

## **Policy: Section III 46A-68-78**

Central Connecticut State University's policies listed below are posted on the Office for Equity & Inclusion web page at <http://www.ccsu.edu/diversity/>. During this reporting period, the CSCU Affirmative Action/ Equal Employment Opportunity Policy Statement, the CCSU Nondiscrimination in Education and Employment Policy, the BOR\CSCU Sexual Misconduct Reporting, Support Measures and Processes Policy were available on the university website or were distributed via e-mail to all employees who are on the network, which is approximately 90% of the workforce. Hard copies were distributed to the remainder of the workforce who do not have access to e-mail.

1. CSCU Affirmative Action/Equal Employment Opportunity Policy Statement
2. Nondiscrimination in Education and Employment Policy
3. Procedures and Timetables for Processing of Discrimination, Harassment, Intimate Partner Violence and Sexual Misconduct Complaint.
4. Policy Regarding Persons with Disabilities
5. BOR/CSCU Use of a Preferred First Name & Execution of Change to Legal Name by Students - CSCU
6. Discrimination Complaint Procedures (See **Section XIV-Discrimination Complaint Process**).

## **Affirmative Action/Equal Employment Opportunity Policy Statement**

It is the intellectual and moral responsibility, but more importantly, the policy of the leadership of Central Connecticut State University (CCSU) to advance social justice and equity by exercising affirmative action to remove all discriminatory barriers to equal employment opportunity and upward mobility. Accordingly, the University, through this plan of affirmative action, will, with conviction and effort, undertake positively to overcome the present effects of past practices, policies or barriers to equal employment opportunity and to achieve the full and fair participation of women, African Americans, Hispanics, and any other protected groups (including persons with disabilities) found to be underutilized in the workforce or adversely affected by system policies or practices.

Thus, CCSU will consistently review its personnel policies and procedures to ensure that barriers that unnecessarily exclude protected classes and practices that have an illegal discriminatory impact are identified and eliminated. The University will explore alternative approaches if any personnel practice is found to have a negative impact on protected classes and establish procedures for any extra efforts that may be necessary to achieve labor market parity.

Equal opportunity is employment of individuals without consideration of: age; ancestry, color; gender identity and expression; intellectual disability; learning disability; mental disability or history thereof; physical disability; marital status, national origin; race; religious creed; sex, including pregnancy, sexual harassment and sexual assault; sexual orientation; criminal record (in-state employment); veteran status; and, genetic information unless the provisions of Sections 46a-60 (b) or 46a-81 (b) of the Connecticut General Statutes are controlling or there is a bona fide occupational qualification excluding persons in one of the above protected groups. Equal employment opportunity is the purpose and goal of affirmative action under Sections 46a-68-31 through 46a-68-74. The University will consistently review all practices and procedures to ensure full compliance with the spirit and letter of Section 46a-68j-21 through 46a-68j-43 of the Administrative Regulations of State Agencies regarding Contract Compliance.

The role of affirmative action in each step of the employment process with regard to employment applications, job qualifications, job specifications, recruitment practices, hiring, promoting, compensation, personnel policies, job structuring, orientation training, counseling, discrimination complaint process, evaluation, layoffs and termination, or other terms or conditions of employment, is detailed in the following pages and incorporated by reference herein. Clearly, affirmative action and equal employment opportunity are immediate and necessary agency objectives for Central Connecticut State University. Additionally, we shall administer all terms, conditions, and benefits of employment in an equitable manner. We also recognize the continued under-representation of persons with disabilities and older persons in the workplace and will pursue and implement measures to overcome the present effects of past discrimination, if any to achieve the full and fair utilization of such persons in the workforce.

This policy of non-discrimination will not be limited to employment practices but will extend, as well, to services and programs provided by the University. It is the policy of Central Connecticut State University that unlawful discrimination is prohibited.

Consequently, it shall be a violation of University policy for any member of the University community to discriminate against any individual with respect to any terms, conditions, or privileges relating to employment (including interns) or attendance at the University based on protected class status. Annually, members of the University community will be notified of the Nondiscrimination in Education and Employment policy and about their rights to file an internal and/or external complaint.

All executive, administrative, and supervisory personnel are expected to discharge their affirmative action responsibilities, in word and deed, consistent with this agency's objective of establishing and implementing affirmative action and equal employment opportunity.

The Affirmative Action Officer responsible for overseeing affirmative action and equal employment opportunity is Dr. Craig Wright, Vice-President for the Office for Equity and Inclusion (OEI) at Central Connecticut State University, Office for Equity & Inclusion, Davidson Hall, Room 119, 1615 Stanley Street, New Britain, CT 06050; Telephone Number: 860.832.1652.



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Dr. Zulma R. Toro, President

11/28/2022

Date



**Connecticut State  
Colleges & Universities**

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Terrence Cheng  
*President*

**CONNECTICUT STATE COLLEGES AND UNIVERSITIES  
AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY  
POLICY STATEMENT**

The Connecticut State Colleges and Universities (CSCU) is committed to leading, by example, in the areas of equal employment opportunity and affirmative action. Additionally, CSCU has been charged by state statutes to promote representative racial and ethnic diversity among the students, faculty administrators and staff at public institutions of higher education. CSCU policies also advance compliance with Title IX requirements and the Americans with Disabilities Act (ADA) at all 17 institutions and system office. Equal employment opportunity and affirmative action are essential to achieving higher education's goals of academic excellence and equity.

The Connecticut State Colleges and Universities (CSCU) recognizes that affirmative action is positive action undertaken with diligence and conviction to:

- Overcome any remaining effects of past practices, policies or barriers to equal employment opportunity, and;
- Achieve the full and fair participation of all protected class members found to be underutilized in the workplace, or adversely impacted by policies or practices.

CSCU deems equal employment opportunity to be the education or employment of individuals without consideration of race, color, age, sex, (including sexual harassment, sexual assault, pregnancy and workplace hazards to reproductive systems), religious creed, marital status, national origin, ancestry, past or present history of mental disability, intellectual disability, learning disability, physical disability (including, but not limited to blindness), veteran status, Civil Air Patrol, gender identity or expression, sexual orientation, retaliation, or other factors which cannot lawfully be the basis for employment actions, unless there is a bona fide occupational qualification. CSCU will not request or require genetic information from job applicants or employees, or otherwise discriminate against any person in employment conditions on the basis of genetic information. Additionally, the CSCU will not discriminate against persons with a prior criminal conviction. Equal employment opportunity is the purpose and goal of affirmative action.

