



**INTERIM CONNECTICUT STATE COLLEGES AND UNIVERSITIES RESOLUTION PROCESS
PROCEDURE FOR BOR POLICY 4-13 INTERIM DISCRIMINATORY HARASSMENT,
NONDISCRIMINATION, AND TITLE IX POLICY**

Effective Date: January 17, 2025

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I. GENERAL PROVISIONS

This procedure generally applies to all allegations of potential violations of CSCU Board of Regents Policy 4-13 *INTERIM DISCRIMINATORY HARASSMENT, NONDISCRIMINATION, AND TITLE IX POLICY* where a report or Complaint is received on, or after, January 9, 2025.¹ [The Interim Connecticut State Colleges and Universities Resolution Process Procedure for Title IX Sexual Harassment](#) will apply to any potential violations that could constitute Title IX Sexual Harassment that are alleged to have occurred after August 13, 2020. CSCU is solely responsible for determining the applicability of this procedure to any potential violations of Policy 4-13.

CSCU will treat Complainants and Respondents equitably throughout the process. CSCU will presume that a Respondent is not responsible for a potential violation of Policy 4-13 or any other alleged misconduct until a determination regarding responsibility is made at the conclusion of this procedure.

CSCU requires that any Title IX/Equity Coordinator, investigator, informal resolution facilitator, or decision-maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent.

Parties involved in matters under this procedure may be accompanied by one advisor of their choice (which may be a union representative or attorney) to any meeting or proceeding. CSCU will not assign an advisor for the purposes of proceedings under this procedure. If a party chooses to have an advisor, the party should provide CSCU with the advisor's contact information for the purpose of scheduling. The advisor may act as a support person for their party, assist the party in navigating the process, and help formulate questions for the hearing. The advisor may not participate in lieu of the party in any capacity. An advisor must maintain respectful and professional decorum in all proceedings; failure by an advisor to do so may result in CSCU excluding the advisor from participation. CSCU maintains discretion to determine whether exclusion of an advisor is warranted.

CSCU may offer supportive measures as appropriate and reasonably available to a party after a report has been made. Supportive measures are non-disciplinary, non-punitive individualized services, without fee or charge to the party, and can include no contact directives, consistent with Policy 4-13. Supportive measures are designed to restore or preserve equal access to CSCU's Education Program and Activity, including measures

¹ A Complaint is an oral or written report with an accompanying request that CSCU investigate the potential Policy violation.

designed to protect the safety of all parties or the CSCU's educational environment or deter additional potential violations of Policy 4-13.

CSCU may remove a student Respondent from the CSCU Educational Program and Activity on an emergency basis, provided that the CSCU undertakes an individualized safety and risk analysis to determine whether an immediate threat to the health or safety of any student or any other individual arises from the potential violation of Policy 4-13. CSCU must provide the Respondent with notice and an opportunity to challenge the removal decision immediately following the removal. CSCU may place an employee Respondent on administrative leave from the CSCU Educational Program and Activity consistent with applicable CSCU policies and applicable bargaining agreements. CSCU will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed to participate in this procedure. Such arrangements may include, but are not limited to, providing qualified interpreters, or assuring a barrier-free location for the proceedings.

CSCU will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

While the process under this procedure is private, it is not confidential. CSCU may provide notice of the outcome or other information pertaining to matters addressed under this procedure to individuals or offices with a need to know the information, consistent with applicable laws.

If there is a determination that a violation of Policy 4-13 occurred, CSCU may impose appropriate disciplinary sanctions, up to, and including, separation from the institution, consistent with any applicable collective bargaining agreement. CSCU, as appropriate, will provide remedies to restore access to CSCU's employment or education program or activity.

II. TIMELINE

CSCU is committed to the prompt and thorough resolution of complaints under Policy 4-13. As such, CSCU will complete an *initial review* of all reports within ten (10) business days of receipt. The *fact gathering* will be completed within forty (40) business days of the conclusion of the initial review, and the hearing will be scheduled within twenty (20) business days of the conclusion of the fact gathering. Parties will receive *written notice of outcome* within ten (10) business days of the hearing.

