean of Students, or their designees, for the administration of the Academic Misconduct portion of the Student Code and to the University's Vice President for Student Affairs, a Community College's Dean of Academic Affairs or Charter Oak State College's Provost or their designees for the administration of the Non-Academic Misconduct portion of the Student Code.

The CSCU Senior Vice President of Academic and Student Affairs 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.

## II. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO STATE UNIVERSITY STUDENTS

Procedures for University students differ from those procedures applicable to either Connecticut State Community College or Charter Oak State College. This is due to the environmental, cultural, and administrative differences within the types of the institutions comprising CSCU. Procedures for addressing allegations and sanctions regarding academic misconduct (as defined in Section I.C.1) for University Students are set for in this Section II, Part A of the Code.

Connecticut State Universities are committed to creating a learning environment and academic community that promotes educational opportunities for all individuals, including those with disabilities. It is the responsibility of students with documented physical or learning disabilities seeking accommodation to notify their appropriate campus accessibility/disability services office in a timely manner concerning the need for such accommodation. Connecticut State Universities will make reasonable accommodations for access to programs, services, and facilities as outlined by applicable state and federal laws.

A student requesting an accommodation related to an administrative conference or hearing must follow the appropriate process for requesting an accommodation through the appropriate campus accessibility/disability services office. The office designated to work with students with disabilities will make a determination regarding the request and notify the appropriate parties.

### PART A. DISCIPLINARY PROCEDURES: ACADEMIC MISCONDUCT

1. Instructor's Role: When the instructor of record or his or her designee believes that an act of academic misconduct has occurred, he or she shall notify the student of the allegation and save any evidence of such misconduct in its original form. (Copies of the Accused Student's work will be provided to the Student upon request.) In addition, the instructor shall not transmit a final grade to the Registrar until such time as the allegation(s) of academic misconduct are finally determined. Each institution shall establish implementation guidelines in accordance with this Code.
2. Information from Person Other than Student's Instructor: Any member of the CSCU Community may provide information which might lead to a complaint against a Student alleging academic misconduct.

3. The Academic Misconduct Hearing Board: There shall be an academic misconduct hearing board convened by the University's Disciplinary Officer to consider allegations of academic misconduct lodged against a Student. The University's disciplinary officer shall be a non-voting member of the board and act as convener.
4. Hearing Process: The Accused Student shall be afforded adequate notice of the allegation, an opportunity to discuss the allegation with the instructor, and adequate time to request and prepare for a hearing. All parties shall have an opportunity to be heard and a record of the proceedings shall be made. The decision of a hearing board shall be communicated in writing.
5. Sanctions: If the academic misconduct hearing board determines that the Accused Student is "Not Responsible," the board shall not impose any sanctions. The board shall so advise the Student's instructor and the instructor shall reevaluate the student's course grade in light of the Board's determination. If the academic misconduct hearing board determines that the Accused Student is "Responsible," the academic sanction set forth in the instructor's course syllabus shall be imposed.

The academic misconduct hearing board may make a recommendation to change the academic sanction imposed by the instructor on the basis of its hearing of the evidence of academic misconduct. (Should the academic sanction not be changed pursuant to this recommendation, the University reserve the right to change the academic sanction.) Upon consideration of the Accused Student's record of misconduct and/or the nature of the offense, the academic misconduct hearing board may impose additional non-academic sanctions in proportion to the severity of the misconduct. These sanctions may include the following: warning, written reprimand, discretionary sanctions, suspension and/or expulsion, as described in II.D of this Student Code of Conduct.

6. Appeals: The decision rendered by the academic misconduct hearing board may be appealed to the Provost/Academic Vice President, who shall review the record of the hearing, including any and all documents presented to the academic misconduct hearing board. An appeal shall be in writing and shall be delivered to the Provost/Academic Vice President within three (3) calendar days of receipt of the academic misconduct hearing board's written decision.

An appeal may be brought on any of four grounds: (a) a claim that error in the hearing procedure substantially affected the decision; (b) a claim that new evidence or information material to the case was not known at the time of the hearing; (c) a claim that the non-academic sanction(s) imposed were not appropriate for the violation of the Code for which the accused student was found responsible; and/or (d) a claim that the academic sanction imposed has resulted in a palpable injustice. The Provost/Academic Vice President shall have the right to deny an appeal not brought on any of the foregoing grounds. The decision rendered by the Provost/Academic Vice President shall be final and there shall be

no further right of appeal.

## **PART B: DISCIPLINARY PROCEDURES: NONACADEMIC MISCONDUCT**

The following procedures shall be followed in addressing allegations of non-academic misconduct. These procedures do not apply to allegations relating to academic misconduct or violation of the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy. Allegations of conduct that could constitute a violation of the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy, and the *Student Code* will be administered according to the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy and applicable procedures.

