

## **Discrimination Complaint Process**

### **Section 46a-68-89**

Discrimination Complaint Process - As was stated in the prior review and analysis report, time frames for filing, processing, and resolution of internal complaints are not to exceed ninety (90) days. External investigators must be made aware of this requirement. If exceeding this time frame is unavoidable, then the complainant must be informed again as the 90th day is approaching of his/her right to file a complaint with the CHRO, EEOC, etc. so that the time frames for filing with enforcement agencies are not exceeded. The University has examined the internal and external complaint filing, processing and resolution processes to be in compliance with CHRO, EEOC and other enforcement agencies filing requirements. The investigators are notifying the complainant(s) their right to file with external agencies before the ninety (90) day timeframe is exhausted. This will ensure all complainants know their rights to file with external agencies.

Central Connecticut State University has an established system to process and resolve employee allegations of discrimination consistent with Chapters 67 and 68 of the Connecticut General Statutes. The system provides for the expeditious resolution of grievances to assure that legal options for filing complaints are not foreclosed.

The discrimination complaint procedure includes:

- Periodic training in counseling and grievance investigation for agency counselors
- Confidential counseling and procedures for informal resolution at the institution level by the Vice President for Equity & Inclusion or Designee
- Notice to employees that the discrimination complaint process is available
- A guarantee of no retaliation for the exercise of rights granted pursuant to Connecticut General Statutes
- Advisement of legal options to file complaints with the Connecticut Commission on Human Rights and Opportunities (CHRO); United States Equal Employment Opportunity Commission (EEOC); United States Department of Education Office of Civil Rights (OCR); United States Department of Labor (USDOL), Wage and Hour Division; and any other agencies, state, federal or local, that enforce laws concerning discrimination in employment or public services.
- Time frames not exceeding ninety (90) days for filing, processing, and resolution of such matters.

All records of internal discrimination complaints and dispositions thereof are maintained and reviewed on a regular basis by the Office for Equity & Inclusion (OEI) to detect any patterns in the nature of the grievances. Records so retained shall be confidential except where disclosure is required by law.

The Plan contains a summary of the matters alleged, the results thereof, and the length of time required to resolve the grievance/complaint. Where informal allegations have resulted in complaints to enforcement agencies, the Plan provides information on the number of such complaints, investigating agency, whether such matter is currently pending or the outcome thereof.

All records relevant to complaints/grievances filed under this section are maintained by the agency for examination by the Commission on Human Rights and Opportunities (CHRO).

The Office for Equity & Inclusion (OEI) has developed a website that provides all relevant policies, procedures, and contacts to all members of the University community and community at large. The Office for Equity and Inclusion (OEI) will continue to handle these responsibilities and report on it in the future Affirmative Action Plans.

### Central Connecticut State University

#### Discrimination/Harassment

#### Complaint Form

Name of Complainant:	Date:	
Address:		
City:	State:	Zip Code:
Work Phone:	Home Phone:	
Cell Phone:	Email:	
C#oy '@:	Email ' :	

**Sex:**
 Male

 Female

 Other

**Your status:**
 Student

 Faculty/Staff

 External (Non-Campus)

**Type of Complaint:**
 Discrimination

 Harassment

 Retaliation

**I was discriminated/harassed/retaliated against on the basis of my:**
 Age

 Mental Disorder

 Ancestry

 Marital Status

 Color

 National Origin

 Criminal Record (State Employment)

 Sex ( including pregnancy or sexual harassment)

 Gender Identity or Expression

 Sexual Orientation

 Genetics

 Race

 Intellectual Disability

 Religious Creed

 Learning Disability

 Retaliation

 Physical Disability

 Veteran Status

**I was**

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**I believe that I was discriminated/harassed/retaliated against by:**

**Name of Respondent :**

Address:

City: State: Zip:

Sex: Male Female Work Phone:

Other: Home/Cell Phone:

Status: Student Faculty Staff External (Non-campus)

*Specify*

**Name of k :**

Address:

City: State: Zip:

Sex: Male Female Work Phone:

Other: Home/Cell Phone:

Status: Student Faculty Staff External (Non-campus)

*Specify*

**Name of Witness :** \_\_\_\_\_

Address:

City: State: Zip:

Sex: Male Female Work Phone:

Other: Home/Cell Phone:

Status: Student Faculty Staff External (Non-campus)

*Specify*

**Name of ‡**

Address:

City: State: Zip:

Sex: Male Female Work Phone:

Other: Home/Cell Phone:

Status: Student Faculty Staff ##### External (Non-campus)

*Specify*

**Name of Witness :**

Address:

City: State: Zip:

Sex:  Male Female Work Phone:

Other: Home/Cell Phone:

Status:  Student Faculty Staff External (Non-campus)

*Specify*

**Name of Witness :** \_\_\_\_\_

Address:

City: State: Zip:

Sex: Male Female Work Phone:

Other: Home/Cell Phone:

Status:  Student Faculty Staff External (Non-campus)

*Specify*

**Explain your complaint in detail. Include the following information. Add additional pages if necessary. Attach documents you believe may be helpful in investigating your complaint.**

1. Describe the specific incident(s) of discrimination/harassment/retaliation. List dates, times, locations, names, and titles of the people involved in the incident(s).
2. Explain why you believe that you were discriminated/harassed/retaliated against because of your protected class status (race, age, sex, disability, etc.)
3. Provide the names and titles of people you believe were treated more favorably than you due to your protected class status. List the protected class status (race, age, sex, disability, etc.) of each person.

If more space is needed please attach to this form.

Remedy Sought:

Signature

Date:

**Please return form to:**

Central Connecticut State University  
Office for Equity & Inclusion  
Davidson Hall, room 119  
1615 Stanley St.  
New Britain, CT 06050

If you have additional questions or to schedule an appointment, call **860-832-1652**.

**CT BOARD OF REGENTS FOR HIGHER EDUCATION**

**RESOLUTION**

concerning

**Statement of Title IX Policy**

**July 29, 2020**

- WHEREAS, The Board of Regents in accord with the Connecticut State Colleges and Universities comprised of seventeen institution and a System Office, is committed to ensuring that each member of every BOR governed college or university community has the opportunity to participate fully in the process of education and development; and
- WHEREAS, The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual misconduct and relationship violence. It is the intent of the BOR and each of its colleges or universities to provide safety, privacy and support to victims of sexual misconduct and relationship violence; 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 14, 2020; and
- WHEREAS, The Board of Regents consistent with the goal providing safe environments at all of its campuses for all who frequent them, sets forth a “Statement of Title IX Policy” therefore be it
- RESOLVED, That the Board of Regents formally adopts a “Statement of Title IX Policy” effective August 14, 2020.

A True Copy:

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Erin A. Fitzgerald, Secretary of the  
CT Board of Regents for Higher Education

**ITEM**

The Board of Regents for Higher Education adopts a “Statement of Title IX” Policy to comply with the United States Department of Education regulations under Title IX of the Education Amendments of 1972 (“Title IX”)

**BACKGROUND**

The United States Department of Education promulgated regulations under Title IX of the Education Amendments of 1972 (“Title IX”) to address sexual discrimination, specifically sexual harassment. These regulations require the adoption of policy. The Statement of Title IX policy is set forth to comply with that requirement.

**RECOMMENDATION**

That the Board of Regents for Higher Education formally adopts “Statement of Title IX” effective August 14, 2020.



**Board of Regents for Higher Education**  
**Connecticut State Colleges and Universities**  
**Regarding**  
**Statement of Title IX Policy**

Consistent with Title IX of the Education Amendments of 1972 (“Title IX”)<sup>i</sup>, the Connecticut State Colleges and Universities (CSCU) does not and will not discriminate against students, faculty or staff based upon sex in any of its programs or activities, including but not limited to education programs, employment or admission. Further, retaliation against any person who made a complaint, testified, assisted, participated or refused to participate in a Title IX process will not be tolerated.

The Board of Regents for Higher Education (BOR) is committed to ensuring that each member of the CSCU community has the opportunity to participate fully in the process of education and development. The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual discrimination, including, sexual harassment, sexual assault, dating violence and stalking. It is the intent of the BOR that each college and university provide safety, privacy and support.

The BOR strongly encourages students, parents, bystanders and employees to alert Title IX Coordinators to sexual discrimination, including sexual harassment. Title IX Coordinators will promptly address these matters and treat all parties equitably. In accordance with federal law, those accused of engaging in prohibited conduct will be presumed not responsible and receive no punitive treatment unless and until found responsible after due process. All BOR governed colleges and universities will provide complainants and the respondents with supportive measures, including referral to agencies that provide medical attention, counseling, legal services, advocacy, referrals and other relevant information.

Under Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioned in the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or
3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v)<sup>ii</sup>, “dating violence” as defined in 34 U.S.C. 12291(a)(10)<sup>iii</sup>, “domestic violence” as defined in 34 U.S.C. 12291(a)(8)<sup>iv</sup>, or “stalking” as defined in 34 U.S.C. 12291(a)(30).<sup>v</sup>

If the institution’s Title IX Coordinator determines that the alleged harassment meets the above definition of sexual harassment, as well as occurred within the United States on property owned or controlled by the institution or any building owned or controlled by a student organization officially recognized by the institution, and at the time of the filing the complainant was

7/29/2020

participating or attempting to participated in an educational program or activity at the particular College or University the Title IX coordinator will initiate a Title IX process. If the Title IX Coordinator determines that the alleged harassment does not meet the above factors, but the alleged misconduct violates BOR policy the Title IX Coordinator will comply with the BOR Sexual Misconduct Reporting, Supportive Measures and Processes Policy. If the institution's Title IX Coordinator determines that the allegations do not constitute a violation of either Title IX or Board policy and can make no finding of responsibility, complainant and respondent will be notified that the matter will be closed.

Sexual harassment will not be tolerated.

Any inquiries about this policy should be directed to the Title IX Coordinator

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<sup>i</sup> Title IX states that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance"

<sup>ii</sup> 20 U.S.C. 1092(f)(6)(A)(v), The term "[sexual assault](#)" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

<sup>iii</sup> 34 U.S.C. 12291(a)(10) The term "[dating violence](#)" means violence committed by a person - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

<sup>iv</sup> 34 U.S.C. 12291(a)(8) The term "[domestic violence](#)" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or [youth](#) victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

<sup>v</sup> 34 U.S.C. 12291(a)(30) (30) The term "[stalking](#)" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

**CT BOARD OF REGENTS FOR HIGHER EDUCATION**

**RESOLUTION**

concerning

**Policy Regarding**

**Sexual Misconduct Reporting, Supportive Measures and Processes Policy**

**July 29, 2020**

- WHEREAS, The Board of Regents in accord with the Connecticut State Colleges and Universities comprised of seventeen institution and a System Office, is committed to insuring that each member of every BOR governed college or university community has the opportunity to participate fully in the process of education and development; and
- WHEREAS, The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual misconduct and relationship violence. It is the intent of the BOR and each of its colleges or universities to provide safety, privacy and support to victims of sexual misconduct and relationship violence; and
- WHEREAS, The Board of Regents for Higher Education adopted policy regarding “Sexual Misconduct Reporting, Support Services and Processes Policy, as amended from time to time; 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 14, 2020; and
- WHEREAS, The Board of Regents consistent with the goal providing safe environments at all of its campuses for all who frequent them, has reviewed its policy regarding “Sexual Misconduct, Sexual Assault and Intimate Partner Violence Policy” and revised the policy so that it is consistent with the regulations; therefore be it
- RESOLVED, That the Board of Regents formally amends the renamed the “Sexual Misconduct Reporting, Supportive Measures and Processes Policy” effective August 14, 2020.