It is the policy of CSCU to administer all personnel policies in manners that ensure that there is no discrimination. CSCU recognizes the hiring difficulties experiences by persons with disabilities and by many older persons.

If necessary, program goals shall be established with the Affirmative Action Plan for action eliminating hiring barriers and actively recruiting members from these groups, to overcome any remaining effects

of past discrimination against these groups and to achieve full and fair participation of such persons in the workforce.

CSCU shall explore alternative approaches wherever personnel practices have a negative impact on protected classes and establish procedures for the extra effort deemed necessary to assure that the recruitment and hiring of protected group members reflect their availability in the job market. To this end, CSCU shall continuously review its personnel policies and procedures to ensure that barriers that unnecessarily exclude protected classes and practices that have a discriminatory impact are identified and eliminated. Recognizing that there are residual effects of past discrimination, the CSCU pledges not only to provide services in a fair and impartial manner, but also establish, through this policy, affirmative action and equal employment opportunity as immediate and necessary objectives throughout all of the Connecticut State Colleges and Universities.

CSCU is committed to maintaining a work environment free from influence or prejudicial behavior and sexual harassment and a workplace in which all terms, conditions, privileges, and benefits are administered in an equitable manner. CSCU has an internal discrimination complaint procedure and system to process and resolve grievances.

As CSCU President, I am committed to successfully implementing the Affirmative Action Plan and goals within timetables set forth. As President, I will continue to ensure that all employees, especially managers and supervisors, understand the policies and their responsibilities for implementing such. As a System we will take positive steps to ensure compliance with the Affirmative Action Plan, AA/EEO policies, procedures, and programs, and also Americans with Disabilities Act (ADA) and Title IX requirements and mandates.

Nicholas D'Agostino, Director of Equal Employment Opportunity is the appointed Equal Employment Opportunity Officer for the Connecticut State Colleges and Universities System Office and reports directly to my office regarding all affirmative action, equal employment opportunity, ADA and Title IX matters.

The Affirmative Action Plan is available to all members of the workforce and the CSCU System through the Human Resources Office, which is located at 61 Woodland Street, 3<sup>rd</sup> Floor, Hartford, CT 06105. Mr. D'Agostino can be reached by telephone at (860)-723-0727 or by email at [NDagostino@commnet.edu](mailto:NDagostino@commnet.edu).



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Terrence Cheng  
President  
Connecticut State Colleges & Universities (CSCU)

11/15/2021

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Date

**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.

7/29/2020

**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 CSCU 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 Conduct (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 Nondiscrimination in Education and Employment Policy

### Policy

Central Connecticut State University (CCSU) is committed to a policy of nondiscrimination in education and employment. No person shall be discriminated against in terms and conditions of employment, personnel practices, or access to or participation in programs, services, and activities with regard to: age; ancestry, color; gender identity and expression; intellectual disability; learning disability; mental disability; physical disability; marital status, national origin; race; religious creed; sex, including pregnancy, transgender status, sexual harassment and sexual assault; sexual orientation; veteran status; or any other status protected by federal or state laws. Discrimination in employment-based on genetic information is prohibited. In addition, CCSU will not refuse to hire solely because of a prior criminal conviction, unless that refusal is permitted by Connecticut law.

Harassment on the basis of any of the above protected classes is prohibited. Harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, staff and student, employee and employee, and other relationships with persons having business at, or visiting the educational or working environment.

This policy is directed at verbal or physical conduct that constitutes discrimination/harassment under state and federal law and is not directed at the content of speech. In cases in which verbal statements and other forms of expression are involved, CCSU will give due consideration to an individual's constitutionally protected right to free speech and academic freedom.

Retaliation is illegal. No individual who opposes an allegedly discriminatory act or practice shall suffer retaliation as a result of such participation. Complaints of retaliation may be filed within a reasonable time of the alleged retaliatory act with the Senior Equity & Inclusion Officer or any manager not directly involved in the alleged retaliation who will then notify the Office of Equity and Inclusion.

This policy shall apply to all individuals affiliated with CCSU including, but not limited to, students, employees, applicants, agents and guests and is intended to protect the rights of concerned individuals.

### Definitions

**Discrimination.** Discrimination is defined as conduct that is directed at an individual because of his or her protected class and subjects the individual to different treatment so as to interfere with or limit the ability of the individual to participate in, or benefit from, the services, activities, or privileges provided by the university or otherwise adversely affects the individual's employment or education.

**Discriminatory Harassment.** Discriminatory harassment is defined as verbal or physical conduct that is directed at an individual because of his or her protected class, and is sufficiently severe, persistent, or pervasive so as to have the purpose or effect of unreasonably interfering



with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or educational environment.

**Retaliation.** Retaliation is subjecting a person to a materially adverse action because he or she made a complaint under this policy or assisted or participated in any manner in an investigation under this policy.

## **Responsibility**

The responsibility for implementation of this policy is assigned to the Senior Equity & Inclusion Officer, who may delegate duties as appropriate. The Office of Equity and Inclusion will promptly address each complaint and make reasonable efforts to expeditiously affect a resolution. The investigation of such complaints will be managed with appropriate sensitivity.

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### **Related policies or procedures:**

- CCSU Procedures and Timetables for Processing of Discrimination and Sexual Harassment Complaints
- Policy on Consensual Relationships between Employees of the Connecticut State University System
- Policy on Consensual Relationships between Employees and Students of the Connecticut State University System
- Sexual Harassment Policy
- BOR/CSSU Sexual Misconduct, Sexual Assault and Intimate Partner Violence Policy
- Student Code of Conduct and Statement of Disciplinary Procedures

Revised: October 25, 2011

June 13, 2014: mental disorder changed to mental disability

October 20, 2017: veteran status added as a protected class

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## **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



## Central Connecticut State University Policy Regarding Persons With Disabilities

### **Purpose:**

Central Connecticut State University is fully committed to supporting all persons with disabilities in their academic, research, residence life, social and employment endeavors while on campus. CCSU remains ardent in achieving its goal of providing equal educational and employment opportunities and the full participation of persons with disabilities. Central Connecticut State University recognizes that persons with disabilities can participate meaningfully in programs, activities and employment from which they have been historically excluded.