1. Providing Information leading to a Complaint: Any person may provide information leading to the filing of a complaint against a Student or a Student Organization alleging a violation of the Student Code. A complaint must be made in writing and submitted to the University's Disciplinary Officer or Conduct Administrator.
2. Disciplinary Proceedings Against a Student Charged with a Violation of Law and a Violation of the Code: University proceedings may be instituted against an Accused Student who has been charged with a violation of state or federal law for conduct which also constitutes a potential violation of this Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following the institution of civil or criminal court proceedings against the Accused Student. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
3. Pre-Hearing Investigation and Administrative Disposition:
  - a. The Disciplinary Officer or Conduct Administrator may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the Accused Student and the Disciplinary Officer or Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Disciplinary Officer or Conduct Administrator may also present the case for the University at any subsequent hearing, but if he or she does, he or she shall not serve as a member of the Hearing Body.
  - b. The Disciplinary Officer or Conduct Administrator may conduct an investigation to determine if there is reason to believe the student has committed a violation of any part of Section I.D. of the Code and, after considering both the possible violation and the prior conduct record of the

student, if the Disciplinary Officer or Conduct Administrator determines that a sanction of less than residential hall separation or suspension or expulsion from the University is appropriate, the Disciplinary Officer or Conduct Administrator shall schedule an administrative conference with the student. The student shall be given reasonable notice of the time and place of the conference. At the administrative conference, the student shall have the opportunity to present information for the Disciplinary Officer's or Conduct Administrator's consideration. At the conclusion of the administrative conference, the Disciplinary Officer or Conduct Administrator shall determine whether it is more likely than not that the student has violated the Policy and, if so, impose a sanction less than residential hall separation, or suspension or expulsion from the University. The Disciplinary Officer or Conduct Administrator shall provide the student with a written explanation for the determination. The decision of the Disciplinary Officer or Conduct Administrator shall be final.

4. Hearing Bodies: A Student accused of misconduct has the right to be heard by an impartial Hearing Body. Any concern surrounding the impartiality of the Hearing Body or any member thereof will be referred to the Vice President for Student Affairs or his or her designee, who will review the matter and make a determination.
5. Hearing Procedures:
  - a. Notice of Hearing: Normally, a hearing will be conducted within ten (10) calendar days of the Accused Student being notified of the charges. Notice may be provided to the Accused Student by in-hand delivery, by registered mail, with delivery receipt attached or by certified mail, return receipt requested by University email or by overnight delivery with signature of recipient required. Should the Accused Student refuse to accept in-hand delivery, a written statement of the attempted delivery of the notice signed by the person attempting to make such delivery shall constitute notice. Should the Accused Student refuse to sign for registered or certified mail, the postal document indicating such refusal shall constitute notice.

The notice shall advise the Accused Student of each section of the Student Code alleged to have been violated and, with respect to each such section, a statement of the acts or omissions which are alleged to constitute a violation of the Code, including the approximate time when and the place where such acts or omissions allegedly occurred.

The Accused Student shall be afforded a reasonable period of time to prepare for the hearing, which period of time shall not be less than three (3) Calendar Days. The Accused Student, the Reporting Party and/or any alleged victim may request a delay of the hearing due to extenuating circumstances. Any decision to postpone the hearing shall be made by the Disciplinary Officer or Conduct Administrator or by the Hearing Body, or by the designee of the Vice President for Student Affairs.



- b. Hearing: Hearings shall be closed, but the Hearing Body may, in its discretion, admit any person into the hearing room. The Hearing Body shall have the authority to discharge or to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.

The Accused Student, the Reporting Party and any alleged victim shall have the right to be present at all stages of the hearing process except during the private deliberations of the Hearing Body and the presentation of sanctions. In hearings involving more than one Accused Student, the Hearing Body may determine that, in the interest of fairness, separate hearings should be convened.

- c. Record of Hearing: When expulsion or suspension from the University or residence hall separation is a possibility, the University shall make a recording of the hearing. The recording shall be the property of the University. No other recordings shall be made by any person during the hearing. Upon request, the Accused Student may review the recording in a designated University office in order to prepare for an appeal of the decision rendered by the Hearing Body. Further disclosure of the recording shall be governed by applicable state and federal law.
- d. Opportunity to Present a Defense: The Accused Student shall have the full opportunity to present a defense and information, including the testimony of witnesses, in his or her behalf. The Reporting Party and the Accused Student may question the statements of any person who testifies in a manner deemed appropriate by the Hearing Body. The Reporting Party and the Accused Student may make concluding statements regarding the charges made and the information presented during the hearing. The Hearing Body may question the Accused Student and the Reporting Party, any witness presented by the Accused Student or the Reporting Party, and any other witness(e)s the Hearing Body may choose to call to testify.
- e. Accused Student Can Choose Whether or Not to Testify in His or Her Own Defense: The Accused Student who is present at the hearing shall be advised by the Hearing Body that he or she is not required to testify, to answer questions, or to make any statement regarding the complaint or the allegations set forth in the complaint. Refusal to do so shall not be considered by the Hearing Body to constitute evidence of responsibility.
- f. Non-Appearance of Accused Student at Disciplinary Hearing: If an Accused Student does not appear at a disciplinary hearing, the Hearing Body shall enter a plea of “not responsible” on behalf of such student and the hearing shall proceed in the normal manner of hearing evidence, weighing facts, and rendering judgment. The failure of an Accused Student to appear at the disciplinary hearing shall not be considered by the Hearing Body to constitute evidence of responsibility.

