BOARD OF TRUSTEES
FOR THE
CONNECTICUT STATE UNIVERSITY SYSTEM
REGULAR MEETING
10:00 a.m., Thursday, October 21, 2010
Ballroom, Westside Campus Center
Western Connecticut State University, Danbury, CT

TRUSTEES PRESENT
Karl J. Krapek, Chairman
Theresa Eberhard Asch, Secretary (via teleconference)
Michael A. Caron
Andrew Chu
Mercedes DeMasi
John A. Doyle
Elizabeth S. Gagne
Scott A. Nolan
L. David Panciera
Ronald J. Pugliese
Peter M. Rosa
Ryan C. Sheehan
John R. Sholtis, Jr.
John P. Sullivan

TRUSTEES ABSENT
Richard J. Balducci, Vice Chairman
Angelo J. Messina
John H. Motley
Gail Hill Williams

OTHER OFFICIALS
David G. Carter, Chancellor, Connecticut State University System (CSUS)
Provost Carl Lovitt, for Jack W. Miller, President, Central Connecticut State University (CCSU)
Elsa Nuñez, President, Eastern Connecticut State University (ECSU)
Stanley F. Battle, Interim President, Southern Connecticut State University (SCSU)
James W. Schmotter, President, Western Connecticut State University (WCSU)

STAFF TO THE BOARD
Erin A. Fitzgerald, Associate for Board Affairs

CALL TO ORDER
Chairman Krapek called the meeting to order at 10:00 a.m. and, following roll call and announcement of emergency exit locations in accordance with C.G.S. § 29-381, declared a quorum present.

ADOPTION OF AGENDA

Chairman Krapek requested a motion to adopt the agenda as presented. Trustee Pugliese so moved; with a second by Trustee Panciera; the agenda as presented was unanimously adopted.
APPROVAL OF MINUTES

Chairman Krapek requested a motion to approve the Minutes of the September 23, 2010 Regular Meeting; Trustee Rosa moved; Trustee Gagne seconded; motion unanimously passed.

CHANCELLOR’S REPORT

Chancellor Carter expressed his appreciation to the Board for the support they provided to him as he served as Chancellor of the Connecticut State University System since 2006 and prior to that as President of Eastern Connecticut State University System. He noted that although he announced his intention to retire no later than September 1, 2011, he remained committed towards working every day for the betterment of the students at all of the CSUS universities.

The Chancellor added that everyone could be proud of the many accomplishments that occurred over the past few years due to the efforts of the Board, University Presidents and many dedicated faculty and staff members. He spoke to the ongoing efforts at the universities and the System Office to identify cost reductions and efficiencies in process, noting that the size of the System Office staff had been reduced by 32% less than what it had been upon his arrival in 2006. The number of management personnel systemwide is 2.4% of the total number of full-time employees, a number which Dr. Carter indicated, was further evidence of the concern the Board and Administration has for cost-containment measures.

Beyond the management side of the picture, Dr. Carter noted there was much to be proud of in the area of academic achievements, specifically the articulation agreements, nanotechnology efforts, E. D. in Nursing Education, civil engineering, Bridges partnering with K-12 and the Dual Enrollment program.

WCSU ANNUAL REPORT – PRESIDENT SCHMOTTER

President Schmotter provided an overview of the annual report of Western Connecticut State University to the Board, noting that the report illustrated how Western served as a catalyst for the economy, for academic achievement, for community growth and for the promotion of civil dialogue on crucial issues. A video highlighting aspect of the report afforded Board
members an opportunity to hear from students and faculty. As President Schmotter advised the Board, Western is a dynamic, thriving institution that is a vital contributor to both the present and the future advancement and welfare of our society. President Schmotter also informed the Board that this was the second year the annual report was produced solely in electronic format, thereby saving funds which would otherwise have been spent on printing, paper and postage.

AUDIT & RISK MANAGEMENT COMMITTEE

Trustee Sholtis reported that a meeting of the Audit and Risk Management Committee was held on October 14 and thanked Trustee Messina for chairing the meeting in his absence. The main order of business at the October 14 meeting was to consider the approval of the appointment and compensation of PricewaterhouseCoopers LLP as CSUS’s external auditors for the Fiscal Years 2011 through 2015. After an open bidding process, six responses to the Request for Proposals were received and evaluated; from this evaluation, two firms were chosen to give presentations before the selection committee. At the conclusion of this process, PricewaterhouseCoopers LLP was selected as the finalist firm. PWC is to be provided with a five-year contract (cancellable at any time by CSUS) that is slated to expire at the conclusion of the FY2015 audit. Trustee Sholtis noted that the compensation schedule proposed by PWC was very competitive, with the Committee unanimously approving the appointment of PWC as CSUS’s external auditors through 2015.

Trustee Sholtis added that the Committee also heard a status from Mr. Knight on Internal Audit activities.

STUDENT LIFE COMMITTEE

Trustee Panciera reported that the Student Life Committee met on Tuesday October 12, 2010 at Southern Connecticut State University and recommended approval of the proposed resolution concerning the Student Code of Conduct and Statement of Disciplinary Procedures in the Connecticut State University System which would rescind Board Resolution #04-55, as revised by Board Resolution #05-14. The proposed Code was the result of
arduous consultation with university leadership and disciplinary officers, students and the Student Life Committee of the Board.

Trustee Panciera noted that the proposed Code of Conduct 1) specifies the portions of the Code that are of an academic nature, versus those that are non-academic in nature; 2) places specific emphasis on the educational and student development intent of the Code, over judicial processes that are part of law enforcement and need not be replicated at the universities; and 3) incorporates forms of misconduct that had not been addressed in previous codes, in particular those mediated by technological means.