This procedure allows for reasonable extensions of timeframes on a case-by-case basis for good cause, which includes but is not limited to: investigations where additional time is necessary to ensure the integrity and completeness of the investigation; to comply with a request by law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of parties and/or witnesses; to account for University/College breaks or vacations; to account for complexities of a case, including the number of witnesses and volume of information provided by the parties; or for other legitimate reasons. Parties will receive written notice, including rationale, for any significant departure from the prescribed timeline.

III. STANDARD OF EVIDENCE

All determinations will be based on the *preponderance of evidence* standard, meaning the evidence must demonstrate that it is more likely than not that the incident occurred as alleged. Decision-maker(s) must evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decision-maker(s) is not persuaded by the evidence that a violation of Policy 4-13 occurred, whatever the quantity of the evidence is, the decision-maker(s) will not determine that a violation occurred.

IV. REVIEW OF EVIDENCE

Relevant evidence is evidence that has some value or tendency to prove a matter of fact significant to the case. Relevant evidence may pertain to a party or witness's credibility.

Parties will be provided with equal opportunity to present evidence during this procedure. Additionally, CSCU will take reasonable steps to obtain relevant evidence which may not be in the parties' control. The decision-maker will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered by CSCU in connection with its investigation, except as may be necessary to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by federal or state law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless CSCU obtains that party's or witness's voluntary, written consent for use in this procedure; and
- Evidence that relates to the Complainant's sexual predisposition or prior sexual behavior, unless evidence about the Complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual behavior with the respondent that is offered to prove consent to the alleged violation of Policy 4-13. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the Complainant's consent to the alleged sexual contact or preclude determination that a violation of Policy 4-13 occurred.

V. INITIAL REVIEW

Upon receipt of a report of a potential violation, CSCU will evaluate the report to determine whether the potential violation falls within Policy 4-13. A Complainant may make a Complaint (oral or written) in which the Complainant indicates their request that CSCU undertake an investigation under this procedure. The Title IX/Equity Coordinator may also make a Complaint under this procedure.

Where the potential violation does not fall under Policy 4-13, but may constitute behaviors prohibited by other CSCU policies, CSCU will promptly refer the matter to the appropriate authority and notify the impacted party of the referral in writing.

VI. DISMISSAL

CSCU may dismiss a Complaint, in part or whole at any point in the investigation or hearing, if:

- the conduct would not constitute a violation of Policy 4-13, even if proved;
- the conduct did not occur within CSCU's Education Program or Activity;
- a Complainant withdraws, in writing, the Complaint, or any allegations therein;
- the Respondent is no longer enrolled or employed by CSCU; or
- specific circumstances prevent CSCU from gathering evidence sufficient to reach a determination as to the Complaint or allegations therein

If CSCU dismisses a Complaint, in part or whole, CSCU will notify the relevant parties in writing.

VII. INFORMAL RESOLUTION

Where appropriate and available, CSCU may offer the parties the option to engage in an informal resolution of either a report or Complaint. There is no expectation that parties elect to participate in the informal resolution process. Further, both parties must agree to engage in the process prior to initiation. Parties may decide to withdraw from the informal resolution process at any time prior to a final resolution, and based on the facts and circumstances, the matter may return to the grievance process described by these procedures. An informal resolution is binding on the parties and is considered a final resolution to the matter.

VII. NOTICE OF ALLEGATIONS

Following a Complaint, CSCU will provide a written Notice of Allegations to the Complainant (if applicable) and the Respondent(s) regarding the allegations and containing information about this procedure. If, during the investigation, CSCU receives information of additional allegations concerning the Respondent(s), CSCU may supplement the Notice of Allegations, or may address the additional allegations through a separate process under the applicable procedures. CSCU may consolidate Complaints as to allegations of Policy 4-13 against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Policy 4-13 arise out of the same facts or circumstances. CSCU may also consolidate reports and complaints under this procedure to investigate and adjudicate any potential violation of any other applicable CSCU policy arising out of the same facts or circumstances.

VIII. INVESTIGATION

When CSCU receives a Complaint that is not otherwise subject to a dismissal or resolved using an informal resolution, CSCU will initiate an investigation.

After providing the Notice of Allegations, CSCU will conduct an adequate, reliable, and impartial investigation into the Complaint. The burden is on CSCU– not the parties– to conduct an investigation that gathers sufficient evidence to determine whether a violation of Policy 4-13 occurred. As such, CSCU maintains full authority to determine whether certain evidence or witnesses are necessary to conduct a thorough investigation.