- g. Advisors and Support Persons: The Reporting Party, any alleged victim, and the Accused Student shall each have the right to be accompanied by an Advisor and Support Person. The Advisor and the Support Person should be someone whose schedule allows attendance at the scheduled date and time for the disciplinary hearing because delays will not normally be allowed due to the scheduling conflicts of an Advisor or Support Person.
  - h. Presentation of Evidence: Only evidence introduced at the hearing itself may be considered by the Hearing Body in determining whether it is more likely than not that the alleged violation was committed by the accused student.
  - i. Evidence of Prior Convictions or Disciplinary Actions: Evidence of prior criminal convictions or University disciplinary actions may be presented to the Hearing Body only after a determination of responsibility has been made and only for consideration in connection with determining the sanction.
  - j. Accommodation of Witnesses: The Hearing Body may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Reporting Party, the Accused Student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Hearing Body to be appropriate.
  - k. Written Notice of Decision: The Accused Student shall receive written notice of the decision of the Hearing Body that shall set forth the decision rendered, including a finding of “responsible” or “not responsible,” and the sanctions imposed, if any. The decision of the Hearing Body, as well as the sanction(s) imposed, if any, generally will not be released to third parties without the prior written consent of the Accused Student. However, certain information may be released if and to the extent authorized by state or federal law.
6. Review: An Accused Student may request that the decision of the Hearing Body be reviewed by the Vice President for Student Affairs or his or her designee. A request for review must be made in writing to the Vice President for Student Affairs or his or her designee within three (3) Calendar Days of the Accused Student’s receipt of the written notice of decision. For good cause shown, the Vice President for Student Affairs may extend the three-University Calendar Day limitation on filing a request for a review. An Accused Student may request only one review of each decision rendered by the Hearing Body. A decision reached as a result of an Administrative Disposition may not be reviewed.
- a. Grounds for Review: The Accused Student has the right to request a review of the decision of the Hearing Body on the grounds that: (i) the procedures set forth in this Code were not followed and, as a result, the decision was substantially affected; (ii) the sanction(s) imposed were not appropriate for

the violation of the Code for which the Accused Student was found responsible; and/or (iii) new information, sufficient to alter the decision, or other relevant facts were not brought out in the original hearing because such information and/or facts were not known to the Accused Student at the time of the original hearing. The review shall be limited to a review of the record except as required to explain the basis of new information.

- b. Review Procedures: In order to prepare for the review, the Accused Student may review the recording of the original hearing in a designated University office but will not be permitted to remove the recording from that office or make copies. The review will not be heard by anyone involved in the initial hearing. The review shall be considered and a decision rendered within ten (10) Calendar Days of the filing of the request for review.

If a request for review is granted, the matter shall be referred to the original Hearing Body for reconsideration of its original determination or to a newly-constituted Hearing Body for a new hearing, or the sanction imposed may be reduced, as appropriate. If a request is not granted, the matter shall be considered final and binding upon all involved.

- c. Status of Student Pending Review: All sanctions imposed by the Hearing Body shall be and continue in effect pending the outcome of a review. Any request to delay the commencement of sanctions pending a review must be made by the Accused Student, in writing, to the Vice President for Student Affairs or his or her designee.

## **PART C: INTERIM SUSPENSIONS AND RESIDENCE HALL SEPARATIONS**

In certain circumstances, the Vice President for Student Affairs, or his or her designee, may impose an interim suspension or residence hall separation on an Accused Student prior to the hearing before the Hearing Body.

1. Basis for Imposition of Interim Suspension or Residence Hall Separation: An interim suspension may be imposed upon an Accused Student only: (i) to ensure the safety and well-being of members of the University Community or preservation of University property; or (ii) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.

A residence hall separation may be imposed if a Student's continued presence will disrupt the academic and social well-being of the residential community. Residence hall separation is the removal of a student from the University residence hall in which he or she resides. Such separation may include a restriction of access to all or designate University residence halls. During the period of the separation, the removed Student shall not be permitted to enter the designated hall(s) as a guest of another resident.

An interim suspension or residence hall separation is not a sanction and will continue in effect only until such time as a hearing on the alleged violation has been completed.

2. Effect of Interim Suspension or Residence Hall Separation: During the interim suspension or residence hall separation, the removed Student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the Student might otherwise be eligible, as the Vice President for Student Affairs, or his or her designee, may determine to be appropriate.
3. Procedure: The Accused Student shall be notified, either orally or in writing, of the pending imposition of an interim suspension or residence hall separation. Whenever possible prior to the imposition of the interim suspension or suspension, the affected Student will be afforded an opportunity to meet with the Vice President for Student Affairs, or his or her designee. Otherwise, the meeting will be held on the first Calendar Day that the Student is available.

At that meeting, the Accused Student will be advised of his/her reported behavior and be offered the opportunity to provide information upon which the determination may be based whether or not the Student engaged in conduct warranting an interim suspension or residence hall separation.

Any Student placed on an interim suspension will be given an opportunity to appear at an administrative conference or a formal hearing on the misconduct charges lodged against him or her in accordance with II.B.5 of this Code within ten (10) Calendar Days of being placed on such suspension, or as soon as practical after the Accused Student is prepared to participate in such a hearing.

## PART D: DISCIPLINARY SANCTIONS

Sanctions which may be imposed for violations of the Student Code are listed below. In determining appropriate sanctions, the Hearing Body may take into consideration any and all prior violations of the Code for which the Accused Student was determined to be responsible. The Hearing Body shall have the authority to defer the imposition of any sanction when deemed appropriate. The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code, including the completion of all sanctions imposed, if any.