A True Copy:

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Erin A. Fitzgerald, Secretary of the  
CT Board of Regents for Higher Education

**ITEM**

The Board of Regents for Higher Education renames and amends its' policy regarding "Sexual Misconduct Reporting, Supportive Measures and Processes" to comply with the United States Department of Education regulations under Title IX of the Education Amendments of 1972 ("Title IX")

**BACKGROUND**

The United States Department of Education promulgated regulations under Title IX of the Education Amendments of 1972 ("Title IX") to address sexual discrimination, specifically sexual harassment. These regulations preempt previous Title IX provisions, but do not obviate the requirements of state law. The policy regarding Sexual Misconduct Reporting, Support Services and Processes Policy was initially drafted to comply with Connecticut General Statute section 10a-55m. That statute implicitly codified some of the U.S. Department of Education Title IX guidance and the Violence Against Women Act (VAWA) requirements. Although the Title IX requirements are now less stringent, the Connecticut State Colleges and Universities must adhere to State's requirements in addition to federal requirements. The amended policy incorporates the federal changes while preserving BOR policy that was created in compliance with Connecticut law.

**ANALYSIS**

The Policy has been amended to include the requirements of the Title IX regulations. This includes subtle changes in nomenclature such as use of the terms complainant, and respondent, and supportive measures instead of support services, and provides more examples of appropriate supportive measures. It requires that respondents and complainants be treated equally and that respondents are presumed not responsible and not be subjected punitive measures until found responsible.

Most significant, however, is the revised section on Sexual Misconduct Investigation and Procedures. This policy clearly presents the role of the Title IX Coordinator to determine not only supportive measures, but also whether a matter is within the scope of Title IX. If the matter is within the scope of Title IX, the highly prescriptive Title IX procedures will apply. Those procedures will be applied to students, faculty and staff alike.

All of the revisions to the policy were made to bring the policy into compliance with federal law.

**RECOMMENDATION**

That the Board of Regents for Higher Education rename and amend the Sexual Misconduct Reporting, Supportive Measures and Processes Policy effective August 14, 2020.

**Board of Regents for Higher Education  
Connecticut State Colleges and Universities**

**Policy Regarding  
Sexual Misconduct Reporting, Supportive Measures and Processes Policy**

**STATEMENT OF POLICY**

The Board of Regents for Higher Education (BOR) in conjunction with the Connecticut State Colleges and Universities (CSCU) is committed to ensuring that each member of every BOR governed college and university community has the opportunity to participate fully in the process of education and development. The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual misconduct, including, sexual harassment, sexual assault, intimate partner violence and stalking. It is the intent of the BOR and each of its colleges or universities to provide safety, privacy and support to victims of sexual misconduct and intimate partner violence.

The BOR strongly encourages students, parents, bystanders and employees to report any instance of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking and intimate partner violence. Title IX Coordinators will promptly address these matters and treat all parties equitably. In accordance with federal law Respondents will be presumed not responsible and receive no punitive treatment unless and until found responsible after due process. All BOR governed colleges and universities will provide complainants and respondents with supportive measures, including referral to agencies that provide medical attention, counseling, legal services, advocacy, referrals and general information regarding sexual misconduct.

All CSCU employees and support persons will make any limits of confidentiality clear before any disclosure of facts takes place. Other than confidential resources as defined below and employees who qualify as Campus Security Authorities under the Jeanne Clery Act, all CSCU employees are required to immediately communicate to the institution's Title IX Coordinator any disclosure or report of sexual misconduct received from a student as well as communicate any disclosure or report of sexual misconduct the employee received from another employee when misconduct is related to the business of the institution.

Affirmative consent must be given by all parties before engaging in sexual activity. Affirmative consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person. Sexual misconduct, as defined herein, is a violation of BOR policies and, in addition, may subject an accused student or employee to criminal penalties. The BOR and each of its governed colleges and universities are committed to providing an environment free of personal offenses. Sexual relationships of any kind between staff/faculty and students are discouraged pursuant to BOR policy.

The Board of Regents for Higher Education hereby directs the Connecticut State Colleges and Universities to implement the Policy stated above pursuant to the following provisions:

**TERMS, USAGE AND STANDARDS**

***Complainant*** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Sexual Misconduct Reporting  
Support Services and Processes Policy

**Consent** must be affirmed and given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is a mutually affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. Consent may be revoked at any time during the sexual activity by any person engaged in the activity.

Affirmative consent may never be assumed because there is no physical resistance or other negative response. A person who initially consents to sexual activity shall be deemed not to have affirmatively consented to any such activity which occurs after that consent is withdrawn. It is the responsibility of each person to assure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that affirmative consent is sustained throughout the sexual activity. It shall not be a valid excuse to an alleged lack of affirmative consent that the student or employee responding to the alleged violation believed that the student reporting or disclosing the alleged violation consented to the activity (i) because the responding student or employee was intoxicated or reckless or failed to take reasonable steps to ascertain whether the student or employee reporting or disclosing the alleged violation affirmatively consented, or (ii) if the responding student or employee knew or should have known that the student or employee reporting or disclosing the alleged violation was unable to consent because the student or employee was unconscious, asleep, unable to communicate due to a mental or physical condition, or incapacitated due to the influence of drugs, alcohol or medication. The existence of a past or current dating or sexual relationship between the persons involved in the alleged violation shall not be determinative of a finding of affirmative consent.

**Report** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegation of sexual harassment. At the time of the filing the formal complaint, the complainant must be participating in or attempting to participate in an education program or activity of the institution.

**Disclosure** is the receipt of any communication of an incident of sexual misconduct that is not accompanied by a request for an investigation or adjudication by the institution.

**Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Sexual misconduct** includes engaging in any of the following behaviors:

- (a) **Sexual harassment**, which can include any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment; submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive educational or employment environment. Examples of conduct which may constitute sexual harassment include but are not limited to:

Sexual Misconduct Reporting  
Support Services and Processes Policy

- sexual flirtation, touching, advances or propositions
- verbal abuse of a sexual nature
- pressure to engage in sexual activity
- graphic or suggestive comments about an individual's dress or appearance
- use of sexually degrading words to describe an individual
- display of sexually suggestive objects, pictures or photographs
- sexual jokes
- stereotypic comments based upon gender
- threats, demands or suggestions that retention of one's educational status is contingent upon toleration of or acquiescence in sexual advances.

(b) **Sexual assault** shall include but is not limited to a sexual act directed against another person without the consent (as defined herein) of the other person or when that person is not capable of giving such consent:

Sexual assault is further defined in sections 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b and 53a-73a of the Connecticut General Statutes.

(c) **Sexual exploitation** occurs when a person 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 sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
- Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- Going beyond the bounds of consent (for example, an individual who allows friends to hide in the closet to watch him or her having consensual sex);
- Engaging in non-consensual voyeurism;
- Knowingly transmitting an STI, such as HIV to another without disclosing your STI status;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; or
- Possessing, distributing, viewing or forcing others to view illegal pornography.

Sexual exploitation is further defined as a crime in Connecticut State Law.

(d) **Intimate partner, domestic and/or dating violence means** any physical or sexual harm against an individual by a current or former spouse of or person in a dating or cohabitating relationship with such individual that results from any action by such spouse or such person that may be classified as a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes, stalking under section 53a-181c, 53a-181d or 53a-181e of the

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general statutes, or domestic or family violence as designated under section 46b-38h of the general statutes. This includes any physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1) sexual assault (2) sexual assault in a spousal or cohabiting relationship; (3) domestic violence; (4) sexual harassment (5) sexual exploitation, as such terms are defined in this policy.

Offenses that are designated as “domestic violence” are against family or household members or persons in dating or cohabiting relationships and include assaults, sexual assaults, stalking, and violations of protective or restraining orders issued by a Court. Intimate partner violence may also include physical abuse, threat of abuse, and emotional abuse.

- Physical abuse includes, but is not limited to, slapping, pulling hair or punching.
- Threat of abuse includes but is not limited to, threatening to hit, harm or use a weapon on another (whether victim or acquaintance, friend or family member of the victim) or other forms of verbal threat.
- Emotional abuse includes but is not limited to, damage to one’s property, driving recklessly to scare someone, name calling, threatening to hurt one’s family members or pets and humiliating another person.
- Cohabitation occurs when two individuals dwell together in the same place as if married.
- The determination of whether a “dating relationship” existed is to be based upon the following factors: the complainant’s statement as to whether such a relationship existed, the length of the relationship, the type of the relationship and the frequency of the interaction between the persons reported to be involved in the relationship.

(e) **Stalking**, which is defined as repeatedly contacting another person when contacting person knows or should know that the contact is unwanted by the other person; and the contact causes the other person reasonable apprehension of imminent physical harm or the contacting person knows or should know that the contact causes substantial impairment of the other person’s ability to perform the activities of daily life.

As used in this definition, the term “contacting” includes, but is not limited to, communicating with (including internet communication via e-mail, instant message, on-line community or any other internet communication) or remaining in the physical presence of the other person.

**Retaliation** is prohibited and occurs when a person is subjected to an adverse employment or educational action because he or she made a complaint under this policy or assisted or participated in any manner in an investigation. No institution or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report of complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing related to a report or complaint related to sex discrimination.

**CONFIDENTIALITY**

When a BOR governed college or university receives a report of sexual misconduct all reasonable steps will be taken by the appropriate CSCU officials to preserve the privacy of the complainant and



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respondent while promptly investigating and responding to the report. While the institution will strive to maintain the confidentiality of personally identifiable student information reported, which information is subject to privacy requirements of the Family Education Rights Privacy Act (FERPA), the institution also must fulfill its duty to protect the campus community.

Confidential resources are defined as follows: For the Universities, entities with statutory privilege, which include campus based counseling center, health center and pastoral counseling staff members whose official responsibilities include providing mental health counseling to members of the University community as well as off campus counseling and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center and Domestic Violence Center. For the Colleges, confidential resources are limited to entities with statutory privilege, such as off campus counseling, on campus counseling where available, and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center and Domestic Violence Center. The personnel of these centers and agencies are bound by state statutes and professional ethics from disclosing information about reports without written releases.

Information provided to a confidential resource by a complainant or respondent cannot be disclosed legally to any other person without consent, except under very limited circumstances, such as an imminent threat of danger to self or others or if the reported complainant is a minor. Therefore, for those who wish to obtain the fullest legal protections and disclose in full confidentiality, she/he must speak with a confidential resource. Each BOR governed college and university will provide a list of such confidential resources in the College or University's geographic region to complainants and respondents as well as publish these resources on-line and in various publications.

Where it is deemed necessary for the institution to take steps to protect the safety of members of the campus community, the institution will seek to act in a manner so as not to compromise the privacy or confidentiality of the either the complainant or respondent to the extent reasonably possible.

**MANDATED REPORTING BY COLLEGE AND UNIVERSITY EMPLOYEES**

Other than confidential resources as defined above, in addition to employees who qualify as Campus Security Authorities under the Jeanne Clery Act, all employees are required to immediately communicate to the institution's designated recipient (e.g., Title IX Coordinator) any disclosure or report of sexual misconduct received from a student regardless of the age of the complainant. All employees are also required to communicate to the institution's designated recipient (e.g., Title IX Coordinator) any disclosure or report of sexual misconduct received from an employee that impacts employment with the institution or is otherwise related to the business of the institution.

Upon receiving a disclosure or a report of sexual misconduct, employees are expected to supportively, compassionately and professionally offer academic and other accommodations and to provide a referral for support and other services.

Further, in accordance with Connecticut State law, with the exception of student employees, any paid administrator, faculty, staff, athletic director, athletic coach or athletic trainer who, in the ordinary course of their employment, has a reasonable cause to suspect or believe that a person under the age

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of 18 years has been abused or neglected, has been placed in imminent harm or has had a non-accidental injury is required by law and Board policy to report the incident within twelve hours to their immediate supervisor and to the Department of Children and Families.

**RIGHTS OF PARTIES**

Complainants and respondents will be informed in a timely manner of all their rights and options, including the necessary steps and potential outcomes of each option. Complainants and respondents shall be offered non-disciplinary, non-punitive individualized services as appropriate and available that are designed to restore or preserve equal access to the institution's education program or activity without unreasonably burdening the other party, which may include measures designed to protect the safety of all parties or the institution's educational environment or deter sexual harassment.