Central Connecticut State University affirms its obligations as an employer under the American's with Disabilities Act (ADA), the American's with Disabilities Amendment Act of 2008 (ADAA), the Rehabilitation Act of 1973 as amended, the Connecticut Fair Employment Practices Act (CFEPA), as well as all other applicable Federal and State disability and discrimination constitutional provisions and statutes.

As President, I have designated the following individual to coordinate the University's compliance with non-discrimination requirements of 28 CFR § 35.107 Section 35.1067 of the Department of Justice regulations:

Office of Equity and Inclusion  
Central Connecticut State University  
1615 Stanley Street  
New Britain, Connecticut 06050

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### **Prohibited Conduct:**

The American's with Disabilities Act, as amended, in part, requires that "No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity." 28 CFR § 35.130 [reference 28 CFR § 41.51-52 Rehabilitation Act of 1973; 28 CFR § 35.140, 29 CFR § 1630.4 as related to Employment; Connecticut Discriminatory Practices Act, as amended].

"A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity." 28 CFR 35.130(7)(i) With respect to employment, "It is unlawful for [CCSU] not to make a reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless [CCSU] can demonstrate that the accommodation would impose an undue hardship on the operation of its business." 29 CFR § 1630.9 [reference 28 CFR § 41.53 Rehabilitation Act of 1973]

Central Connecticut State University strictly prohibits the discrimination of any person on the basis of disability. CCSU shall not tolerate discrimination against persons with disabilities by anyone, including students, faculty and staff, clients, vendors or visitors, whether in the workplace, at assignments outside of the workplace, at CCSU sponsored social events or elsewhere.

An individual with a disability is any person who:

1. Has a physical or mental impairment which substantially limits one or more of the major life activities of such individual;
2. Has a record of such impairment;
3. Is regarded as having such an impairment; or
4. Falls within one or more of the disabling conditions protected by the state constitution and statutes.

Central Connecticut State University will ensure that person with disabilities receive full and equal opportunities in such areas, but are not limited to: participation in campus services programs or activities; employment, access to campus facilities, offices and services offered on campus; protection from retaliation for exercising rights under Federal and State disability laws or for assisting in any investigation of complaints of disability discrimination.

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### **Accommodations and Workplace Modifications**

Central Connecticut State University offers an array of disability services to meet the needs of all persons with disabilities on campus. Services to assist all persons with disabilities range from parking and building access to student academic accommodations to employee accommodations.

While on campus, our Office of Student Disabilities Services provides individualized student services including making necessary modifications of programs, services and facilities to provide students the opportunity to pursue their educational objectives, including living on campus in a residential dorm.

For more information or to request a student accommodation, please visit the Office of Student Disability Services online at [www.ccsu.edu/sds](http://www.ccsu.edu/sds) or on campus located at Willard DiLoreto Hall, Room W 201, 1615 Stanley Street New Britain Connecticut 06050.

For more information on accessible parking and building entrances, please visit on line [Campus Map/Directions](#), [Accessible Entrances Map](#) or contact Facilities Management at (860) 832-2301.

CCSU Human Resources is committed to ensuring that all CCSU employees and applicants pursuing job opportunities receive full and equal opportunity in employment including but not limited to: Hiring, compensation, promotion, training, evaluation or any other term, condition or privilege of employment.

The law requires that all employees or persons pursuing employment be able to perform the essential functions of their job or jobs for which they apply. CCSU Human Resources recognizes that some persons may require reasonable accommodations to perform the essential duties related to their job as defined by CCSU. Therefore, CCSU Human Resources is committed to providing reasonable accommodation(s) as appropriate.

CCSU Human Resources will work collaboratively with any employee or applicant with disabilities seeking an accommodation to identify barriers that may impede meaningful participation, evaluate the



necessity of these barriers and will modify or remove non-essential barriers. Most importantly, CCSU Human Resources will engage in a dialogue with employees or job applicants with disabilities seeking an accommodation to better understand the kinds of barrier removal and other accommodations that might improve their opportunities.

To request a reasonable employment accommodation, please visit [Request an Employment Accommodation webpage](#) or contact CCSU Human Resources at (860) 832-1756.

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### **Reporting Discrimination:**

1. **Claimants**: Any person with a disability who believes that they are being discriminated against under this policy should immediately report the discrimination to the CCSU Office of Equity and Inclusion (Davidson Hall, Room 119 – 860-832-1653).
2. **Witnesses**: Any individual who witnesses discrimination prohibited under this policy or becomes aware that discrimination has occurred is also urged to immediately report the conduct to the CCSU Office of Equity and Inclusion (Davidson Hall, Room 119 – 860-832-1653).
3. **CCSU Supervisors and Managers**: Any supervisor or manager who receives a complaint about prohibited discrimination under this policy are mandated to report it to the CCSU Office of Equity and Inclusion (Davidson Hall, Room 119 – 860-832-1653). Ignoring such conduct is not optional and may subject the supervisor or manager to disciplinary action.

### **No Retaliation:**

CCSU strictly forbids retaliation against students and employees who report discrimination. Agents of CCSU shall not retaliate against, coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying her rights under Federal and State law or because an individual aided or encouraged any other individual in the exercise of rights granted or protected by Federal or State law. All students and employees are strongly encouraged to report instances of retaliation.

### **Complaint Investigation:**

CCSU takes all complaints and reports of discrimination seriously. All complaints and reports will be investigated promptly. All CCSU employees are expected to cooperate fully with all administrative complaint investigations and any actions taken by CCSU as a result of such investigations.

### **Corrective Action:**

If an investigation confirms discrimination prohibited under this policy has occurred, CCSU will take corrective action promptly. In accordance with respective collective bargaining unit agreements as well as managerial policies, discipline up to and including discharge from state service may be imposed.