1. ***Sanctions Which May Be Imposed for Violations of the Code***: The following sanctions may be imposed, individually or in various combinations, on any student found to have violated the Student Code, and will be entered into the Student's disciplinary records. Notation of disciplinary sanctions shall be on file only in the appropriate office in the Division of Student Affairs and shall not be released without the written consent of the Student except to appropriate University enforcement personnel, University police, staff and administrators, or as required by law.

- a. Warning: A disciplinary warning is a written notice to a Student advising him or her that specific behavior or activity constitutes a violation of the Code and that the repetition of such behavior will likely result in the commencement of more serious disciplinary action by the University.
- b. Fine: A sanction involving the imposition of a specified dollar amount due and payable by a specified date.
- c. Probation: Disciplinary probation is a designated period of time during which a Student is given the opportunity to modify unacceptable behavior and/or to complete specific assignments in an effort to regain full student privileges within University Community. Disciplinary probation may involve the imposition of certain restrictions and/or conditions upon the Student including, but not limited to, financial restitution, community service, fines, referral for professional services such as counseling, participation in educational programs, parental notification under limited circumstances, and ineligibility to participate in University activities or events. Periodic contact with a designated member of the University Community or non-college professional may be required. If the Student fully complies with the terms and conditions imposed in connection with the disciplinary probation, full student privileges will be restored to the student upon termination of the probationary period. Failure to comply with the terms and conditions of the probation constitutes prohibited conduct that is separate from and in addition to the conduct for which the probation was imposed. A Student accused of violation of probation will be given due notice of the alleged violation and the procedures set forth in this Code shall be followed.
- d. Loss of Privileges: Denial of specified privileges for a designated period.
- e. Restitution: Compensation for loss, damage to real or personal property. This may take the form of appropriate service and/or monetary or material replacement.
- f. Discretionary Sanctions: Work assignments, essays, service to the University, or other related discretionary assignments, referral for professional services such as counseling, participation in educational programs, parental notification under limited circumstances, and ineligibility to participate in University activities or events. Periodic contact with a designated member of the University Community or non-college professional may be required.
- g. Residence Hall Warning: A written notice to a Student advising him or her that specific behavior or activity constitutes a violation of the Code and that the repetition of such behavior will likely result in the commencement of more serious disciplinary action by the University.
- h. Residence Hall Probation: Residence hall probation is a designated period during which an Accused Student is given the opportunity to modify

unacceptable behavior and/or to complete specific assignments in an effort to regain full student privileges within the residence hall in which the Student resides. Residence hall probation may include restrictions and/or conditions on the exercise of residence hall activities and privileges. Periodic contact with a designated member of the residence hall staff or professional may be required. If the Accused Student fully complies with the terms and conditions imposed in connection with the residence hall probation, full residence hall privileges will be restored to the Student upon termination of the probationary period. Failure to comply with the terms and conditions of the probation constitutes prohibited conduct that is separate from and in addition to the conduct for which the probation was imposed. A Student accused of violation of probation will be given due notice and the procedures set forth in this Code shall be followed.

- i. Residence Hall Separation: Separation of the Student from the residence halls for a definite period of time, after which the Student is eligible to return. Conditions for readmission may be specified.
  - j. Residence Hall Expulsion: Permanent separation of the Student from the residence halls.
  - k. Suspension: Suspension is temporary disciplinary separation from all universities among CSCU and the denial of all student privileges. Suspension shall be effective on the date that notice of the suspension is provided to the Accused Student, or later, if so stated in the notice, and shall prescribe the date and conditions upon which the Student may petition for readmission to the University. A Student separated from all universities within CSCU by suspension may under the terms of the suspension be excluded from the premises of all CSCU premises when in the judgment of the suspending authority, the Student's continued presence would constitute a danger to persons or property or a threat to the academic process. Notwithstanding the foregoing, the suspending authority of the suspended Student's home University or his or her designee may authorize a suspended student who has been excluded from all University premises to enter the premises of the student's home University for designated purposes.
  - l. Expulsion: Expulsion is permanent disciplinary separation from all universities within CSCU and the denial of all student privileges. Expulsion shall be effective on the date that notice of expulsion is provided to the Accused Student, or later, if so stated in the notice. A student separated from all universities of CSCU by expulsion may under the terms of the expulsion be excluded from all CSCU Premises when in the judgment of the expelling authority the Student's presence would constitute a danger to persons or property or a threat to the academic process.
2. ***Revocation of Admission and/or Degree***: Upon the recommendation of the Hearing Body, admission to the University may be revoked by a University. Upon the

recommendation of the Hearing Body, a degree conferred by the University may be revoked by the University with the approval of the BOR.

3. ***Consequences of Failure to Comply with a Duly Assigned Sanction:*** Failure to comply with sanctions which have been assigned through a formal judicial process may lead to one or more of the following consequences:
- a. Denial of access to certain university services, including, but not limited to housing and parking;
  - b. Denial of access to administrative processes, including, but not limited to, course add/drop, pre-registration, registration, and room selection; and/or
  - c. Withholding of the privilege of participation in university sponsored activities and/or public ceremonies, or formal disciplinary charges under II.B hereof.