When choosing a reporting resource the following information should be considered:

- All reports of sexual misconduct will be treated seriously and with dignity by the institution.
- Referrals to off-campus counseling and medical services that are available immediately and confidential, whether or not those who report feel ready to make any decisions about reporting to police, a college or university employee or the campus's Title IX Coordinator.
- Information regarding the right to take both criminal and civil legal action against the individual allegedly responsible.
- Those who seek confidentiality may contact a clergy member(s), a University counseling center psychologist, a University health center care provider, the Sexual Assault Crisis Center of Connecticut and/or the Connecticut Coalition Against Domestic Violence – all of whom are bound by state statutes and professional ethics to maintain confidentiality without written releases.

**RIGHT TO NOTIFY LAW ENFORCEMENT & SEEK PROTECTIVE AND OTHER ORDERS**

Complainants and respondents shall be provided written information about her/his right to:

- (1) notify law enforcement and receive assistance from campus authorities in making the notification; and,
- (2) obtain a protective order, apply for a temporary restraining order or seek enforcement of an existing order. Such orders include:
  - standing criminal protective orders;
  - protective orders issued in cases of stalking, harassment, sexual assault, or risk of injury to or impairing the morals of a child;
  - temporary restraining orders or protective orders prohibiting the harassment of a witness;
  - family violence protective orders.

The institution will also honor lawful protective or temporary restraining orders.

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Each and every BOR governed college and university shall create and provide information specific to its campus detailing the procedures to follow after the commission of such violence, including people or agencies to contact for reporting purposes or to request assistance, and information on the importance of preserving physical evidence.

**OPTIONS FOR CHANGING ACADEMIC, HOUSING, TRANSPORTATION AND WORKING ARRANGEMENTS**

College and university Title IX Coordinators will provide supportive measures to complainants and respondents. These supportive measures may include, but are not limited to, reasonably available options for changing academic situations, including but not limited to extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus transportation and escort services, mutual restrictions on contact between parties, leaves of absence, increased security and monitoring and housing or working situations.

**SUPPORT SERVICES CONTACT INFORMATION**

It is BOR policy that whenever a college or university Title IX Coordinator or other employee receives a report of sexual misconduct, the Title IX Coordinator shall immediately provide all parties with contact information for and, if requested, professional assistance in accessing and using any appropriate campus resources, or local advocacy, counseling, health, and mental health services, without fee. All CSU campuses shall develop and distribute contact information for this purpose as well as provide such information on-line.

**SEXUAL MISCONDUCT INVESTIGATION AND PROCEDURES**

All complaints of sexual misconduct will be reviewed by the college or university Title IX Coordinator who will determine supportive measures and whether the complaint falls within the scope of Title IX. If the institution's Title IX Coordinator determines that the alleged harassment is

- (1) so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity; or,
- (2) implicates an employee of the institution, alleging that the employee conditioned a provision of an aid, benefit, or service upon the complainant's participation in unwelcome sexual conduct; or,

Sexual Misconduct Reporting  
Support Services and Processes Policy

(3) alleges “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v)<sup>1</sup>, “dating violence” as defined in 34 U.S.C. 12291(a)(10)<sup>2</sup>, “domestic violence” as defined in 34 U.S.C. 12291(a)(8)<sup>3</sup>, or “stalking” as defined in 34 U.S.C. 12291(a)(30)<sup>4</sup> as defined in 34 U.S.C. 12291(a)(30)<sup>5</sup>

and

(4) the alleged harassment occurred within the United States on property owned or controlled by the institution or any building owned or controlled by a student organization officially recognized by the institution; and

(5) at the time of the filing the Complainant was participating or attempting to participate in the educational program or activity;

The Title IX coordinator will initiate the Title IX Process which shall be applicable to students, faculty and staff. The Title IX Process and Procedures are available on-line and through the Office of the Title IX Coordinator.

If the institution’s Title IX Coordinator determines that the alleged harassment does not meet the factors above but the alleged misconduct violates BOR Policy, the following procedures apply:

- Each party shall have the opportunity to request that an investigation or disciplinary proceedings begin promptly; that such disciplinary proceedings shall be conducted by an official trained annually in issues relating to sexual assault, stalking and dating, domestic or intimate partner violence and shall use the preponderance of the evidence (more likely than

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<sup>1</sup> 20 U.S.C. 1092(f)(6)(A)(v), The term “[sexual assault](#)” means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

<sup>2</sup> 34 U.S.C. 12291(a)(10) The term “[dating violence](#)” means violence committed by a person - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

<sup>3</sup> 34 U.S.C. 12291(a)(8) The term “[domestic violence](#)” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or [youth](#) victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

<sup>4</sup> 34 U.S.C. 12291(a)(30) (30) The term “[stalking](#)” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

<sup>5</sup> 34 U.S.C. 12291(a)(30) (30) The term “[stalking](#)” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Sexual Misconduct Reporting  
Support Services and Processes Policy

not) standard in accordance with State law in making a determination concerning sexual assault, stalking or domestic/dating/intimate partner violence.

- Both the complainant and respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual misconduct by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled and provided such an advisor or support person may not directly address the Hearing Body, question witnesses or otherwise actively participate in the hearing process or other meeting pertaining to a report of sexual misconduct and each party shall have the opportunity to present evidence and witnesses on her/his behalf during any disciplinary proceeding.
- Both parties are entitled to be provided at the same time written notice of the results of any disciplinary proceeding, normally within one (1) business day after the conclusion of such proceeding, which notice shall include the following: the name of the respondent the violation committed, if any, and any sanction imposed upon the respondent. Sanctions may range from a warning to expulsion, depending upon the behavior and its severity of the violation(s). The complainant shall have the same right to request a review of the decision of any disciplinary proceeding in the same manner and on the same basis as shall the respondent; however, in such cases, if a review by any complainant is granted, among the other actions that may be taken, the sanction of the disciplinary proceeding may also be increased. Both the complainant and respondent are entitled to be simultaneously provided written notice of any change in the results of any disciplinary proceeding prior to the time when the results become final as well as to be notified when such results become final.

If the institution's Title IX Coordinator determines that the allegations do not constitute a violation of either Title IX or Board policy and can make no finding of responsibility, complainant and respondent shall be notified that the matter shall be closed.

Employee sexual misconduct not subject to Title IX is subject to discipline in accordance with the procedures applicable to the employee's classification of employment.

**REVIEW AND AUDIT**

The Title IX Coordinator will report to the President of the institution all findings on reported sexual misconduct matters. The Title IX Coordinator shall include within its annual Connecticut General Statute 10a-55m Sexual Misconduct Report a separate report specifically disclosing the number of complaints, the subject matter of each complaint and the final outcome of each case processed under Title IX. At a joint meeting of the Human Resources and Administration Committee and the Academic and Student Affairs Committee, the CSCU Title IX Coordinator will

Sexual Misconduct Reporting  
Support Services and Processes Policy

report annually on CSCU data of complaints and outcomes of sexual misconduct matters reviewed under Title IX, BOR policies, and other applicable state statutes.

**DISSEMINATION OF THIS POLICY**

Upon adoption by the Board all CSCU institutions shall, upon receipt, immediately post and maintain this policy at all times in an easily accessible manner on each institution's website, handbook and catalogue. This policy shall thereafter be annually provided to all Title IX Coordinators, campus law enforcement officers and security personnel, and other campus personnel. Further, this policy shall be presented at student orientation and at student awareness and prevention trainings, and made broadly available at each campus. The policy shall be expanded upon by each institution to provide resources and contact information specific to their institution and geographic area as set forth above. This includes but is not limited to the name, office address, email address and telephone number of the Title IX Coordinators.

**CT BOARD OF REGENTS FOR HIGHER EDUCATION**

**RESOLUTION**

concerning

**Amendment of the CSCU Student Code of Conduct**

**July 29, 2020**

- WHEREAS, The Board of Regents for Higher Education on March 13, 2014 adopted the Student Code of Conduct and has amended the document from time to time to remain consistent with the law; 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 14, 2020; and
- WHEREAS, The Student Code of Conduct, Part E: Hearing Procedures for Sexual Misconduct, Sexual Intimate Partner, Domestic Violence & Stalking Reports, must be amended to address the requirements set forth in the Title IX Regulations; therefore be it
- RESOLVED, That the Board of Regents amends The Student Code of Conduct, Part E: Hearing Procedures for Sexual Misconduct, Sexual Intimate Partner, Domestic Violence & Stalking Reports effective August 14, 2020.

A True Copy:

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Erin A. Fitzgerald, Secretary of the  
CT Board of Regents for Higher Education

**ITEM**

The Board of Regents for Higher Education amends the “Student Code of Conduct, Part E: Hearing Procedures for Sexual Misconduct, Sexual Intimate Partner, Domestic Violence & Stalking Reports” to comply with United States Department of Education promulgated Regulations under Title IX of the Education Amendments of 1972 (“Title IX”).

**BACKGROUND**

The United States Department of Education promulgated regulations under Title IX of the Education Amendments of 1972 (“Title IX”). These regulations set forth certain specific requirements, including, but not limited to factors for determining whether a matter is subject to Title IX. However, the factors are limiting and certain acts of sexual misconduct that would violate the Student Code of Conduct do not violate Title IX. The changes to Part E of the Student Code of Conduct provide for following the processes required under Title IX, while continuing to provide the institutions with a process for addressing sexual misconduct that violates the BOR policy and the Code of Conduct.

**ANALYSIS**

The revisions to the Student Code of Conduct appear only in Part E.

In accordance with the requirements of the Title IX regulations, the parties are referred to as “Complainant” and “Respondent” with an emphasis on equal treatment of both parties. The amended Code of Student Conduct clearly presents the role of the Title IX Coordinator to determine not only supportive measures, but also whether a matter is within the scope of Title IX, within the Student Code of Conduct or fails to meet either standard. These changes are necessary for compliance with State and Federal law and existing Board policy.

**RECOMMENDATION**

That the Board of Regents for Higher Education amend the “Student Code of Conduct, Part E: Hearing Procedures for Sexual Misconduct, Sexual Intimate Partner, Domestic Violence & Stalking Reports” effective August 14, 2020.



## **PART E: HEARING PROCEDURES FOR SEXUAL MISCONDUCT, SEXUAL INTIMATE PARTNER, DOMESTIC VIOLENCE & STALKING REPORTS**

In addition to disciplinary procedures applicable to State University students in Section II, Community College students in Section III, and Charter Oak State College Students in Section IV, for any hearing conducted involving allegations of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking and intimate partner violence the Complainant and the Respondent shall each have the following rights:

1. All complaints of sexual misconduct will be reviewed by the Title IX Coordinator who will determine supportive measures and whether the complaint falls within the scope of Title IX.
2. If the institution's Title IX Coordinator determines that the alleged harassment is
  - (1) so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity; or,
  - (2) implicates an employee of the institution, alleging that the employee conditioned a provision of an aid, benefit, or service upon the complainant's participation in unwelcome sexual conduct; or,
  - (3) alleges "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v)<sup>1</sup>, "dating violence" as defined in 34 U.S.C. 12291(a)(10)<sup>2</sup>, "domestic violence" as defined in 34 U.S.C. 12291(a)(8)<sup>3</sup>, or "stalking" as defined in 34 U.S.C. 12291(a)(30)<sup>4</sup> as defined in 34 U.S.C. 12291(a)(30)<sup>5</sup>

and

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<sup>1</sup> 20 U.S.C. 1092(f)(6)(A)(v), The term "[sexual assault](#)" means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

<sup>2</sup> 34 U.S.C. 12291(a)(10) The term "[dating violence](#)" means violence committed by a person - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

<sup>3</sup> 34 U.S.C. 12291(a)(8) The term "[domestic violence](#)" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or [youth](#) victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

<sup>4</sup> 34 U.S.C. 12291(a)(30) (30) The term "[stalking](#)" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

<sup>5</sup> 34 U.S.C. 12291(a)(30) (30) The term "[stalking](#)" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

(4) the alleged harassment occurred within the United States on property owned or controlled by the institution or any building owned or controlled by a student organization officially recognized by the institution; and

(5) at the time of the filing the Complainant was participating or attempting to participate in the educational program or activity;

The Title IX coordinator will initiate the Title IX Process.