# Human Resources

▼ Menu

## Procedures for Requesting a Reasonable Accommodation

### Important Information before requesting a reasonable employment accommodation:

Each request for a reasonable employment accommodation will be given serious individualized consideration. All requests will be assessed on a case-by-case basis on its own merits, in light of the particular job, other related jobs, the capabilities of the particular employee and the specific accommodation requested.

CCSU Human Resources is the only University entity that can grant a reasonable employment accommodation. Department Management and supervisory staff are not authorized to grant an employment accommodation. Employees are discouraged from disclosing any medical information with Department Managerial and Supervisory staff. Employee medical information is confidential, protected by law and should only be disclosed to authorized University officials such as Human Resources, the Office of Equity and Inclusion.

When CCSU Human Resources makes an accommodation to the needs of a particular employee, CCSU does not make any commitment that the accommodation is permanent, or that a similar accommodation will automatically be extended to any other employee. CCSU reserves its managerial right and discretion to determine and define operational needs and requirements.

Any employee with a disability requesting a reasonable accommodation may, when permitted by law, be expected to provide medical information necessary for CCSU Human Resources to determine that the employee is a person with a disability and to cooperatively identify barriers and the available accommodations, if any. Failure of the employee to provide the necessary medical information may result in the delay in processing any accommodation request.

An employee with a disability requesting a reasonable accommodation may designate, in writing, an Advocate. The employee must grant to CCSU Human Resources affirmative permission, in writing, to discuss any matter including medical information regarding the request for a reasonable accommodation, in front of or with the designated Advocate. CCSU Human Resources will not discuss in the presence of or with an Advocate without **written** affirmative permission.

CCSU Human Resources is the only entity that may contact an employee's medical provider, when necessary, to obtain the requisite medical documentation to support the employee's request for a reasonable accommodation. No medical information is to be requested from an employee's medical provider or maintained by any supervisor or manager. All provision of HIPPA will be strictly adhered to regarding medical information, its confidentiality and its file maintenance.

Employee's medical information and other information related to their disability and any accommodation request shall remain confidential unless the employee executes a written "release of information" or if permitted or required under legal

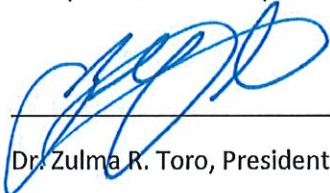
**CENTRAL CONNECTICUT STATE UNIVERSITY**  
**AMERICANS WITH DISABILITIES ACT (ADA)**  
**POLICY STATEMENT**

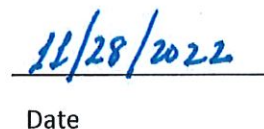
Central Connecticut State University does not discriminate on the basis of disability in the administration of, or access to, its programs, services or activities. Under this policy, a person with a disability is defined as "a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having an impairment."

As President, I have designated the following individual to coordinate the University's compliance with the non-discrimination requirements of Section 35.1067 of the Department of Justice regulations:

Ms. Anna Suski-Lenczewski  
Office of Human Resources  
Central Connecticut State University  
1615 Stanley Street New Britain, CT 06050  
860-832-1757  
[lenczewskia@ccsu.edu](mailto:lenczewskia@ccsu.edu)

Should you wish to notify us of barriers that may exist in equal access to any program, service, or activity offered by Central Connecticut State University or to obtain information regarding the provisions of the Americans with Disabilities Act and your rights, you are encouraged to contact one of the ADA Coordinators listed above. If you feel that you need a reasonable accommodation as a result of your disability to allow you to perform the essential functions of your position, please follow the attached ADA procedure for requesting a reasonable accommodation.

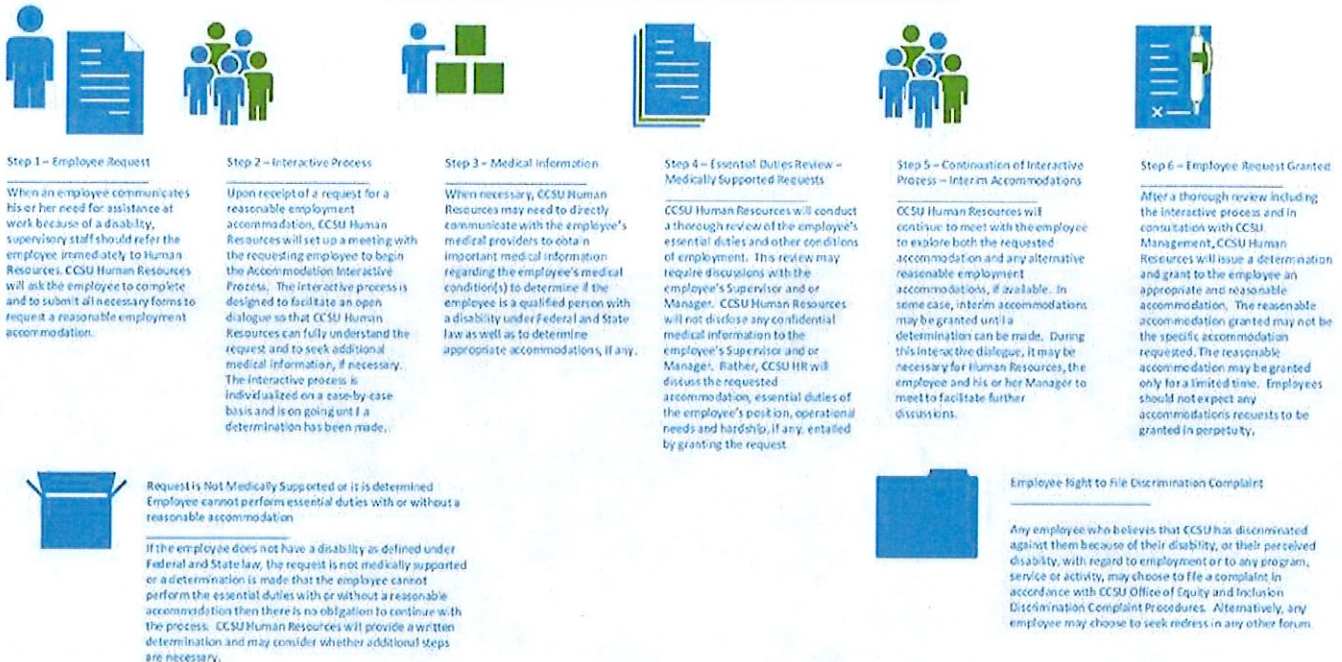
  
\_\_\_\_\_  
Dr. Zulma R. Toro, President

  
\_\_\_\_\_  
Date

authority.