4. ***Sanctions Which May Be Imposed on Student Organizations***

- a. Sanctions: Those sanctions listed in subsections 1.a through f of Section II.D.
- b. Loss of recognition: Loss of recognition for a specified period of time results in the loss of privileges, such as the use of university space, access to student activity fee funding, and/or the privilege of functioning as a student organization. Loss of recognition for more than two (2) semesters shall require that an organization reapply for University recognition. Conditions for future recognition may be imposed by the hearing body.

### **III. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO COMMUNITY COLLEGE STUDENTS**

Procedures for Connecticut State Community College students differ from those procedures applicable to either the Universities or Charter Oak State College. This is due to the environmental, cultural and administrative differences within the types of the institutions comprising CSCU.

These procedures do not apply to allegations relating to violation of Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy. Allegations of conduct that could constitute a violation of the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy, and the *Student Code* will be administered according to Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy and applicable procedures.

Connecticut State Community College is committed to creating a learning environment and academic community that promotes educational opportunities for all individuals, including those with disabilities. It is the responsibility of students with documented physical or learning disabilities seeking accommodation to notify their appropriate Connecticut State Community College campus accessibility/disability services office in a timely manner concerning the need for such accommodation. Connecticut State Community College will make reasonable accommodations for access to programs, services, and facilities as outlined by applicable state and federal laws.

A student requesting an accommodation related to an administrative conference or hearing must follow the appropriate process for requesting an accommodation through the appropriate Connecticut State Community College campus accessibility/disability services office. The Connecticut State Community College office designated to work with students with disabilities will make a determination regarding the request and notify the appropriate parties.

#### **PART A: DISCIPLINARY PROCEDURES (Academic and Non-Academic Misconduct)**

Regarding Community College Students, the following procedures shall govern the enforcement of the Code:

1. Information that a student may have violated the Code should be submitted to the Dean of Students, Dean of Academic Affairs or other designee of the President (hereinafter referred to as “the Dean”), normally within thirty (30) calendar days of the date of a possible violation or within thirty (30) calendar days of the date that the facts constituting a possible violation were known.



2. Upon receipt of information relating to a possible violation, the Dean may immediately place restrictions on or suspend a student on an interim basis if, in the judgment of the Dean, the continued presence of the student at the College or continued participation in the full range of college activities poses a danger to persons or property or constitutes an ongoing threat of disrupting the academic process.
  - a. “Interim restrictions” are limitations on the Student’s participation in certain College functions and activities, access to certain locations on campus and/or any CSCU Premises or access to certain persons, that do not prevent the Student from continuing to pursue his/her academic program. A Student upon whom the Dean has placed interim restrictions shall be afforded written reasons for the restrictions, as well as the time period during which the interim restrictions shall apply. The decision of the Dean regarding interim restrictions shall be final.
  - b. “Interim suspension” is the temporary separation of the Student from the College that involves the denial of all privileges, including entrance to College premises. Prior to imposing an interim suspension, the Dean shall make a good faith effort to meet with the Student. At this meeting, the Dean shall inform the Student of the information received and provide the Student an opportunity to present other information for the Dean’s consideration. Based upon the information available at that time, the Dean shall determine whether the Student’s continued presence on campus and/or any CSCU Premises poses a danger to persons or property or constitutes an ongoing threat of disrupting the academic process. A Student suspended on an interim basis by the Dean shall be provided written reasons for the suspension and shall be entitled to an administrative conference or a hearing as soon as possible, normally within ten (10) calendar days from the date the interim suspension was imposed. The decision of the Dean regarding an interim suspension shall be final.
3. Following the imposition of interim restrictions or interim suspension, if any, the Dean shall promptly investigate the information received by meeting with individuals who may have knowledge of the matter, including the accused Student, and by reviewing all relevant documents. If upon the conclusion of the Dean’s investigation, the Dean determines that there is insufficient reason to believe the Student has committed a violation of any part of Section I.D. of this Policy, the Dean shall dismiss the matter and shall so inform the Student in writing.
4. If upon the conclusion of the Dean’s investigation, the Dean determines that there is reason to believe the Student has committed a violation of any part of Section I. D. of this Code and, after considering both the possible violation and the prior conduct record of the Student, that a sanction of less than suspension or expulsion is appropriate, the Dean shall schedule an administrative conference with the Student. The Student shall be given reasonable notice of the time and place of the conference. At the administrative conference, the Student shall have the opportunity to present information for the Dean’s consideration. At the conclusion of the administrative conference, the Dean shall determine whether it is more likely than not that the Student has violated the Policy and,

if so, impose a sanction less than suspension or expulsion. The Dean shall provide the Student with a written explanation for the determination. The decision of the Dean shall be final.