The Title IX Process and Procedures are available on-line and through the Office of the Title IX Coordinator.

3. If the institution's Title IX Coordinator determines that the alleged harassment does not meet the factors in Section 2 above, but the alleged misconduct violates the Student Code of Conduct, the following procedures apply:
  - a. At any meeting or proceeding, both the Complainant and Respondent (Respondent means the person who has been reported to be the perpetrator of conduct violating the Student Code of Conduct) may be accompanied by an advisor or support person of the student's choice provided the advisor or support person does not cause a scheduled meeting or hearing to be delayed or postponed and provided an advisor or support person may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process (or other proceeding or pertaining to a report of sexual misconduct);
  - b. Both the Complainant and Respondent are entitled to request that disciplinary proceedings begin promptly;
  - c. Any hearing regarding an accusation of sexual misconduct shall (i) be fair, prompt and impartial; (ii) be conducted by a Hearing Body annually trained in issues relating to sexual misconduct (iii) use the preponderance of evidence (more likely than not ) standard; (iv) shall allow both the Complainant and Respondent the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding; (v) provide both the Complainant and Respondent with equal access to any information that will be used during meetings and hearings; (vi) invoke the standard of "affirmative consent"<sup>6</sup> in determining whether consent to engage in sexual activity was given by all persons who engaged in sexual activity; (vii) presume that the Respondent is not responsible until the conclusion of the process; and (viii) the hearing will be held live.
  - d. In accordance with the Family Educational Rights and Privacy Act (FERPA), Complainant and Respondent have the right to keep their identities confidential;

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<sup>6</sup> The standard of "Affirmative Consent" is set forth in the BOR Sexual Misconduct Reporting, Support Services and Processes Policy and is incorporated herein by reference.

- e. Complainants and Respondents shall be provided written notice of the decision of the Hearing Body simultaneously, normally within one (1) business day after the conclusion of the Hearing. In accordance with the Family Educational Rights and Privacy Act (FERPA) the notice to parties to sexual misconduct shall contain only the following: the name of the parties, the violation committed, if any, and any sanction imposed against the Respondent.
- f. Both parties shall have the same right to request a review of the decision of the Hearing Body (appeal rights) in the same manner and on the same basis; however, if a request for review is determined to be properly made and if the review determines there is sufficient grounds for altering the decision of the Hearing Body, among the other actions that may be taken as set forth above, the sanction of the hearing may be increased or decreased. Notwithstanding the foregoing, in any hearing pertaining to sexual misconduct both the Complainant and Respondent are entitled to be simultaneously provided notice of any change in the results of the hearing prior to the time when the results become final, as well as to be notified when such results become final.

If the institution's Title IX Coordinator determines that the allegations do not constitute a violation of either Title IX or Board policy and can make no finding of responsibility, complainant and respondent will be notified that the matter will be closed.

**CT BOARD OF REGENTS FOR HIGHER EDUCATION**

**RESOLUTION**

concerning

**Statement of Title IX Policy**

**July 29, 2020**

- WHEREAS, The Board of Regents in accord with the Connecticut State Colleges and Universities comprised of seventeen institution and a System Office, is committed to ensuring that each member of every BOR governed college or university community has the opportunity to participate fully in the process of education and development; and
- WHEREAS, The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual misconduct and relationship violence. It is the intent of the BOR and each of its colleges or universities to provide safety, privacy and support to victims of sexual misconduct and relationship violence; 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 14, 2020; and
- WHEREAS, The Board of Regents consistent with the goal providing safe environments at all of its campuses for all who frequent them, sets forth a “Statement of Title IX Policy” therefore be it
- RESOLVED, That the Board of Regents formally adopts a “Statement of Title IX Policy” effective August 14, 2020.

A True Copy:

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Erin A. Fitzgerald, Secretary of the  
CT Board of Regents for Higher Education

**ITEM**

The Board of Regents for Higher Education adopts a “Statement of Title IX” Policy to comply with the United States Department of Education regulations under Title IX of the Education Amendments of 1972 (“Title IX”)

**BACKGROUND**

The United States Department of Education promulgated regulations under Title IX of the Education Amendments of 1972 (“Title IX”) to address sexual discrimination, specifically sexual harassment. These regulations require the adoption of policy. The Statement of Title IX policy is set forth to comply with that requirement.

**RECOMMENDATION**

That the Board of Regents for Higher Education formally adopts “Statement of Title IX” effective August 14, 2020.

**Board of Regents for Higher Education**  
**Connecticut State Colleges and Universities**  
**Regarding**  
**Statement of Title IX Policy**

Consistent with Title IX of the Education Amendments of 1972 (“Title IX”)<sup>i</sup>, the Connecticut State Colleges and Universities (CSCU) does not and will not discriminate against students, faculty or staff based upon sex in any of its programs or activities, including but not limited to education programs, employment or admission. Further, retaliation against any person who made a complaint, testified, assisted, participated or refused to participate in a Title IX process will not be tolerated.

The Board of Regents for Higher Education (BOR) is committed to ensuring that each member of the CSCU community has the opportunity to participate fully in the process of education and development. The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual discrimination, including, sexual harassment, sexual assault, dating violence and stalking. It is the intent of the BOR that each college and university provide safety, privacy and support.

The BOR strongly encourages students, parents, bystanders and employees to alert Title IX Coordinators to sexual discrimination, including sexual harassment. Title IX Coordinators will promptly address these matters and treat all parties equitably. In accordance with federal law, those accused of engaging in prohibited conduct will be presumed not responsible and receive no punitive treatment unless and until found responsible after due process. All BOR governed colleges and universities will provide complainants and the respondents with supportive measures, including referral to agencies that provide medical attention, counseling, legal services, advocacy, referrals and other relevant information.

Under Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioned in the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or
3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v)<sup>ii</sup>, “dating violence” as defined in 34 U.S.C. 12291(a)(10)<sup>iii</sup>, “domestic violence” as defined in 34 U.S.C. 12291(a)(8)<sup>iv</sup>, or “stalking” as defined in 34 U.S.C. 12291(a)(30).<sup>v</sup>

If the institution’s Title IX Coordinator determines that the alleged harassment meets the above definition of sexual harassment, as well as occurred within the United States on property owned or controlled by the institution or any building owned or controlled by a student organization officially recognized by the institution, and at the time of the filing the complainant was

7/29/2020



participating or attempting to participated in an educational program or activity at the particular College or University the Title IX coordinator will initiate a Title IX process. If the Title IX Coordinator determines that the alleged harassment does not meet the above factors, but the alleged misconduct violates BOR policy the Title IX Coordinator will comply with the BOR Sexual Misconduct Reporting, Supportive Measures and Processes Policy. If the institution's Title IX Coordinator determines that the allegations do not constitute a violation of either Title IX or Board policy and can make no finding of responsibility, complainant and respondent will be notified that the matter will be closed.

Sexual harassment will not be tolerated.

Any inquiries about this policy should be directed to the Title IX Coordinator

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<sup>i</sup> Title IX states that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance"

<sup>ii</sup> 20 U.S.C. 1092(f)(6)(A)(v), The term "[sexual assault](#)" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

<sup>iii</sup> 34 U.S.C. 12291(a)(10) The term "[dating violence](#)" means violence committed by a person - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

<sup>iv</sup> 34 U.S.C. 12291(a)(8) The term "[domestic violence](#)" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or [youth](#) victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

<sup>v</sup> 34 U.S.C. 12291(a)(30) (30) The term "[stalking](#)" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

**CT BOARD OF REGENTS FOR HIGHER EDUCATION**

**RESOLUTION**

concerning

**Policy Regarding**

**Sexual Misconduct Reporting, Supportive Measures and Processes Policy**

**July 29, 2020**

- WHEREAS, The Board of Regents in accord with the Connecticut State Colleges and Universities comprised of seventeen institution and a System Office, is committed to insuring that each member of every BOR governed college or university community has the opportunity to participate fully in the process of education and development; and
- WHEREAS, The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual misconduct and relationship violence. It is the intent of the BOR and each of its colleges or universities to provide safety, privacy and support to victims of sexual misconduct and relationship violence; and
- WHEREAS, The Board of Regents for Higher Education adopted policy regarding “Sexual Misconduct Reporting, Support Services and Processes Policy, as amended from time to time; 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 14, 2020; and
- WHEREAS, The Board of Regents consistent with the goal providing safe environments at all of its campuses for all who frequent them, has reviewed its policy regarding “Sexual Misconduct, Sexual Assault and Intimate Partner Violence Policy” and revised the policy so that it is consistent with the regulations; therefore be it
- RESOLVED, That the Board of Regents formally amends the renamed the “Sexual Misconduct Reporting, Supportive Measures and Processes Policy” effective August 14, 2020.

A True Copy:

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Erin A. Fitzgerald, Secretary of the  
CT Board of Regents for Higher Education



**ITEM**

The Board of Regents for Higher Education renames and amends its' policy regarding "Sexual Misconduct Reporting, Supportive Measures and Processes" to comply with the United States Department of Education regulations under Title IX of the Education Amendments of 1972 ("Title IX")

**BACKGROUND**

The United States Department of Education promulgated regulations under Title IX of the Education Amendments of 1972 ("Title IX") to address sexual discrimination, specifically sexual harassment. These regulations preempt previous Title IX provisions, but do not obviate the requirements of state law. The policy regarding Sexual Misconduct Reporting, Support Services and Processes Policy was initially drafted to comply with Connecticut General Statute section 10a-55m. That statute implicitly codified some of the U.S. Department of Education Title IX guidance and the Violence Against Women Act (VAWA) requirements. Although the Title IX requirements are now less stringent, the Connecticut State Colleges and Universities must adhere to State's requirements in addition to federal requirements. The amended policy incorporates the federal changes while preserving BOR policy that was created in compliance with Connecticut law.

**ANALYSIS**

The Policy has been amended to include the requirements of the Title IX regulations. This includes subtle changes in nomenclature such as use of the terms complainant, and respondent, and supportive measures instead of support services, and provides more examples of appropriate supportive measures. It requires that respondents and complainants be treated equally and that respondents are presumed not responsible and not be subjected punitive measures until found responsible.

Most significant, however, is the revised section on Sexual Misconduct Investigation and Procedures. This policy clearly presents the role of the Title IX Coordinator to determine not only supportive measures, but also whether a matter is within the scope of Title IX. If the matter is within the scope of Title IX, the highly prescriptive Title IX procedures will apply. Those procedures will be applied to students, faculty and staff alike.

All of the revisions to the policy were made to bring the policy into compliance with federal law.

**RECOMMENDATION**

That the Board of Regents for Higher Education rename and amend the Sexual Misconduct Reporting, Supportive Measures and Processes Policy effective August 14, 2020.

**Board of Regents for Higher Education  
Connecticut State Colleges and Universities**

**Policy Regarding  
Sexual Misconduct Reporting, Supportive Measures and Processes Policy**

**STATEMENT OF POLICY**

The Board of Regents for Higher Education (BOR) in conjunction with the Connecticut State Colleges and Universities (CSCU) is committed to ensuring that each member of every BOR governed college and university community has the opportunity to participate fully in the process of education and development. The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual misconduct, including, sexual harassment, sexual assault, intimate partner violence and stalking. It is the intent of the BOR and each of its colleges or universities to provide safety, privacy and support to victims of sexual misconduct and intimate partner violence.

The BOR strongly encourages students, parents, bystanders and employees to report any instance of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking and intimate partner violence. Title IX Coordinators will promptly address these matters and treat all parties equitably. In accordance with federal law Respondents will be presumed not responsible and receive no punitive treatment unless and until found responsible after due process. All BOR governed colleges and universities will provide complainants and respondents with supportive measures, including referral to agencies that provide medical attention, counseling, legal services, advocacy, referrals and general information regarding sexual misconduct.

All CSCU employees and support persons will make any limits of confidentiality clear before any disclosure of facts takes place. Other than confidential resources as defined below and employees who qualify as Campus Security Authorities under the Jeanne Clery Act, all CSCU employees are required to immediately communicate to the institution's Title IX Coordinator any disclosure or report of sexual misconduct received from a student as well as communicate any disclosure or report of sexual misconduct the employee received from another employee when misconduct is related to the business of the institution.