## CCSU Human Resources: Reasonable Employment Accommodation Request and Review Process: What to Expect

Note: The interactive reasonable employment accommodation request process requires an individualized assessment of each request. This chart provides a framework of the steps taken in most cases, but individual cases may vary. When a reasonable employment accommodation is made to meet the needs of an employee, CCSU Human Resources does not make any commitment that the accommodation is permanent, or that a similar accommodation will automatically be granted to any other employee.



View As PDF

### To request a reasonable employment accommodation,

1. Employee should complete in its entirety the [Request for Reasonable Accommodation Form](#)
2. Next, employee should complete [Authorization For Disclosure and Release of Medical Information Form](#)
3. Next, employee who wishes to designate an Advocate should complete [Designation of Advocate and Authorization Form](#).
4. Employee should have his or her physician or other medical provider complete either a [Medical Certificate \(self\)](#) or [Medical Certificate \(Caregiver\)](#) verifying that the employee is a person who has a physical and or mental impairment that substantially limits one or more major life activities, has a record of such impairment or falls within one or more of the disabling conditions protected by state constitution and statutes.

Once completed, employee should submit all forms to CCSU Human Resources ADA designee.

CCSU Human Resources

Davidson Hall Room 201

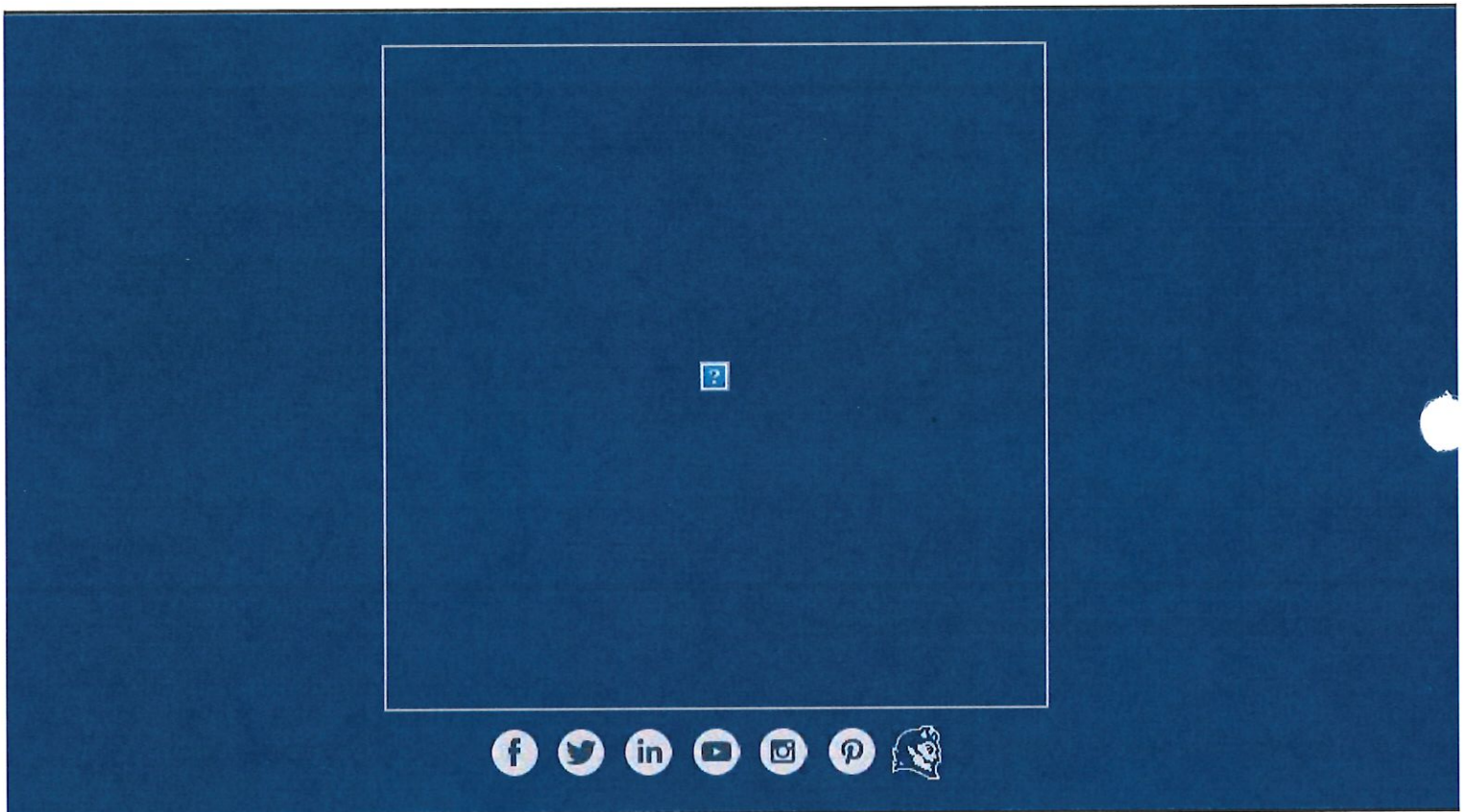
1615 Stanley Street

New Britain, Connecticut 06050

Phone (860) 832-1756

Fax (959) 255-8790

CCSU Human Resources will contact the requesting employee to meet to begin the interactive process. CCSU Human Resources may need to contact the requesting employee's physician to better understand how the employee's disability affects his or her ability to perform the essential functions of his or her job. CCSU Human Resources will work cooperatively with the requesting employee to determine if a reasonable accommodation can be identified and implemented.