5. If upon the conclusion of the Dean's investigation, the Dean determines that there is reason to believe the Student has committed a violation of any part of Section I.D. of this Code and, after considering both the violation and the prior conduct record of the Student, that a sanction of suspension or expulsion is appropriate, the Dean shall provide the Student with reasonable written notice of a meeting and shall inform the Student that his/her failure to attend the meeting or to respond to the notice may result in the imposition of the maximum permissible sanction. At the meeting, the Dean shall provide the Student with a written statement that shall include the following:
  - a. a concise statement of the alleged facts;
  - b. the provision(s) of Section I.D. that appear to have been violated;
  - c. the maximum permissible sanction; and
  - d. a statement that the student may resolve the matter by mutual agreement with the Dean, or may request a hearing by notifying the Dean in writing, which must be received by 5:00pm on the following business day.
6. If the Student requests a hearing, he/she is entitled to the following:
  - a. to be heard within five (5) days or as soon as reasonably possible, by an impartial party or panel whose members shall be appointed by the Dean;
  - b. if the Dean appoints an impartial panel, to have a Student on the panel if requested by the Student;
  - c. to appear in person and to have an advisor who not shall attend as a representative of the Student. However, if there is pending at the time of the hearing a criminal matter pertaining to the same incident that is the subject of the hearing, a lawyer may be present for the sole purpose of observing the proceedings and advising the Student concerning the effect of the proceedings on the pending criminal matter;
  - d. to hear and to question the information presented;
  - e. to present information, to present witnesses, and to make a statement on his or her behalf; and
  - f. to receive a written decision following the hearing.
7. As used herein, the term "impartial" shall mean that the individual was not a party to the incident under consideration and has no personal interest in the outcome of the proceedings. Prior to the commencement of the hearing, the Student who is subject to the hearing may challenge the appointment of an impartial party or panel member on the ground that the person(s) is (are) not impartial. The challenge shall be made in writing to the Dean and shall contain the reasons for the assertion that the person(s) is (are) not impartial. The decision of the Dean shall be final.
8. The written decision of the impartial party or panel shall specify whether, based on the information presented, it is more likely than not that the Student committed the violation(s) reported and shall state the sanction to be imposed, if any. The written decision shall be provided to the Student.

9. Sanctions imposed by an impartial party or panel are effective immediately. The President may, for good cause, suspend imposition of the sanctions imposed by the impartial party or panel to allow the Student time to prepare a written request for review. If a written request is received, the President may continue to suspend imposition of the sanctions until he has reviewed and acted on the Student's request.
10. A written request for review of the decision of the impartial party or panel must be received by the President within three (3) calendar days after the Student is notified of the decision and must clearly identify the grounds for review. The review by the President is limited to the record of the hearing, the written request, and any supporting documentation submitted with the request by the Student. The decision of the impartial party or the panel shall be upheld unless the President finds that:
  - a. a violation of the procedures set forth herein significantly prejudiced the Student; and/or
  - b. the information presented to the impartial party or panel was not substantial enough to justify the decision; and/or,
  - c. the sanction(s) imposed was (were) disproportionate to the seriousness of the violation.
11. Decisions under this procedure shall be made only by the college officials indicated.

## **PART B: DISCIPLINARY SANCTIONS**

The prior conduct record of a Student shall be considered in determining the appropriate sanction for a Student who has been found to have violated any part of Section I.D. of this Code. Sanctions shall be progressive in nature; that is, more serious sanctions may be imposed if warranted by the prior conduct record of the Student.

A "sanction" may be any action affecting the status of an individual as a Student taken by the College in response to a violation of this Policy, and for the purposes of this Section III of the Code include but are not limited to the following:

1. "Expulsion" is a permanent separation from the College that involves denial of all Student privileges, including entrance to College premises;
2. "Suspension" is a temporary separation from the College that involves denial of all Student privileges, including entrance to college premises for the duration of the suspension, and may include conditions for reinstatement;
3. "Removal of College Privileges" involves restrictions on Student access to certain locations, functions and/or activities but does not preclude the Student from continuing to pursue his/her academic program;
4. "Probation" is a status that indicates either (a) serious misconduct not warranting expulsion, suspension, or removal of College privileges, or (b) repetition of misconduct after a warning has been imposed;

5. A “Warning” is a written notice to the Student indicating that he or she has engaged in conduct that is in violation of Section I.D. of this Code and that any repetition of such conduct or other conduct that violates this Code is likely to result in more serious sanctions;
6. “Community Restitution” requires a Student to perform a number of hours of service on the campus or in the community at large.

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## **IV. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO CHARTER OAK STATE COLLEGE STUDENTS**

Procedures for Charter Oak State College students differ from those procedures applicable to either the Community College or the Universities. This is due to the environmental, cultural, and administrative differences within the types of the institutions comprising CSCU.

These procedures do not apply to allegations relating to violation of Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy. Allegations of conduct that could constitute a violation of the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy, and the *Student Code* will be administered according to Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy and applicable procedures.

Charter Oak State College is committed to creating a learning environment and academic community that promotes educational opportunities for all individuals, including those with disabilities. It is the responsibility of students with documented physical or learning disabilities seeking accommodation to notify their appropriate Charter Oak State College accessibility/disability services office in a timely manner concerning the need for such accommodation. Charter Oak State College will make reasonable accommodations for access to programs, services, and facilities as outlined by applicable state and federal laws.

A student requesting an accommodation related to an administrative conference or hearing must follow the appropriate process for requesting an accommodation through the appropriate Charter Oak State College accessibility/disability services office. The Charter Oak State College office designated to work with students with disabilities will make a determination regarding the request and notify the appropriate parties.

### **PART A: RIGHTS AND RESPONSIBILITIES OF HEARING PARTICIPANTS**

Hearing participants may include the accused student(s), a complainant, witnesses, support person(s), and the members of the hearing body.