Affirmative consent must be given by all parties before engaging in sexual activity. Affirmative consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person. Sexual misconduct, as defined herein, is a violation of BOR policies and, in addition, may subject an accused student or employee to criminal penalties. The BOR and each of its governed colleges and universities are committed to providing an environment free of personal offenses. Sexual relationships of any kind between staff/faculty and students are discouraged pursuant to BOR policy.

The Board of Regents for Higher Education hereby directs the Connecticut State Colleges and Universities to implement the Policy stated above pursuant to the following provisions:

**TERMS, USAGE AND STANDARDS**

***Complainant*** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Sexual Misconduct Reporting  
Support Services and Processes Policy

**Consent** must be affirmed and given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is a mutually affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. Consent may be revoked at any time during the sexual activity by any person engaged in the activity.

Affirmative consent may never be assumed because there is no physical resistance or other negative response. A person who initially consents to sexual activity shall be deemed not to have affirmatively consented to any such activity which occurs after that consent is withdrawn. It is the responsibility of each person to assure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that affirmative consent is sustained throughout the sexual activity. It shall not be a valid excuse to an alleged lack of affirmative consent that the student or employee responding to the alleged violation believed that the student reporting or disclosing the alleged violation consented to the activity (i) because the responding student or employee was intoxicated or reckless or failed to take reasonable steps to ascertain whether the student or employee reporting or disclosing the alleged violation affirmatively consented, or (ii) if the responding student or employee knew or should have known that the student or employee reporting or disclosing the alleged violation was unable to consent because the student or employee was unconscious, asleep, unable to communicate due to a mental or physical condition, or incapacitated due to the influence of drugs, alcohol or medication. The existence of a past or current dating or sexual relationship between the persons involved in the alleged violation shall not be determinative of a finding of affirmative consent.

**Report** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegation of sexual harassment. At the time of the filing the formal complaint, the complainant must be participating in or attempting to participate in an education program or activity of the institution.

**Disclosure** is the receipt of any communication of an incident of sexual misconduct that is not accompanied by a request for an investigation or adjudication by the institution.

**Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Sexual misconduct** includes engaging in any of the following behaviors:

- (a) **Sexual harassment**, which can include any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment; submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive educational or employment environment. Examples of conduct which may constitute sexual harassment include but are not limited to:

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- sexual flirtation, touching, advances or propositions
- verbal abuse of a sexual nature
- pressure to engage in sexual activity
- graphic or suggestive comments about an individual's dress or appearance
- use of sexually degrading words to describe an individual
- display of sexually suggestive objects, pictures or photographs
- sexual jokes
- stereotypic comments based upon gender
- threats, demands or suggestions that retention of one's educational status is contingent upon toleration of or acquiescence in sexual advances.

(b) **Sexual assault** shall include but is not limited to a sexual act directed against another person without the consent (as defined herein) of the other person or when that person is not capable of giving such consent:

Sexual assault is further defined in sections 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b and 53a-73a of the Connecticut General Statutes.

(c) **Sexual exploitation** occurs when a person 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 sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
- Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- Going beyond the bounds of consent (for example, an individual who allows friends to hide in the closet to watch him or her having consensual sex);
- Engaging in non-consensual voyeurism;
- Knowingly transmitting an STI, such as HIV to another without disclosing your STI status;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; or
- Possessing, distributing, viewing or forcing others to view illegal pornography.

Sexual exploitation is further defined as a crime in Connecticut State Law.

(d) **Intimate partner, domestic and/or dating violence means** any physical or sexual harm against an individual by a current or former spouse of or person in a dating or cohabitating relationship with such individual that results from any action by such spouse or such person that may be classified as a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes, stalking under section 53a-181c, 53a-181d or 53a-181e of the

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general statutes, or domestic or family violence as designated under section 46b-38h of the general statutes. This includes any physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1) sexual assault (2) sexual assault in a spousal or cohabiting relationship; (3) domestic violence; (4) sexual harassment (5) sexual exploitation, as such terms are defined in this policy.

Offenses that are designated as “domestic violence” are against family or household members or persons in dating or cohabiting relationships and include assaults, sexual assaults, stalking, and violations of protective or restraining orders issued by a Court. Intimate partner violence may also include physical abuse, threat of abuse, and emotional abuse.

- Physical abuse includes, but is not limited to, slapping, pulling hair or punching.
- Threat of abuse includes but is not limited to, threatening to hit, harm or use a weapon on another (whether victim or acquaintance, friend or family member of the victim) or other forms of verbal threat.
- Emotional abuse includes but is not limited to, damage to one’s property, driving recklessly to scare someone, name calling, threatening to hurt one’s family members or pets and humiliating another person.
- Cohabitation occurs when two individuals dwell together in the same place as if married.
- The determination of whether a “dating relationship” existed is to be based upon the following factors: the complainant’s statement as to whether such a relationship existed, the length of the relationship, the type of the relationship and the frequency of the interaction between the persons reported to be involved in the relationship.

(e) **Stalking**, which is defined as repeatedly contacting another person when contacting person knows or should know that the contact is unwanted by the other person; and the contact causes the other person reasonable apprehension of imminent physical harm or the contacting person knows or should know that the contact causes substantial impairment of the other person’s ability to perform the activities of daily life.

As used in this definition, the term “contacting” includes, but is not limited to, communicating with (including internet communication via e-mail, instant message, on-line community or any other internet communication) or remaining in the physical presence of the other person.

**Retaliation** is prohibited and occurs when a person is subjected to an adverse employment or educational action because he or she made a complaint under this policy or assisted or participated in any manner in an investigation. No institution or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report of complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing related to a report or complaint related to sex discrimination.

**CONFIDENTIALITY**

When a BOR governed college or university receives a report of sexual misconduct all reasonable steps will be taken by the appropriate CSCU officials to preserve the privacy of the complainant and

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respondent while promptly investigating and responding to the report. While the institution will strive to maintain the confidentiality of personally identifiable student information reported, which information is subject to privacy requirements of the Family Education Rights Privacy Act (FERPA), the institution also must fulfill its duty to protect the campus community.

Confidential resources are defined as follows: For the Universities, entities with statutory privilege, which include campus based counseling center, health center and pastoral counseling staff members whose official responsibilities include providing mental health counseling to members of the University community as well as off campus counseling and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center and Domestic Violence Center. For the Colleges, confidential resources are limited to entities with statutory privilege, such as off campus counseling, on campus counseling where available, and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center and Domestic Violence Center. The personnel of these centers and agencies are bound by state statutes and professional ethics from disclosing information about reports without written releases.

Information provided to a confidential resource by a complainant or respondent cannot be disclosed legally to any other person without consent, except under very limited circumstances, such as an imminent threat of danger to self or others or if the reported complainant is a minor. Therefore, for those who wish to obtain the fullest legal protections and disclose in full confidentiality, she/he must speak with a confidential resource. Each BOR governed college and university will provide a list of such confidential resources in the College or University's geographic region to complainants and respondents as well as publish these resources on-line and in various publications.

Where it is deemed necessary for the institution to take steps to protect the safety of members of the campus community, the institution will seek to act in a manner so as not to compromise the privacy or confidentiality of the either the complainant or respondent to the extent reasonably possible.

**MANDATED REPORTING BY COLLEGE AND UNIVERSITY EMPLOYEES**

Other than confidential resources as defined above, in addition to employees who qualify as Campus Security Authorities under the Jeanne Clery Act, all employees are required to immediately communicate to the institution's designated recipient (e.g., Title IX Coordinator) any disclosure or report of sexual misconduct received from a student regardless of the age of the complainant. All employees are also required to communicate to the institution's designated recipient (e.g., Title IX Coordinator) any disclosure or report of sexual misconduct received from an employee that impacts employment with the institution or is otherwise related to the business of the institution.

Upon receiving a disclosure or a report of sexual misconduct, employees are expected to supportively, compassionately and professionally offer academic and other accommodations and to provide a referral for support and other services.

Further, in accordance with Connecticut State law, with the exception of student employees, any paid administrator, faculty, staff, athletic director, athletic coach or athletic trainer who, in the ordinary course of their employment, has a reasonable cause to suspect or believe that a person under the age

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of 18 years has been abused or neglected, has been placed in imminent harm or has had a non-accidental injury is required by law and Board policy to report the incident within twelve hours to their immediate supervisor and to the Department of Children and Families.

**RIGHTS OF PARTIES**

Complainants and respondents will be informed in a timely manner of all their rights and options, including the necessary steps and potential outcomes of each option. Complainants and respondents shall be offered non-disciplinary, non-punitive individualized services as appropriate and available that are designed to restore or preserve equal access to the institution's education program or activity without unreasonably burdening the other party, which may include measures designed to protect the safety of all parties or the institution's educational environment or deter sexual harassment.

When choosing a reporting resource the following information should be considered:

- All reports of sexual misconduct will be treated seriously and with dignity by the institution.
- Referrals to off-campus counseling and medical services that are available immediately and confidential, whether or not those who report feel ready to make any decisions about reporting to police, a college or university employee or the campus's Title IX Coordinator.
- Information regarding the right to take both criminal and civil legal action against the individual allegedly responsible.
- Those who seek confidentiality may contact a clergy member(s), a University counseling center psychologist, a University health center care provider, the Sexual Assault Crisis Center of Connecticut and/or the Connecticut Coalition Against Domestic Violence – all of whom are bound by state statutes and professional ethics to maintain confidentiality without written releases.

**RIGHT TO NOTIFY LAW ENFORCEMENT & SEEK PROTECTIVE AND OTHER ORDERS**

Complainants and respondents shall be provided written information about her/his right to:

- (1) notify law enforcement and receive assistance from campus authorities in making the notification; and,
- (2) obtain a protective order, apply for a temporary restraining order or seek enforcement of an existing order. Such orders include:
  - standing criminal protective orders;
  - protective orders issued in cases of stalking, harassment, sexual assault, or risk of injury to or impairing the morals of a child;
  - temporary restraining orders or protective orders prohibiting the harassment of a witness;
  - family violence protective orders.

The institution will also honor lawful protective or temporary restraining orders.

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Each and every BOR governed college and university shall create and provide information specific to its campus detailing the procedures to follow after the commission of such violence, including people or agencies to contact for reporting purposes or to request assistance, and information on the importance of preserving physical evidence.

**OPTIONS FOR CHANGING ACADEMIC, HOUSING, TRANSPORTATION AND WORKING ARRANGEMENTS**

College and university Title IX Coordinators will provide supportive measures to complainants and respondents. These supportive measures may include, but are not limited to, reasonably available options for changing academic situations, including but not limited to extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus transportation and escort services, mutual restrictions on contact between parties, leaves of absence, increased security and monitoring and housing or working situations.

**SUPPORT SERVICES CONTACT INFORMATION**

It is BOR policy that whenever a college or university Title IX Coordinator or other employee receives a report of sexual misconduct, the Title IX Coordinator shall immediately provide all parties with contact information for and, if requested, professional assistance in accessing and using any appropriate campus resources, or local advocacy, counseling, health, and mental health services, without fee. All CSU campuses shall develop and distribute contact information for this purpose as well as provide such information on-line.

**SEXUAL MISCONDUCT INVESTIGATION AND PROCEDURES**

All complaints of sexual misconduct will be reviewed by the college or university Title IX Coordinator who will determine supportive measures and whether the complaint falls within the scope of Title IX. If the institution's Title IX Coordinator determines that the alleged harassment is

- (1) so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity; or,
- (2) implicates an employee of the institution, alleging that the employee conditioned a provision of an aid, benefit, or service upon the complainant's participation in unwelcome sexual conduct; or,



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(3) alleges “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v)<sup>1</sup>, “dating violence” as defined in 34 U.S.C. 12291(a)(10)<sup>2</sup>, “domestic violence” as defined in 34 U.S.C. 12291(a)(8)<sup>3</sup>, or “stalking” as defined in 34 U.S.C. 12291(a)(30)<sup>4</sup> as defined in 34 U.S.C. 12291(a)(30)<sup>5</sup>

and

(4) the alleged harassment occurred within the United States on property owned or controlled by the institution or any building owned or controlled by a student organization officially recognized by the institution; and

(5) at the time of the filing the Complainant was participating or attempting to participate in the educational program or activity;

The Title IX coordinator will initiate the Title IX Process which shall be applicable to students, faculty and staff. The Title IX Process and Procedures are available on-line and through the Office of the Title IX Coordinator.