**Request for Reasonable Employment Accommodation**

Date of Request: \_\_\_\_\_

I am a CCSU employee \_\_\_\_\_ or Applicant seeking employment with CCSU \_\_\_\_\_ and am requesting a reasonable employment accommodation as follows:

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Phone Number(s): (Home) \_\_\_\_\_ (Cell) \_\_\_\_\_

Email Address \_\_\_\_\_ Preferred method of contact: Phone \_\_\_\_\_ Email \_\_\_\_\_

**For Job Applicants:**

Position(s) for which you are applying:  
\_\_\_\_\_  
\_\_\_\_\_

**For CCSU Employees:**

Job Title/Classification: \_\_\_\_\_ Campus Phone Ext.: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_ Supervisor's Phone Ext.: \_\_\_\_\_

Assigned Work Department / Unit: \_\_\_\_\_

Are you currently on or returning from an approved medical leave of absence? \_\_\_\_\_

Is this request related to a work-related Worker's Compensation injury or illness? \_\_\_\_\_

**Medical Information:**                      [Medical Certificate \(Self\)](#)                      [Medical Certificate \(Caregiver\)](#)

Please identify the medical condition(s), physical and or mental impairments for which you are requesting an accommodation.

If the medical condition(s), impairments listed above are temporary or durational in nature, please indicate expected duration and frequency.



Please provide the name and contact information for the health care professional who either diagnosed or is treating the medical condition(s) listed above. Please include date of diagnosis.

---

**Job and Accommodation Information**

Please explain how your medical condition(s), impairment(s) affect(s) your ability to fully engage in and participate in employment activities. Specifically, please explain how it impacts your ability to perform the essential duties of your position. If you are a new employee, state the anticipated difficulties you foresee in performing the essential duties of your job. Be as specific regarding the job duties you are having difficulty performing or believe you will have difficulty performing. (Attach additional pages if more space is needed).

Please provide your recommendation for a reasonable accommodation and any information you may have about any associated costs (attach supporting documentation).

Please add any comments you feel may be helpful in consideration of your request.

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**Acknowledgment**

I understand that it will be my responsibility to complete and to submit all necessary forms including obtaining a Medical Certificate to CCSU Human Resources. Furthermore, I understand that it is my responsibility to participate in good faith in the interactive process. Failure to submit all necessary forms and or to engage in good faith in the interactive process may delay processing of this request for a reasonable employment accommodation.

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Signature

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Date



Designation of Advocate and Authorization Form

As required by Connecticut law, CCSU Human Resources may not use or disclose your individually identifiable information without your authorization. Your completion of this form means that you are designating an Advocate pursuant to a request for a reasonable employment accommodation and giving permission to CCSU Human Resources for the use(s) and disclosure described below.

Pursuant to a request for a reasonable employment accommodation, I, \_\_\_\_\_

do hereby affirmatively grant permission to CCSU Human Resources to speak with and in front of my

designated Advocate, \_\_\_\_\_ (Name of Advocate) whose

affiliation is: Personal \_\_\_\_\_; Union Representative \_\_\_\_\_; Other Professional \_\_\_\_\_

for the purposes of assisting or otherwise providing support to me throughout the required "Accommodation Interactive Process."

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Acknowledgement

I understand that CCSU Human Resources may not use or disclose my medical information except for the expressed purposes identified above.

I further understand that CCSU Human Resources may disclose protected medical information as well as personal employment information such as performance, including discipline, if applicable, that would be otherwise protected from disclosure throughout the "Accommodation Interactive Process."

I hereby acknowledge that I have been informed of my right to receive a copy of this Designation and Authorization.

I acknowledge that I may revoke this Authorization in writing at any time. I understand that if I revoke this Authorization, the information described may no longer be used or disclosed for the purposes described within this Authorization. To revoke this Authorization, a written request must be sent to: **CCSU Human Resources 1615 Stanley Street, Davidson Hall Room 201 New Britain Connecticut 06050.**

My signature below indicates that I have read and understand this Authorization and its terms.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





State of Connecticut Human Resources

Medical Certificate

Return to:

Agency Name: Central Connecticut State University Attn: Human Resources
Address: 1615 Stanley Street, New Britain CT 06050-4010 FAX: (860) 832-2342

Must be submitted within 30 days of foreseeable leave, if leave is FMLA qualifying.

Form #: P33A - Employee

Revision Date: 2/2011

To be used by employee who is absent for personal illness, including FMLA absences.

Form with sections: AGENCY INSTRUCTIONS, AGENCY FILL IN, CONDITIONS GOVERNING ISSUANCE, and This form must be executed by a physician or practitioner... Includes fields for Agency Name, Address, Employee Name, Position, and medical condition details.

**TO BE FILLED  
IN BY  
ATTENDING  
PHYSICIAN OR  
PRACTITIONER**  
*(Please print legibly.)*

(c) If condition is a **"chronic condition"** (as checked off under Section (1)) or **pregnancy**, state whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity:  
 \_\_\_\_\_ Patient \_\_\_\_\_ is \_\_\_\_\_ is not presently incapacitated. *(check one)*  
 Going forward, estimate the:  
 \_\_\_\_\_ **Duration** of episodes of incapacity = \_\_\_\_\_ *(hours or days, etc.)*  
 \_\_\_\_\_ **Frequency** of episodes of incapacity = \_\_\_\_\_ *(no. of times per week or month, etc.)*

(4) (a) If **additional treatments** will be required for the condition and/or the patient will be absent from work or other daily activities because of treatment on an **intermittent** or **part-time** basis, provide:  
 \_\_\_\_\_ An estimate of the probable **number** of such treatments. \_\_\_\_\_  
 \_\_\_\_\_ An estimate of the probable **interval between** such treatments. \_\_\_\_\_  
 \_\_\_\_\_ An actual or estimated **dates** of treatment, if known. \_\_\_\_\_  
 \_\_\_\_\_ Period required for **recovery**, if any. \_\_\_\_\_

(b) If any of these treatments will be provided by **another provider of health services** (e.g., physical therapist), please state the nature of the treatment and period of time covered.  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) If a regimen of continuing treatment by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special equipment). \_\_\_\_\_  
 \_\_\_\_\_

(5) (a) During the period of incapacity, is the employee **able to perform work of any kind?**  
 \_\_\_\_\_  
*(fill in "yes" or "no")*

(b) If able to perform some work, is the employee **unable to perform any one or more of the essential functions of the employee's job** (if FMLA leave or if relevant, a job specification is enclosed for your convenience)? \_\_\_\_\_  
*(fill in "yes" or "no")*  
 If yes, elaborate. \_\_\_\_\_  
 \_\_\_\_\_

(c) If neither (4)(a) or (4)(b) applies, is it necessary for the employee to be absent from work for treatment? \_\_\_\_\_  
*(fill in "yes" or "no")*

(6) The employee will be able to return to  **regular** or  **selective work** on \_\_\_\_\_ *(date)*. If selective work, explain under number (7) below.