The complaining party, any alleged victim, and the student who has been charged shall each have the right to:

1. Be notified of all charges.
2. Review any written complaint(s) submitted in support of the charge(s).
3. Be informed of the hearing process.
4. Request a delay of a hearing due to extenuating circumstances.
5. Be accompanied by an advisor or support person during the hearing.
6. Be present at all stages of the hearing process except during the private

- deliberations of the hearing body.
7. Submit a written statement regarding the incident.
  8. Give a personal statement.
  9. Question all statements and other information presented at the hearing.
  10. Present information and witnesses when deemed appropriate and relevant by the hearing body.
  11. Be informed of the finding(s) as well as any sanctions imposed.
  12. Present a personal or community impact statement to the hearing body upon a finding of "Violation."

In addition to the above-mentioned rights, a student who has been charged with a violation of the Student Code of Conduct shall have the right to:

1. Be notified of the proposed information to be presented and to know the identity of witnesses who have been called to speak at the hearing when the Chair of the disciplinary hearing knows such information.
2. Request an alternate hearing panel member when there is reasonable cause to believe that the hearing panel will be unable to conduct an impartial hearing.
3. Be presumed not to be in "violation" of the code unless the facts presented at the hearing prove otherwise.
4. Deny or admit violating the Code of Conduct.
5. Decline to give a personal statement.
6. Present Character Witnesses, if appropriate.
7. Receive a written notice of the sanction(s) imposed.

## **PART B: DISCIPLINARY PROCEDURES**

The Administration and the Faculty of Charter Oak State College believe that all members of the academic community are entitled to expect compliance with Section I.D.1 Prohibited Conduct. Accordingly, any Student or employee of the College may initiate a disciplinary process in the manner specified by this section. Once the process has been initiated, all subsequent decisions concerning possible discipline of a Student or students rest with the appropriate College officials. The President shall designate the Provost or another College official to have responsibility for the disciplinary procedures.

1. A statement of possible violation must be filed in writing with the Provost within thirty (30) business days of the date of the alleged violation or within thirty (30) business days of the date the alleged violation was known. Said statement must specify the Student conduct in question and the part or parts of Section I.D.1 Prohibited Conduct, which it is alleged said conduct violates, if applicable.
2. If the Provost determines that the alleged conduct may violate the provisions of the Code or otherwise threatens the safety or order of the College, the Provost shall, within ten (10) business days of receiving a written statement, provide written notice to the Student of the statement of possible violation(s) and the fact that the allegations will be investigated. The investigation shall be conducted by the Provost and/or his or her

- designee(s), and may include but not be limited to interviews with witnesses, the complainant(s), and review of any pertinent materials and information, and shall include an interview with the Student suspected in engaging in misconduct conduct unless the Student suspected declines to be interviewed. The investigation shall be completed within thirty (30) business days of the Provost's receipt of the written statement of possible violation. A record of the investigations will be maintained.
3. Following completion of the informal investigation specified above, the Provost will (a) determine that there is insufficient basis in fact and dismiss the matter or (b) conclude that there is a sufficient factual basis for discipline.
  4. If the Provost determines there is a sufficient factual basis for moving forward with disciplinary proceedings, he or she shall cause a written statement of charges to be provided to the Student. Said statement shall contain (a) a concise statement of the facts on which the charge is based; (b) a citation of the rule or rules alleged to have been violated; (c) a statement of the maximum penalty sought; (d) a statement that the Student may request a hearing by responding in writing to the Provost within thirty (30) business days requesting such hearing; and (e) a statement that failure to request a hearing may result in imposition of the penalty sought.
  5. If the Student requests a formal hearing, the Student is entitled to the following: (a) a hearing be conducted within thirty (30) business days after receipt by Provost of a written request for a hearing; (b) to be heard by an impartial panel chaired by the Dean of the Faculty or his/her designee and composed of no fewer than two members of the Charter Oak State College Faculty, one appointed by the Dean of the Faculty and one Student appointed by the Student Association; (c) to appear in person or through a conference call or other mutually agreed upon electronic means, or to have a representative attend on his/her behalf; (d) be accompanied by a support person during the hearing; (e) to hear and have a reasonable opportunity to question adverse witnesses and to present evidence and testimony in his/her behalf; and (f) to receive a written decision within ten (10) business days following the hearing specifying the panel's findings and the penalty assessed, if any. The hearing shall be taped and a record shall be maintained of this hearing.
  6. Hearing: A hearing shall be conducted following the guidelines specified below:

**On-site:**

- a. A hearing shall be conducted in private.
- b. Admission of any person into the hearing room shall be at the discretion of the chair of the hearing body. The chair, who is the Dean of the Faculty or his/her designee, shall have the authority to discharge or to remove any person whose presence is deemed unnecessary or obstructive to the proceeding.
- c. Except as directed by the chair, support persons shall limit their role in a hearing to that of a consultant to the accused, to the complainant or to the victim.
- d. The complainant and the accused are responsible for presenting their respective

- witnesses, any additional information, and any concluding statements regarding the charges and the information.
- e. In a manner deemed appropriate by the chair, the complainant and/or the accused may question the statements of any person who testifies.
  - f. The hearing panel may question any witness presented by the accused and the complainant, including the complainant and the accused as well as any other witnesses the chair may choose to call.
  - g. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Hearing Body at the discretion of the chair.
  - h. All procedural questions are subject to the final decision of the chair or the Provost.
  - i. After the hearing has concluded, the hearing panel, in private, will decide whether the Student charged with misconduct is in violation of the Student Code of Conduct. The Dean of the Faculty or his/her designee may participate in the discussion, but is a non-voting member. Only evidence introduced at the hearing shall be considered in the determination of the decision. Each decision shall be made on the basis of whether or not the information presented at the hearing substantiates the charges in a more likely than not manner.
  - j. If the panel finds that the student violated the Student Conduct Code, the panel, in private, shall review the Student's academic transcript and disciplinary record, hear a character witness, if appropriate, and impose the appropriate sanction (s). The decision of the panel will be provided in writing to the Provost. The decision and sanction will be sent to the student in writing by the Provost.
  - k. A taped record of the hearing will be maintained. The record shall be the property of the College.