If the institution’s Title IX Coordinator determines that the alleged harassment does not meet the factors above but the alleged misconduct violates BOR Policy, the following procedures apply:

- Each party shall have the opportunity to request that an investigation or disciplinary proceedings begin promptly; that such disciplinary proceedings shall be conducted by an official trained annually in issues relating to sexual assault, stalking and dating, domestic or intimate partner violence and shall use the preponderance of the evidence (more likely than

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<sup>1</sup> 20 U.S.C. 1092(f)(6)(A)(v), The term “[sexual assault](#)” means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

<sup>2</sup> 34 U.S.C. 12291(a)(10) The term “[dating violence](#)” means violence committed by a person - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

<sup>3</sup> 34 U.S.C. 12291(a)(8) The term “[domestic violence](#)” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or [youth](#) victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

<sup>4</sup> 34 U.S.C. 12291(a)(30) (30) The term “[stalking](#)” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

<sup>5</sup> 34 U.S.C. 12291(a)(30) (30) The term “[stalking](#)” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

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not) standard in accordance with State law in making a determination concerning sexual assault, stalking or domestic/dating/intimate partner violence.

- Both the complainant and respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual misconduct by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled and provided such an advisor or support person may not directly address the Hearing Body, question witnesses or otherwise actively participate in the hearing process or other meeting pertaining to a report of sexual misconduct and each party shall have the opportunity to present evidence and witnesses on her/his behalf during any disciplinary proceeding.
- Both parties are entitled to be provided at the same time written notice of the results of any disciplinary proceeding, normally within one (1) business day after the conclusion of such proceeding, which notice shall include the following: the name of the respondent the violation committed, if any, and any sanction imposed upon the respondent. Sanctions may range from a warning to expulsion, depending upon the behavior and its severity of the violation(s). The complainant shall have the same right to request a review of the decision of any disciplinary proceeding in the same manner and on the same basis as shall the respondent; however, in such cases, if a review by any complainant is granted, among the other actions that may be taken, the sanction of the disciplinary proceeding may also be increased. Both the complainant and respondent are entitled to be simultaneously provided written notice of any change in the results of any disciplinary proceeding prior to the time when the results become final as well as to be notified when such results become final.

If the institution's Title IX Coordinator determines that the allegations do not constitute a violation of either Title IX or Board policy and can make no finding of responsibility, complainant and respondent shall be notified that the matter shall be closed.

Employee sexual misconduct not subject to Title IX is subject to discipline in accordance with the procedures applicable to the employee's classification of employment.

**REVIEW AND AUDIT**

The Title IX Coordinator will report to the President of the institution all findings on reported sexual misconduct matters. The Title IX Coordinator shall include within its annual Connecticut General Statute 10a-55m Sexual Misconduct Report a separate report specifically disclosing the number of complaints, the subject matter of each complaint and the final outcome of each case processed under Title IX. At a joint meeting of the Human Resources and Administration Committee and the Academic and Student Affairs Committee, the CSCU Title IX Coordinator will

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report annually on CSCU data of complaints and outcomes of sexual misconduct matters reviewed under Title IX, BOR policies, and other applicable state statutes.

**DISSEMINATION OF THIS POLICY**

Upon adoption by the Board all CSCU institutions shall, upon receipt, immediately post and maintain this policy at all times in an easily accessible manner on each institution's website, handbook and catalogue. This policy shall thereafter be annually provided to all Title IX Coordinators, campus law enforcement officers and security personnel, and other campus personnel. Further, this policy shall be presented at student orientation and at student awareness and prevention trainings, and made broadly available at each campus. The policy shall be expanded upon by each institution to provide resources and contact information specific to their institution and geographic area as set forth above. This includes but is not limited to the name, office address, email address and telephone number of the Title IX Coordinators.

## To report an incident at Central Connecticut State University

### **Office for Equity & Inclusion** (All complaints)

Interim Stacey Miller, Vice President for Equity & Inclusion and Title IX Coordinator  
Davidson Hall, Rm. 119  
860-832-1652

### **Office of Student Rights & Responsibilities** (Complaints against students)

Stephanie Reis, Director  
Willard DiLoreto Hall, Rm. W105  
860-832-1667

### **University Police** (All criminal complaints except sexual harassment) 860-832-2375

### **Human Resources** (Complaints against employees)

Anna E. Suski-Lenczewski, Chief Human Resources Officer  
Davidson Hall, Rm. 101  
860-832-1757

### **Office of Student Affairs** (Complaints against students)

Dr. John Tully, Interim Vice President for Student Affairs  
Davidson Hall, Rm. 103  
860-832-1605

## If you want to speak with someone at CCSU

### **Office of Victim Advocacy and Violence Prevention**

TBA Sexual Assault and Violence Prevention Specialist  
Willard DiLoreto Hall, Rm. D305  
860-832-3795

### **Women's Center**

Jacqueline Cobbina-Boivin, Coordinator  
Student Center, Rm. 215  
860-832-1655

### **Counseling and Wellness Center (Confidential)**

Willard DiLoreto Hall, Rm. W101  
860-832-1945

## If you want to speak with a Community Partner

**Sexual Assault Crisis Services (confidential)**--860-223-1787 (English); 888-568-8332 (Español)

**Prudence Crandall Center for Domestic Violence (confidential)**--888-774-2900 (24-hour hotline)

## To report an incident to an Outside Agency

An individual has the right to file his or her complaint of discrimination with any or all of the relevant agencies listed below. The individual can also simultaneously avail himself or herself of the University's Internal Discrimination Grievance Procedure.

### 1. The Connecticut Commission on Human Rights & Opportunities (All)

Capitol Region  
450 Columbus Blvd, Ste 2  
Hartford, CT 06103  
Tel: (860) 566-7710

Eastern Region  
100 Broadway  
Norwich, CT 06360  
Tel: (860) 886-5703

Southwest Region  
1057 Broad Street  
Bridgeport, CT 06604  
(203) 579-6246

West Central Region  
Rowland State Government Center  
55 West Main Street, Suite 210  
Waterbury, CT 06702-2004  
(203) 805-6530

Complaints should be filed with the Commission on Human Rights and Opportunities no later than one hundred and eighty (180) days after the alleged act of employment discrimination occurred.

### 2. The Equal Employment Opportunities Commission (Employees)

John F. Kennedy Federal Office Building  
Government Center, Room 475  
Boston, MA 02203  
Tel: 1-800-669-4000

Complaints should be filed with the Equal Employment Opportunities Commission no later than one hundred and eighty (180) days after the alleged act of employment discrimination occurred, except, that in a case when the aggrieved person has initially filed a complaint with the Commission on Human Rights and Opportunities, such complaint should be filed no later than three hundred (300) days after the alleged act of employment discrimination occurred.

### 3. State of Connecticut: Employee Grievance Procedure

Contact Human Resources Office or union representatives for Grievance forms and/or procedures.

### 4. U.S. Department of Education, Office for Civil Rights (Students)

33 Arch Street  
Ninth Floor  
Boston, MA 02110  
Tel: (617) 289-0111  
Fax: (617) 289-0150

Revised:

October 29, 2018 – updated address for CHRO Capitol Region office.

November 5, 2019 – updated names and contact information for CCSU resources.

# Central Connecticut State University

## Procedures and Timetables for Processing of Discrimination, Harassment Intimate Partner Violence and Sexual Misconduct Complaints

In accordance with Section 46a-68-78 of the Affirmative Action Regulations of Connecticut State Agencies, the following procedures provide an internal process for the handling of complaints involving claims of discrimination or harassment, including sexual misconduct/violence.

This procedure is designed to further implement the Nondiscrimination in Education and Employment and BOR/CSCU Sexual Misconduct Reporting, Support Services, and Processes policies by providing a process through which individuals alleging violation of these policies may pursue a complaint. This includes allegations of retaliation, discrimination, harassment based on age, ancestry, color, disability, gender identity or expression, genetics, national origin, marital status, race, sex (including pregnancy, transgender status, sexual harassment and misconduct), religious creed, veteran status, sexual orientation, prior criminal conviction and any other status protected by federal or state laws.

When responding to an internal complaint, disclosure of information relating to the internal complaint and the identity of the complainant will be handled with appropriate sensitivity and in accordance with applicable laws.

### A. Process for Filing Internal Complaints of Alleged Discrimination or Sexual Harassment and Misconduct

#### 1. Who may file:

Any employee, applicant for employment, student, applicant for admission or any other person, including visitors.

#### 2. When to file:

To provide adequate opportunity for a prompt investigation, complainants are encouraged to file as soon as possible but, except in cases involving sexual misconduct, must file no later than ninety (90) calendar days following the complainant's first knowledge of the alleged discriminatory act.

For cases involving allegations of sexual misconduct, there is no time limit for the filing of complaints. In extenuating circumstances, the Senior Equity & Inclusion Officer has the discretion to waive the deadline for the filing of complaints involving matters other than sexual misconduct. Once filed, the internal complaint must be resolved within ninety (90) calendar days unless the complainant consents to extend this time period.

#### 3. Where to File:

The Office of Equity & Inclusion handles internal complaints alleging violations of the Nondiscrimination Opportunity in Education and Employment and/or the BOR/CSCU Sexual Misconduct Reporting, Support Services, and Processes policies. The Senior Equity & Inclusion Officer (SEIO) or his/her designee reviews and, if necessary, conducts an investigation into each complaint that, if proven, would constitute a violation of CCSU policies. Complaints against students are file with the Office of Student Conduct. See CCSU Student Code of Conduct and Statement of Disciplinary Procedures.

**All complaints**

Senior Equity & Inclusion Officer *or*  
Stacey Miller, VP for Equity & Inclusion  
Office for Equity & Inclusion  
Davidson Hall 119, 860-832-1652

**Complaints against Students**

Stephanie Reis, Director  
Office of Student Conduct  
Willard DiLoreto Hall, Room W-105  
860-832-1667

The SEIO serves as the Title IX Officer. Complaints against students may be referred to the Office of Student Conduct.

**Reports against the President or Office of Equity & Inclusion Employees**

If a discrimination complaint is made against the President or an Office of Equity & Inclusion employee alleging that these employees directly or personally engaged in discriminatory conduct, the complaint shall be referred to the Commission on Human Rights and Opportunities (CHRO) for review and, if appropriate, investigation by the Department of Administrative Services, except if any such complaint has been filed with the Equal Employment Opportunity Commission or the Commission on Human Rights and Opportunities, the CHRO or Department of Administrative Services may rely upon the process of the applicable commission in lieu of such investigation.

**4. Process for filing complaints**

At the time an individual makes his/her complaint, the SEIO or designee will provide the individual with the University's respective policies on CCSU Nondiscrimination in Education and Employment Policy and/or the BOR/CSCU Sexual Misconduct Reporting, Support Services, and Processes Policy and the procedures and timetables for processing internal complaints.

**No Basis to Proceed.**

At any point during the processing of the complaint, the SEIO or designee may determine that there is no basis to proceed under the Nondiscrimination in Education and Employment Policy, BOR/CSCU Sexual Misconduct Reporting, Support Services and Processes Policy. The SEIO or designee shall refer the complaint as appropriate. The SEIO or designee shall notify the complainant and, if necessary, the respondent of the outcome as appropriate, in accordance with applicable state and federal laws.

**Investigatory Process.**

The Office of Equity & Inclusion shall provide the respondent with a written summary of the complaint, including a description of the alleged discriminatory acts, within ten (10) business days of the filing of the complaint. If the complaint is in writing, the Office of Equity & Inclusion shall provide the respondent with a copy of the written complaint or summary of the complaint. Disclosure of information shall be in accordance with applicable state and federal laws.