(7) Additional remarks:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Name of Physician or Practitioner <b>AND</b> Physician or Practitioner License Number <i>(please type or print)</i>			
Address <i>(No. and Street)</i>	<i>(City or Town)</i>	<i>(State)</i>	<i>(ZIP Code)</i>
Signed <i>(Physician or Practitioner)</i>	Date	Telephone	

## FEDERAL FMLA:

Under the federal FMLA, “**Serious Health Condition**” is defined as an illness, injury, impairment, or physical or mental condition that involves:

- Any period of incapacity or treatment related to inpatient care (i.e., an overnight stay in a hospital, hospice, residential facility, **OR**
- Continuing treatment by a health care provider.

“**Continuing treatment**” by a health care provider includes any one or more of the following:

- 1) Incapacity and Treatment:: A period of incapacity of more than three consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
  - Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, **OR**
  - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.Treatment means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within **seven (7)** days of the first day of incapacity.
- 2) Pregnancy: Any period of incapacity due to pregnancy, or for prenatal care.
- 3) Chronic Conditions Requiring Treatments: Any period of incapacity or treatment for such incapacity due to a chronic condition which:
  - Requires periodic visits for treatment by a health care provider or by a nurse physician’s assistant under direct supervision of health care provider;
  - Continues over an extended period of time (including recurring episodes of a single underlying condition); **AND**
  - May cause episodic rather than a continuing period of incapacity. **Examples:** *asthma, diabetes, epilepsy.*
- 4) Permanent/Long-term Conditions: A period of incapacity, which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. **Examples:** *Alzheimer’s, a severe stroke, or the terminal stages of a disease.*
- 5) Multiple Treatments (Non-Chronic Conditions): Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment. **Examples:** *cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), and kidney disease (dialysis).*

**Note:** Substance abuse may be a serious health condition if the conditions mentioned above are met. However, FMLA leave may only be taken for *treatment* for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence *because of* the employee’s use of the substance, rather than for treatment, does **not** qualify for FMLA leave.

**Please Note:** For the purposes of federal FMLA the following terms are defined to mean:

- “**Incapacity**” – inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.
- “**Treatment**” – includes examinations to determine if a serious health condition exists and evaluations of the condition. It does not include routine physical examinations, eye examinations, or dental examinations.
- A “**regimen of continuing treatment**” – includes, for example, a course of prescription medication (e.g. an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. It does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves, or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.
- “**Intermittent Leave**” – is leave taken in separate blocks of time due to a single qualifying reason.
- “**Reduced Leave Schedule**” – is leave schedule that reduces an employee’s usual number of working hours per work-week or hours per workday. It is a change in the employee’s schedule for a period of time, normally from full-time to part-time.

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**STATE FAMILY / MEDICAL LEAVE (C.G.S. 5-248a):**

Under the state's family/medical leave law, "Serious Illness" is defined as an illness, injury, impairment or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential care facility;
  - OR**
  - Continuing treatment or continuing supervision by a health care provider [C.G.S. 5-248a(c) and CT State Regulation 5-248b-1(d)].
- 
- 

**EMPLOYEE FITNESS FOR DUTY CERTIFICATION**

Employee's name: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Date leave commenced: \_\_\_\_\_

Date of return: \_\_\_\_\_

I understand that following my medical leave under federal FMLA and/or C.G.S. 5-248a my restoration to employment is subject to the following conditions:

1. As a condition of restoration, I must provide a written certification from my health care provider certifying that I am able to resume working.
2. Every attempt will be made to restore me to my original position. If my original position is unavailable, I will be placed in an equivalent position with equivalent pay and benefits, unless contract specifies otherwise.
3. If I am returning from unpaid family and medical leave, I shall not be entitled to the accrual of any seniority or employment benefits during the period of leave, unless contract specifies otherwise.

Employee's signature: \_\_\_\_\_ Date: \_\_\_\_\_

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I have examined \_\_\_\_\_ and can certify that she/he is fully able to resume working on \_\_\_\_\_  
(employee name) (date)

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Health care provider's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_  
(please print)

Address: \_\_\_\_\_

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Policy #	Policy Name	BR #	Board Action Date
2.2	Use of Preferred First Name & Execution of Change to Legal Name by Students - CSCU	17-041	2017-04-06

## **Use of a Preferred First Name and Execution of Changes to Legal Name by Students**

### **Statement of Policy**

The Board of Regents for Higher Education is committed to providing an educational environment where all are welcome and free to express the manner in which they choose to identify themselves. In this vein the BOR is issuing this policy so that individuals may be identified by a preferred first name or used name as well as understand procedures to change their legal names for the purposes of their education records.

Connecticut State Colleges & Universities (CSCU) shall use a preferred or used name on all documents and records other than official documents, such as diplomas and transcripts. Documents and records that may display a preferred or used name include, among others, course rosters, identification cards, email addresses, and honors, awards and prizes issued by the institution.

The Board of Regents for Higher Education directs the system office working with representatives of the CSCU institutions to establish appropriate forms, procedures and timelines to facilitate students' requests for usage of a preferred first name or used name. The institutions are to incorporate advisement regarding the ramifications of preferred first name or used name usage into their process.

CSCU institutions must use students' legal names in all official documents, despite requests for the usage of preferred or used names. Legal names are to appear on all external use reports and documents including, but not limited to employment paper work, paychecks, tax forms, student billings, financial aid forms, scholarships, transcripts, diplomas, and other documents required by law.

The Board of Regents for Higher Education directs the system office working with representatives of the CSCU institutions to establish appropriate forms, procedures and timelines to facilitate students' requests to change their legal name. Within such a request, the student must present an original or certified copy of the court order. After the request has been processed, only the new legal name should be reflected in the institution's official documents, unless the individual requests in writing that such documents include reference to his or her former name (e.g. Heather Pauline Armstrong formerly known as John Joseph Doe).