**Via the Phone:**

- a. For the accused or complainant who cannot attend in person, Charter Oak State College will set up a conference call.
- b. Twenty-one (21) business days before the hearing, the Provost must receive all materials to be presented by the accused and by the complainant, including the names and relationships of the character witnesses and support persons. The Provost will send copies of the materials to the hearing panel, the accused, and the complainant at least seven (7) business days before the hearing. The Provost will arrange for the conference call.
- c. The procedures outlined in the "on- site" section will be followed, unless they specifically apply only to the on-site hearing.
- d. Within ten (10) business days of the conclusion of the formal hearing, a Student may appeal the decision, in writing, to the President. An appeal shall be limited to a consideration of the verbatim record of the hearing and supporting documents for one or more of the following: a.) the process set forth in the guidelines was not followed and resulted in prejudice to the Student; b.) the evidence presented was insufficient to justify the decision; and c.) sanction(s) imposed was/were disproportionate to the gravity of the offense. The President may accept the decision of the hearing panel, overturn their decision, return the matter to the original hearing panel, or appoint a new hearing panel. The decision of the original hearing panel or the new hearing panel or the President will be sent to the Student in writing by the President and will be final.



- e. During any appeal period, any sanctions will remain in place and the Student will not be allowed to participate in a graduation ceremony nor graduate until the review process has been completed and a final decision rendered.

### **PART C: INTERIM ADMINISTRATIVE ACTION**

The President or his/her designee may impose an interim "College Suspension" and/or other necessary restrictions on a Student prior to a hearing on the Student's alleged violation. Such action may be taken when, in the professional judgment of the President or his/her designee, a threat of imminent harm to persons or property exists.

Interim Administrative Action is not a sanction. Rather, it is an action to protect the safety and well-being of an accused Student, or other members of the College community, or greater community or to protect property. Such action is in effect only until a hearing is completed.

### **PART D: DISCIPLINARY SANCTIONS**

Disciplinary penalty shall mean any action affecting the status of an individual as a Student taken by the College in response to a Student's misconduct in violation of Section I.D.1 Prohibited Conduct above, which penalties shall include but not be limited to:

1. Warning - A written notice that the Student has violated College Policy and a warning that another violation will likely result in a more severe sanction.
2. Restitution - Compensation for loss of or damage to property.
3. Academic Sanctions
4. Suspension - Suspension is a temporary disciplinary separation from the College involving denial of all Student privileges, including entrance to College premises. A notation of "suspension" will be placed in the Student database but will not be placed on the Student transcript. Charter Oak State College will not accept credits earned at another institution or through any other means during a period of suspension. Suspensions shall range from one semester to two years.
5. Students who are suspended will receive no refund of tuition or fees.
6. A Student who has been suspended must apply for re-matriculation if he/she plans to return.
7. Expulsion - Expulsion is mandatory separation from the College involving denial of all Student privileges, including entrance to college premises for a minimum of 5 years. After the length of the term for expulsion has expired, the Student may request in writing directed to the Provost permission to re-matriculate. That permission must indicate why Charter Oak State College should allow the Student to return.
8. Charter Oak State College will not accept credits earned at another institution or through any other means during a period of expulsion. A permanent notation of "Dismissed" shall be placed on the Student's transcript.

Failure to comply with requirements of Restitution or Academic Sanctions above will result in dismissal from the institution. The Student must complete the requirements of the sanction before he/she would be allowed to apply for readmission and/or graduate.

# **CSCU** Board of Regents

## **CT BOARD OF REGENTS FOR HIGHER EDUCATION**

### **RESOLUTION**

concerning

#### **Policy on the Appointment and Evaluation of CSCU Chancellor**

**July 31, 2024**

**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 adoption of the Policy on the Appointment and Evaluation of the Chancellor.

**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.

**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 System’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,
- 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 provided to the Chair or delegee,
- The Chair or delegee will consolidate the consistent themes from that feedback,
- 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, and broader input from stakeholders as determined necessary by the Chair.

**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.

August 2024	Establish agreed upon criteria for evaluation and goals for FY ‘25
August 2024	Self-Evaluation by Chancellor due to Board of Regents
September 2024	Collection of feedback by Chair
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
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**Attachment:**

- Proposed Policy on the Appointment and Evaluation of the Chancellor

**RECOMMENDATION**

Based on the above, staff recommends the following actions:

1. Recommend adoption of the proposed Policy on the Appointment and Evaluation of the Chancellor.

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<sup>1</sup> 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<sup>2</sup> 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.

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<sup>1</sup> [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.”

<sup>2</sup> 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.