The SEIO or designee shall weigh all evidence pertaining to the internal complaint, make findings of fact, recommendations, and, with the consent of the parties and appropriate executive officer, propose settlements to the University President. Without investigation, the SEIO or designee may also mediate issues between parties where the allegations, if proven, would not constitute a violation of CCSU policies.

The complainant and the respondent (person accused) will be allowed to have one non-participating support person present for the interview(s). For represented employees, this support person could be a union representative; however, if the support person is not a union representative, the employee who is the respondent will be asked to sign a union waiver. For more information, see the Right to Union Representation section.

## **Timeline**

Internal complaints shall be investigated and resolved within ninety (90) calendar days of the receipt of the complaint, including the written notification to the complainant(s) and respondent(s) regarding the results of the investigation. Whenever possible, complaints should be resolved in accordance with relevant University policies at the supervisory, Dean or Director's level with the concurrence of the SEIO.

### **Right to Union Representation.**

In accordance with federal law and applicable collective bargaining agreements, represented employees may have the right to request and receive union representation during an investigatory meeting.

Nothing in this procedure is intended to expand, diminish or alter in any manner whatsoever any right or remedy available under a collective bargaining agreement, personnel policy or law.

### **Determination.**

Upon the conclusion of its investigation, the SEIO or designee will determine whether or not discrimination or harassment in violation of CCSU policy occurred. A preponderance of the evidence standard is used to make this determination. A copy of the investigatory report will be provided to the University President.

1. **Unsupportable Complaints.** If the SEIO or designee determines that the evidence is insufficient to support the allegation, he or she shall dismiss the complaint.
2. **Supportable Complaints.** If the SEIO concludes that the allegations are supported by the evidence, he or she will report his or her findings and recommendations to the appropriate administrator.

### **5. Disciplinary Action**

If the SEIO or designee believes that disciplinary action against the respondent may be warranted at this or a subsequent stage, a recommendation will be made to the Chief Human Resource Office (for employees) or the Office of Student Conduct (for students).

### **B. Process for Filing an Appeal**

Within fifteen (15) calendar days of the issuance of the Office of Equity & Inclusion's determination, the complainant or respondent may file an appeal of the determination. The appeal and all supporting documentation shall be submitted in writing to the University President, with copies to the SEIO and other parties to the complaint.

The President or designee shall review the investigation and determine whether to affirm or modify the decision. The President or designee may receive additional information if the President or designee believes such information would aid in the consideration of the appeal.

If an appeal of the SEIO's determination is filed, the University President or designee shall conduct a review of said appeal and issue a written decision within thirty (30) calendar days of the appeal. The University President shall notify all parties in writing of his/her decision.

AAUP members have the option of appealing the decision using a review panel as outlined in the AAUP Complaint Procedure.

The decision on appeal exhausts the complainant's and the respondent's administrative remedies under this procedure except as provided herein.



### Appeal Process for AAUP Members

The complaint will be processed according to an agreed-upon procedure consistent with the CSU-AAUP Collective Bargaining Agreement, Appendix F. See AAUP Complaint Review Procedure.

### **C. Records Maintenance**

The SEIO shall create and maintain a file of each internal complaint received under these procedures. All information, including records and correspondence pertaining to said internal complaint will be kept in this file. Access to the file will be in accordance with applicable State and Federal statutes and collective bargaining agreements. The SEIO will secure these files. All such files shall be maintained indefinitely, unless otherwise required by applicable State and Federal statutes and collective bargaining agreements.

All records of internal complaints and dispositions shall be reviewed on a regular basis by the Office of Equity & Inclusion to discern any pattern in the nature of the internal complaints.

### **Related policies and procedures:**

- Nondiscrimination in Education and Employment Policy
- BOR/CSCU Sexual Misconduct Reporting, Support Services, and Processes
- Consensual Relationship Policy
- Student Code of Conduct and Statement of Disciplinary Procedures

Revised October 25, 2011

Revised June 6, 2014—added BOR Sexual Misconduct, Sexual Assault and Intimate Partner Violence Policy, and revised the following sections: Investigatory process; Reports against CDO

Revised June 15, 2016 the following section: Investigatory Process: removal of sexual harassment policy from related policies and procedures; update notification timeframe for responding parties; clarification of support person for represented employees

Revised June 12, 2017 the following section: Investigatory Process: The right to a support person has been modified to expressly state a respondent or complainant is entitled to only one support person during the investigatory process.

Revised November 27, 2017 the following section: Introduction: added veteran status to protected class listing.

Revised April 23, 2018 the following section: When to file section.

Revised May 6, 2018 – updated the name of the BOR/CSCU Sexual Misconduct Reporting, Support Services, and Processes and records retention section to maintain files indefinitely.

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Revised November 1, 2019 – updated the change in the name of the Office and the Senior Equity & Inclusion Officer and regulation number change.



**Title IX Grievance Procedures  
for Addressing Formal Complaints of Sexual Harassment  
September 23, 2020  
Updated 8/28/2021**

**1. Introduction**

**What is the purpose of the Title IX Grievance Procedures?**

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

*See*, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>

Based on the Final Rule, the Connecticut State Colleges and Universities ("CSCU") will implement the following Title IX Grievance Procedures (referenced herein as "policy" or "grievance procedure"), effective August 14, 2020.

**How does the Title IX Grievance Procedures impact other campus disciplinary policies?**

In recent years, "Title IX" cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, CSCU must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. Incidents falling within the Final Rule's definition of

sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Procedures defined below.

CSCU and CCSU remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our institutions have a

- **Student Code of Conduct** (“Code of Conduct”) that defines certain behavior as a violation of campus policy, and a
- **Sexual Misconduct Reporting, Supportive Measures and Processes Policy** (“Sexual Misconduct Policy”) that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses.

To the extent that alleged misconduct falls outside the Title IX Grievance Procedures, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Code of Conduct and Sexual Misconduct Policy through a separate grievance proceeding.

<https://www.ct.edu/files/policies/5.2%20Ssexual%20misconduct%20reporting%20support%20and%20processes.pdf> (need link to latest). Sanctions applicable to both Title IX and Sexual Misconduct violations are found in the Student Code of Conduct or through the applicable employee agreement.

the elements established in the Title IX Grievance Procedures under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Procedure. This Grievance Procedure does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other or process.

### **How does the Title IX Grievance Procedures impact the handling of complaints?**

Our existing Title IX office and reporting structure remains in place. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full throughout Section 2.

## **2. The Title IX Grievance Procedures**

### **General Rules of Application**

#### **Effective Date**

This Title IX Grievance Procedures will become effective on August 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after August 14, 2020. Complaints brought prior to August 14, 2020 will be investigated and adjudicated according to the Title IX Grievance Procedures if a case is not complete by that date.

#### **Revocation by Operation of Law**

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this grievance procedures or the invalidated elements of Title IX policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Procedures be revoked in this manner, any conduct covered under the Title IX Grievance Procedures shall be investigated and adjudicated under the existing Code of Conduct/ Sexual Misconduct Policy.

#### **Non-Discrimination in Application**

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

### **Definitions**

#### **Covered Sexual Harassment**

For the purposes of this Title IX Grievance Procedures, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;

3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under Connecticut domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Connecticut.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Sexual Misconduct Policy.

### **Consent**

For the purposes of this Title IX Grievance Procedures, “consent” refers to “affirmative consent”. Affirmative consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

### **Education Program or Activity**

For the purposes of this Title IX Grievance Procedures, a CCSU “education program or activity” includes:

- Any on-campus premises
- Any off-campus premises that the CCSU has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the CCSU’s programs and activities over which the CCSU has substantial control.

**Formal Complaint**

For the purposes of this Title IX Grievance Procedures, “formal complaint” means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within CCSU’s education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Procedures to investigate the allegation of sexual harassment.

**Complainant**

For the purposes of this Title IX Grievance Procedures, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

**Relevant evidence and questions**

“Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

“Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior unless:
  - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
- Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

**Respondent**

For the purposes of this Title IX Grievance Procedures, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

**School Calendar Days**

For the purposes of this Title IX Grievance Procedures, “school calendar days” means the weekdays (Mondays through Fridays) when CCSU when classes are in session.

### **Privacy vs. Confidentiality**

Consistent with the Sexual Misconduct Policy, references made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean CCSU offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. CCSU will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

### **Disability Accommodations**

This Grievance Procedure does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

### **Making a Report Regarding Covered Sexual Harassment to the Institution**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

**Name:** Stacey Miller  
**Title:** Vice President for Equity and Inclusion  
Interim Title IX Coordinator  
**Office Address:** 1615 Stanley Street, Room 119, New Britain, CT 06053  
**Email Address:** stacey.miller@ccsu.edu  
**Telephone Number:** 860-832-1652

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

## **Confidential Reporting**

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator or designee

The following Officials may provide confidentiality:

*For the Universities, entities with statutory privilege, which include campus-based counseling center, health center and pastoral counseling staff members whose official responsibilities include providing mental health counseling to members of the University community as well as off campus counseling and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center and Domestic Violence Center.*

*For the Colleges, confidential resources are limited to entities with statutory privilege, such as off campus counseling, on campus counseling where available, and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center and Domestic Violence Center.*

- CCSU Counseling and Wellness
- Any employee not otherwise designed as a mandatory reporter

## **Non-Investigatory Measures Available Under the Title IX Grievance Procedures**

### **Supportive Measures**

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from CCSU regardless of whether they desire to file a complaint.

As appropriate, supportive measures may include, but not be limited to:

- Counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

Supportive measures are non-disciplinary and non-punitive.



### **Emergency Removal**

CCSU retains the authority to remove a respondent from CCSU's program or activity on an emergency basis, where CCSU (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If CCSU determines such removal is necessary, the respondent will be provided notice and an opportunity pursuant to the Code of Conduct to challenge the decision immediately following the removal.

### **Administrative Leave**

CCSU retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with collective bargaining agreements and human resource policies.

### **The Title IX Grievance Process**

#### **Filing a Formal Complaint**

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) school calendar days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Grievance Procedure if they are currently participating in, or attempting to participate in, the education programs or activities of CCSU, including as an employee. For complainants who do not meet this criteria, the College will utilize existing policy in the Code of Conduct <https://www.ct.edu/files/policies/5.1%20StudentCodeofConduct.pdf> and/or Sexual Misconduct Policy <https://www.ct.edu/files/policies/5.2%20Ssexual%20misconduct%20reporting%20support%20and%20processes.pdf>.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. CCSU will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Grievance Procedure.

Nothing in the Title IX Grievance Policy or Code of Conduct prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

### **Informal Resolution**

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the Institution's Informal Resolution Process. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent. Information about this Process is available here: *[LINK]*

### **Multi-Party Situations**

The institution may consolidate Formal Complaints alleging covered sexual harassment 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 covered sexual harassment arise out of the same facts or circumstances.

### **Determining Jurisdiction**

The Title IX Coordinator will determine if the instant Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in CCSU's education program or activity;  
and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, CCSU will investigate the allegations according to the Grievance Process.

### **Allegations Potentially Falling Under Two Policies:**

If the alleged conduct would constitute a Title IX sexual harassment policy violation as well as a violation of the Sexual Misconduct Policy, the Title IX Grievance Process will be applied to investigation and adjudication for the conduct. However, any conduct that is unrelated to the Title IX Policy or Sexual Misconduct Policy within the allegation or discovered during a Title IX investigation, will be adjudicated in accordance with the Student Code of Conduct or employee agreement, as applicable

### **Mandatory Dismissal**

If any one of these elements are not met, the Title IX Coordinator will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Procedures. Each party may appeal this dismissal using the procedure outlined in “Appeals,” below.

### **Discretionary Dismissal**

The Title IX Coordinator may dismiss a Formal Complaint brought under the Title IX Grievance Procedures, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by {the institution}; or,
- If specific circumstances prevent {the institution} from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

### **Notice of Dismissal**

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

### **Notice of Removal**

Upon dismissal for the purposes of Title IX, CCSU retains discretion to utilize the Code of Conduct and/or the Sexual Misconduct Policy to determine if a violation of the Code of Conduct and/or the Sexual Misconduct Policy} has occurred. If so, CCSU will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the conduct process.