In the event of a typographical or other error in institutional records or documents, the individual's request to correct the name will be granted after verification that the correction is due to an error. Documents that may provide sufficient verification for determination of the correction include birth certificates, social security cards, driver's licenses, and other documents issued by federal, state and local governmental agencies.

### Definitions

**Preferred First Name:** A preferred first name or used name is not a legal first name, but is generally used to change the manner in which others refer to the individual. For example, student Mathew Allan Smith may prefer the name Matt or Susan Elaine Taylor may choose to be referred to as Sue or Elly rather than Susan. Note that preferred first names or used names are not limited to variations or derivatives of a given or legal name; for example, student Margaret Ann Parker may request the preferred name Robert or Lawrence Peterson may choose to be called Sarah due to gender identity or transgender status, respectively, without court-ordered documentations.

**Legal Name:** A legal name is the person's official name in accordance with the law. Legal names can only be changed on official documents when a student acquires a court order. Such a court order may arise in a number of different contexts, including a name change proceeding, an adoption, a divorce decree, individual choice, witness protection program. Additionally, a marriage certificate should be treated like a court order.

**Central Connecticut State University**

Discrimination/Harassment

Complaint Form

Name of Complainant:		Date:	
Address:			
City:		State:	
		Zip Code:	
Work Phone:		Home Phone:	
Cell Phone:		Email:	
CCSU ID:		Email 2:	

**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:**

- |   |  |
|---|--|
| <input type="checkbox"/> Age                                | <input type="checkbox"/> Mental Disorder                                 |
| <input type="checkbox"/> Ancestry                           | <input type="checkbox"/> Marital Status                                  |
| <input type="checkbox"/> Color                              | <input type="checkbox"/> National Origin                                 |
| <input type="checkbox"/> Criminal Record (State Employment) | <input type="checkbox"/> Sex ( including pregnancy or sexual harassment) |
| <input type="checkbox"/> Gender Identity or Expression      | <input type="checkbox"/> Sexual Orientation                              |
| <input type="checkbox"/> Genetics                           | <input type="checkbox"/> Race  |
| <input type="checkbox"/> Intellectual Disability            | <input type="checkbox"/> Religious Creed                                 |
| <input type="checkbox"/> Learning Disability                | <input type="checkbox"/> Retaliation                                     |
| <input type="checkbox"/> Physical Disability                | <input type="checkbox"/> Veteran Status                                  |

**I was :**

- |   |  |
|---|--|
| <input type="checkbox"/> terminated   | <input type="checkbox"/> harassed                                |
| <input type="checkbox"/> not hired/promoted                                 | <input type="checkbox"/> sexually harassed                       |
| <input type="checkbox"/> suspended  | <input type="checkbox"/> demoted                                 |
| <input type="checkbox"/> constructively discharged                          | <input type="checkbox"/> retaliated against                      |
| <input type="checkbox"/> not hired due to BFOQ*                             | <input type="checkbox"/> not hired due to a disability           |
| <input type="checkbox"/> given a poor evaluation                            | <input type="checkbox"/> delegated difficult duties              |
| <input type="checkbox"/> denied a raise                                     | <input type="checkbox"/> warned                                  |
| <input type="checkbox"/> less trained                                       | <input type="checkbox"/> not hired due to prior criminal record  |
| <input type="checkbox"/> given different terms and conditions of employment | <input type="checkbox"/> subjected to a hostile work environment |
| <input type="checkbox"/> given a poor grade (student)                       | <input type="checkbox"/> other                                   |
| <input type="checkbox"/> denied services                                    | <input type="checkbox"/> treated differently                     |

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

**Name of Respondent 1:** [Redacted]

**Address:** [Redacted]

**City:** [Redacted] **State:** [Redacted] **Zip:** [Redacted]

**Sex:**  Male  Female

**Work Phone:** [Redacted]

**Other:** [Redacted]

**Home/Cell Phone:** [Redacted]

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

*Specify*

**Name of Respondent 2:** [Redacted]

**Address:** [Redacted]

**City:** [Redacted] **State:** [Redacted] **Zip:** [Redacted]

**Sex:**  Male  Female

**Work Phone:** [Redacted]

**Other:** [Redacted]

**Home/Cell Phone:** [Redacted]

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

*Specify*

**Name of Witness 1:** [Redacted]

**Address:** [Redacted]

**City:** [Redacted] **State:** [Redacted] **Zip:** [Redacted]

**Sex:**  Male  Female

**Work Phone:** [Redacted]

**Other:** [Redacted]

**Home/Cell Phone:** [Redacted]

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

*Specify*



**Name of Witness 2:** [Redacted]  
**Address:** [Redacted]  
**City:** [Redacted] **State:** [Redacted] **Zip:** [Redacted]  
**Sex:**  Male  Female  Other: [Redacted] **Work Phone:** [Redacted]  
**Home/Cell Phone:** [Redacted]  
**Status:**  Student  Faculty  Staff  External (Non-campus)  
[Redacted]  
*Specify*

**Name of Witness 3:** [Redacted]  
**Address:** [Redacted]  
**City:** [Redacted] **State:** [Redacted] **Zip:** [Redacted]  
**Sex:**  Male  Female  Other: [Redacted] **Work Phone:** [Redacted]  
**Home/Cell Phone:** [Redacted]  
**Status:**  Student  Faculty  Staff  External (Non-campus)  
[Redacted]  
*Specify*

**Name of Witness 4:** [Redacted]  
**Address:** [Redacted]  
**City:** [Redacted] **State:** [Redacted] **Zip:** [Redacted]  
**Sex:**  Male  Female  Other: [Redacted] **Work Phone:** [Redacted]  
**Home/Cell Phone:** [Redacted]  
**Status:**  Student  Faculty  Staff  External (Non-campus)  
[Redacted]  
*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.

A.

B.

C.

D.

E.

F.

G.

H.

I.

J.

**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

Sexual Misconduct Reporting  
Support Services and Processes Policy

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

Sexual Misconduct Reporting  
Support Services and Processes Policy

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

Sexual Misconduct Reporting  
Support Services and Processes Policy

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.

Sexual Misconduct Reporting  
Support Services and Processes Policy

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 CSCU 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.

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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.

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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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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 CSUC 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

<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.