CSCU will provide a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate. CSCU will provide equal opportunity for parties to present information, both inculpatory and exculpatory, and recommend fact witnesses. On a case-by-case basis, CSCU may allow for parties to present expert witnesses equally.

At the conclusion of the fact gathering, CSCU will provide at least ten (10) days for the parties to review all relevant and not otherwise impermissible evidence, to which the parties may submit a written response for consideration by the decision-maker(s). During the same period, parties will be given the opportunity to submit questions, in writing, to the decision-maker(s), which the decision-maker(s) will review for relevancy prior to the hearing. The decision-maker will explain to the submitting party any decisions to exclude questions based on relevance, impermissibility, lack of clarity, or harassment of another party. Parties will be given a reasonable opportunity to clarify or revise the excluded question(s) prior to the hearing.

IX. HEARING

At the conclusion of the fact gathering, CSCU will schedule an administrative hearing which will be held by a decision-maker(s) who will be either a single hearing officer or a hearing panel, at the discretion of CSCU. The parties, the decision-maker(s), and, where applicable, the parties' advisors will be invited. Further, witnesses may be invited to participate in the hearing if the decision-maker(s) and/or the parties have relevant questions for the witness(es). The hearing will be recorded or transcribed for review purposes and will be available to parties, if necessary, for appeal purposes.

At the hearing, the decision-maker(s) will ask all relevant questions, including their own questions and questions submitted by the parties. No party or advisor will be permitted to directly question any party or witness. After the initial round of questions, the decision-maker(s) will suspend the hearing for at least fifteen (15) minutes for the parties to consider and submit any follow-up questions in writing to the decision-maker(s). The decision-maker(s) will reconvene the hearing and ask all relevant follow-up questions to the appropriate parties.

Any party, advisor, or witness present at the hearing may be removed from the hearing for engaging in disruptive or harmful behavior.

The decision-maker(s) may consider a party's level of participation in the hearing process in their determination, but a finding that a party engaged in prohibited conduct under Policy 4-13 may not be solely based on a party's refusal to attend or participate in the hearing or answer specific questions.

X. DETERMINATION OF RESPONSIBILITY

Following the hearing, the decision-maker(s) will review evidence consistent with this procedure and determine whether a policy violation occurred. Within ten (10) business days, the decision-maker(s) will issue a *written notice of outcome* to the parties simultaneously. The notice of outcome will include:

- a description of the allegations;
- a description of the procedural steps taken from the receipt of the Complaint through the determination;
- information about the relevant policies and procedure;
- the decision-maker's evaluation of the relevant and not otherwise impermissible evidence;
- policy determination(s);
- information on sanctions, referrals, and remedies; and
- information on how to appeal the outcome.

Consistent with state law, the decision-maker(s) will also notify the Chancellor or appropriate president, and any other individual or office, such as Labor Relations, that may need to know the information.

Determinations of responsibility become final upon the outcome of appeal or the expiration of the appeal period.

XI. REVIEW OF TRANSCRIPT OR RECORDING

Either the recording or transcript of the hearing will be available for review by the Parties unless there are any extenuating circumstances. The record/transcript of the hearing will not be provided to Parties or advisors.

XII. RESPONSE TO DECISION AND APPEAL PROCESS

Within ten (10) business days of receipt of the written notice of outcome or dismissal, parties may submit a written response to the record and/or appeal on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of outcome, that could affect the outcome of the matter; and
- The Title IX/Equity Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

If a timely appeal is received by any party, CSCU will notify the parties in writing and allow for a written response to the appeal within five (5) business days. After the parties are notified, CSCU will appoint an appeal officer or panel to review the appeal. The appeal officer or panel will not have acted as the investigator(s), decision-maker(s), or Title IX/Equity Coordinator in the matter.

After reviewing the appeal and any relevant evidence, the appeal officer or panel will provide written notice to the parties describing the outcome and any necessary remedies, up to and including re-opening the investigation.

XIII. RECORDKEEPING

CSCU will maintain records of all proceedings under this procedure for a minimum of seven years, consistent with federal and state law. Such records will be shared pursuant to this procedure and may be disclosed to others with a need to know the information or pursuant to state or federal law or regulations.