### **Notice of Allegations**

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

### **Contents of Notice**

The Notice of Allegations will include the following:

- Notice of the institution's Title IX Grievance Process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment and the policy violated; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- A statement that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

### **Ongoing Notice**

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Grievance Procedures, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

### **Advisor of Choice and Participation of Advisor of Choice**

CCSU will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

The CCSU has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of CCSU.

CCSU will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

CCSU's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Grievance Procedure, and CCSU cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. CCSU will not be obligated to delay a meeting or hearing under this process more than five (5) school calendar days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by CCSU.

### **Notice of Meetings and Interviews**

CCSU will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

### **Delays**

Each party may request a one-time delay in the Grievance Process of up to five (5) school calendar days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Student Conduct, or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator or designee shall have sole judgment to grant further pauses in the Process.

## **Investigation**

### **General Rules of Investigations**

An investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

CCSU and not the parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of Title IX has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from CCSU and does not indicate responsibility.

CCSU cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. CCSU will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e., evidence that tends to prove and disprove the allegations) as described below.

### **Inspection and Review of Evidence**

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. inculpatory or exculpatory evidence (i.e., evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review through an electronic format or a hard copy. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) school calendar days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report.

#### REQUESTS TO EXTEND INSPECTION AND REVIEW

The institution may provide the parties five (5) school calendar days after the initial inspection and review of evidence, and before the investigator completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and then provide the parties five (5) school calendar days to inspect, review, and respond to the party's additional evidence through a written response to the investigator. Those written responses may be disclosed to the parties.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors agree not to photograph or otherwise copy the evidence and must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process.

#### **Inclusion of Evidence Not Directly Related to the Allegations:**

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their advisors, if any.

## **Investigative Report**

The investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence, and will provide that Report to the parties at least ten (10) school calendar days prior the hearing in an electronic format or a hard copy for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

## **Hearing**

### **General Rules of Hearings**

CCSU will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through an informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at CCSU discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through remote video conferencing. This technology will enable participants simultaneously to see and hear each other. At its discretion, CCSU may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through either an audio recording, audiovisual recording or transcript. That recording or transcript will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn.



### **Continuances or Granting Extensions**

CCSU may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, CCSU will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

### **Newly-discovered Evidence**

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Hearing Official/Panel will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the Hearing Official/Panel answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

### **Participants in the live hearing**

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

#### *Complainant and Respondent (The Parties)*

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party.
  - For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a "prior statement" that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint.

- CCSU will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation.
- If a party does not submit to cross-examination, the hearing body cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a "statement" by that party.
- The hearing body cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions.

### *The Hearing Body*

- The hearing body will consist of three (3) decision-makers.
- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

### *Advisor of choice*

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf.
- If neither a party nor their advisor appear at the hearing, CCSU will provide an advisor to appear on behalf of the non-appearing party.

### *Witnesses*

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation
- If a witness does not submit to cross-examination, as described below, the hearing body cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing. 85 Fed. Reg. 30026, 30347 (May 19, 2020).

### **Hearing Procedures**

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- The hearing body will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- The hearing body will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the hearing body conducts its initial round of questioning; During the Parties' cross-examination, the hearing body will have the authority to pause cross-examination at any time for the purposes of asking the hearing body's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the hearing body. A Party's waiver of cross-examination does not eliminate the ability of the hearing body to use statements made by the Party.
- The hearing body is allowed to consider statements made by parties or witnesses that are otherwise permitted under the regulations, even if those parties or witnesses do not participate in cross-examination at the live hearing, in reaching a determination regarding responsibility in a Title IX grievance process.

### **Live Cross-Examination Procedure**

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the hearing body will determine if the question is relevant. See Relevance Procedures. Cross-examination questions that are duplicative of those already asked, including by the hearing body may be deemed irrelevant if they have been asked and answered.

### **Review of Transcript/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 of choice.

### **Determination Regarding Responsibility**

#### **Standard of Proof**

CCSU uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Grievance Procedure. This means that the investigation and hearing determine whether it is more likely than not that a violation of the Grievance Procedure occurred.

#### **General Considerations for Evaluating Testimony and Evidence**

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Hearing Body.

The hearing body shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e., tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that the hearing body allow parties to call "expert witnesses" for direct and cross examination. CCSU does not provide for expert witnesses in other proceedings. While

the expert witness will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that CCSU allow parties to call character witnesses to testify. CCSU does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that CCSU admit and allow testimony regarding polygraph tests (“lie detector tests”) and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness’ conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the hearing body may draw an adverse inference as to that party or witness’ credibility.

### **Components of the Determination Regarding Responsibility**

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of the Title IX/ Sexual Misconduct Policy/Code of Conduct, if any, the respondent has or has not violated.
5. For each allegation:
  - a. A statement of, and rationale for, a determination regarding responsibility;
  - b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and

- c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
6. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

### **Timeline of Determination Regarding Responsibility**

If there are no extenuating circumstances, the determination regarding responsibility will be issued by CCSU within ten (10) school calendar days of the completion of the hearing.

### **Finality**

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

### **Appeals**

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) school calendar days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the institution's own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter;
- The severity of sanctions.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by an Appeals Officer, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision maker in the same matter.

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

### **Retaliation**

CCSU will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Procedures, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Procedures.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Procedures.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Complaints alleging retaliation may be filed according to the Board of Regents Title IX Statement of Policy and Board of Regents Sexual Misconduct Reporting, Supportive Measures and Processes Policy.

#### Sanctions

See the applicable employee policy/agreement or the Student Code of Conduct for applicable sanctions.





**Central Connecticut State University**  
**Campus Security Authority Reporting Form**

Date of report: \_\_\_\_\_

Name of campus security authority: \_\_\_\_\_

Date that incident occurred (mm/dd/yyyy): \_\_\_\_\_

*If multiple incidents were reported or if the date the incident occurred is unknown, please note below:*

**Reporting Person Contact Information**

---

Reported By: The Victim  A Third Party

First Name:

Last Name:

Phone Number:

E-mail Address:

If a third party reported the crime to you, please enter the relationship of the third party to the victim: \_\_\_\_\_

**Agency Notified**

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*If, to your knowledge, a law enforcement agency was notified, please enter the name of that agency.*

Agency:

\_\_\_\_\_

Does the victim want the incident reported to law enforcement? Yes  No

**Incident Information**

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Location of incident (*building name, street address, office number*):

\_\_\_\_\_

Time of incident (*if known*): \_\_\_\_\_

Incident description (*Please provide specific, detailed information; can attach additional document if necessary.*)

SEE NEXT PAGE →

**Central Connecticut State University**  
**Campus Security Authority Reporting Form**

Incident category:	<i>(Please see attached for definitions of offenses.)</i>				
Homicide <input type="checkbox"/>	Burglary <input type="checkbox"/>	I am not sure how to classify this incident. <input type="checkbox"/>			
Sex Offense <input type="checkbox"/>	Robbery <input type="checkbox"/>				
Aggravated Assault <input type="checkbox"/>	Arson <input type="checkbox"/>				
Motor Vehicle Theft <input type="checkbox"/>					
Dating Violence <input type="checkbox"/>	Domestic Violence <input type="checkbox"/>				
Stalking <input type="checkbox"/>	Hate Crime <i>Please see below for additional information.</i> <input type="checkbox"/>				
Arrest for Liquor Law Violation <input type="checkbox"/>	Referral for Liquor Law Violation <input type="checkbox"/>				
Arrest for Drug Law Violation <input type="checkbox"/>	Referral for Drug Law Violation <input type="checkbox"/>				
Arrest for Weapons Law Violation <input type="checkbox"/>	Referral for Weapons Law Violation <input type="checkbox"/>				
Other Crime Category	<i>If the crime was not listed above, please enter the additional crime category:</i> _____				

Is there any evidence that this crime was motivated by bias? Yes  No

If yes, please choose any/all categories of prejudice that apply.

- Race  Ethnicity  Disability  Gender Identity   
 Gender  Religion  National Origin  Sexual Orientation

If you answered “yes” to the Motivated by Bias question, please provide a brief summary of the evidence supporting a bias motivation:

SEE NEXT PAGE →

*Once completed, please send this form to:  
 CCSU Police – 1500 East St. New Britain, CT 06050*

**Central Connecticut State University**  
**Campus Security Authority Reporting Form**

**Location**

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What best describes the location of the crime? (*If the crime occurred in multiple places, check all that apply. Please see the attached for further explanation as to the geography.*)

- On campus, residence hall
- On campus, not in a residence hall
- Public property immediately adjacent to campus
- Non-campus in a University owned leased or controlled space (fraternity, sorority, off-campus classroom)
- Unknown location, other
- I do not know which category this location would fall under.

Please review the information within the form. When complete, submit the form to:

CCSU Police  
[ccsupdrecords@ccsu.edu](mailto:ccsupdrecords@ccsu.edu)  
860-832-2393  
1500 East St. New Britain, CT 06050

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**Crime Definitions**

<b>Homicide</b>	<ul style="list-style-type: none"><li>• Murder/non-negligent manslaughter: the willful (non-negligent) killing of one human being by another</li><li>• Negligent Manslaughter: the killing of another person through gross negligence</li></ul>
<b>Sex Offenses</b>	<ul style="list-style-type: none"><li>• Sex offenses: Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent</li><li>• Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim</li><li>• Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity</li><li>• Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law</li><li>• Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent</li></ul>
<b>Robbery</b>	Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear

*Once completed, please send this form to:*  
**CCSU Police – 1500 East St. New Britain, CT 06050**

**Central Connecticut State University**  
**Campus Security Authority Reporting Form**

<b>Aggravated Assault</b>	Unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury
<b>Burglary</b>	Unlawful entry of a structure to commit a felony or a theft
<b>Motor Vehicle Theft</b>	The theft or attempted theft of a motor vehicle
<b>Arson</b>	Willful or malicious burning or attempt to burn with or without intent to defraud a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
<b>Dating Violence</b>	Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: <ul style="list-style-type: none"> <li>• the length of the relationship</li> <li>• the type of the relationship</li> <li>• the frequency of interaction between the persons involved in the relationship</li> </ul>
<b>Domestic Violence</b>	Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction...or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction
<b>Stalking</b>	Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress
<b>Liquor Law Violation</b>	The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages
<b>Drug Law Violation</b>	The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use
<b>Illegal Weapons Possession</b>	The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons

*Once completed, please send this form to:  
CCSU Police – 1500 East St. New Britain, CT 06050*

***Central Connecticut State University***  
**Campus Security Authority Reporting Form**

**Geography Definitions**

**On campus:**

- any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendors)

**Non-campus building or property:**

- any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution

**Public property:**

- all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus

*Once completed, please send this form to:  
CCSU Police – 1500 East St. New Britain, CT 06050*

**Central CT State University**  
Discrimination Complaint Log

Agency: Central Connecticut State University

Reporting Date: August 1, 2020-July 31, 2021

#	Complainant Race/Sex	Date Filed	Type*	Accused*	Basis Claimed	Finding	Resolution	Length of Time to Resolve (in days)	Note
1	White Male	8/31/2020	Internal	Staff	Discrimination/ Harassment: Race	No violation found-	Referred to Ombudsman	10	
2	Latino Male	1/29/2021	Internal	Faculty	Discrimination (Race/color/ National origin)	No violation of University Policy found	Referred to Department Head	88	Complainant was notified of his right to file with CHRO/EEOC.
3	Latino Female	2/9/2021	Internal	Faculty	Discrimination (Race/color/ National origin)	No violation of University Policy found	Complainant was awarded the role in dept that prompted the allegations	52	
4	Black Female	9/1/2020	Internal	Faculty/staff	Discrimination/H arassment/ Differential Treatment based on Race	No violation of University Policy found		382 (Employee was out on medical leave for 225 days-Complainant suspended complaint while out on leave)	Complainant's scheduling conflict/participation resulted in substantial delays. Complainant was notified of her right to file with CHRO/EEOC.