Trustee Panciera highlighted the following comparisons with respect to former documents, noting the proposed Code and guidelines provided:

- Better delineation of the Scope of Disciplinary Authority
- Clear guidance for university disciplinary procedures (as opposed to formulating the details)
- Classification of violations under four broad categories involving personal integrity; the rights of others; health and safety of the university community; and on-going activities and/or processes of the university
- Specification of Code violation involving technology for voyeurism and stalking, the status of consent and mental capacity under sexual assault, the practice of hazing, and disorderly conduct
- Introduction of cheating under the academic misconduct
- Introduction of prohibition of the use, possession, purchase, sale or distribution of alcoholic beverages
- Forbids the unauthorized use of keys and forcible and/or unauthorized presence in University premises
- Prohibition of possession of deadly and dangerous weapons, even if legally owned
- Inclusion of disruption of university functions and allowing flow of traffic as violations of the Code
- Inclusion of misuse of university computing facilities in the violation of copyright laws and sending of obscene messages as violations of the Code
• Elimination of the 90 day statute of limitation within which reports/charges must be filed
• Introduction of the Academic Misconduct Hearing Board
• Provision of a five-years limit for the maintenance of Disciplinary Records

On behalf of the Committee, Trustee Panciera lauded the joint efforts of the Student Life and Academic Affairs divisions at the universities in clarifying and better defining the complex and multiple aspects of concern embodied in this resolution.

**On a motion by Trustee Panciera, seconded by Trustee Doyle, the following resolution was unanimously approved:**

WHEREAS, The universities in Connecticut State University System are committed to support student learning, development and socialization in an environment of civility, to encourage the pursuit of truth, and to seek the general well being of society, and

WHEREAS, A proper system of university governance ensures that all academic and social interactions at the universities develop in an atmosphere of tolerance and mutual respect, and

WHEREAS, Board Resolution #04-55, as revised by Board Resolution #05-14, provided a statement of student rights and responsibilities and a codified a set of procedures to protect those rights and address the abdication of those responsibilities, and

WHEREAS, With the considerable experience gathered through the implementation of the above resolution, it is appropriate to address more fully some aspects of conduct violations and to provide better guidance for universities to formulate disciplinary procedures, and

WHEREAS, A better delineation must be made regarding the roles and responsibilities of the academic and student affairs divisions of the university administration for the monitoring, processing and adjudicating disciplinary actions as a result of violations of the Student Code of Conduct, and

WHEREAS, The Board of Trustees reaffirms its believe that imbedded in student learning, development and socialization is the adherence to a standards of conduct and civility, and that understanding disciplinary processes as a result of violations are themselves important aspects of all students’ university education, and

WHEREAS, Students and other members of the university community must have a clear understanding of what acts and behaviors constitute violations of the student code of conduct and are subject to disciplinary actions as prescribed in well understood criteria and procedural guidelines, therefore be it

RESOLVED, That Board Resolutions #04-55, as revised by Board Resolution and #05-14, be rescinded, and be it further
RESOLVED, That the Board of Trustees of the Connecticut State University System adopts the addendum to this resolution*, “Student Code of Conduct and Statement of Disciplinary Procedures”, to become effective in the fall 2011 semester.

*Addendum to Resolution (Student Code of Conduct and Statement of Disciplinary Procedures) is attached hereto as Attachment 1)

EXECUTIVE COMMITTEE/CHAIRMAN’S REPORT

Chairman Krapek reported that the Executive Committee met on Thursday, October 13. Noting that the first item moving to the full Board from that meeting was the revision to Section 10.2 of the Human Resources Policies for the System Chancellor and University Presidents. The Chairman added that for the past few months, Trustee Gagne, joined by members of her Committee, Angelo Messina and Peter Rosa, had been reviewing Section 10.2 of those policies.

Prior to getting to the recommendation from the Committee, the Chairman offered his thanks and appreciation to the members of the Ad Hoc Committee.

Chairman Krapek noted the suggested language had been provided to each member of the Board, along with a copy of the report of the Committee outlining their charge, review process and an overview of their deliberations (copy of Committee’s report is attached hereto as Attachment 2).

Chairman Krapek asked Ad Hoc Committee Chairman to provide a summation of the Committee’s report and recommendation. Following Trustee Gagne’s brief report, a robust discussion occurred among all members of the Board, during which questions concerning the Committee’s deliberations were responded to by Trustee Gagne, Trustee Rosa and Trustee Messina. At the conclusion of the open discussion, on a previous motion by Trustee Gagne, seconded by Trustee Sullivan, the following resolution was unanimously approved:

WHEREAS, On July 22, 2005, the Board of Trustees revised the Human Resources Policies for the CSUS Chancellor and University Presidents, which outline the terms and conditions of employment of the Chancellor and presidents under their jurisdiction, and

WHEREAS, On January 26, 2007, the Board passed Resolution BR 07-07 authorizing the Executive Committee of the Board to approve amendments to the aforementioned policies as may be necessary from time to time, and subsequently inform the Board of any such revisions, in order to streamline the policy making process and ensure timely action, and
WHEREAS, On September 23, 2010, through BR 10-74, the Board rescinded the authorization provided in BR 07-07 wherein the Executive Committee of the Board could approve amendments to the HR Policies for the CSUS Chancellor and Presidents and concurrently ratified all changes which had been made thereto between January 27, 2007 and September 23, 2010, with the exception of Section 10-2, subject to receipt of the report of the Ad Hoc Committee empanelled to review same, and

WHEREAS, The Ad Hoc Committee to Review Section 10.2 of the Human Resources Policies for the CSUS Chancellor and University Presidents has provided their recommendation for revision thereto and the Executive Committee concurs and moves forward to the full Board of Trustees for review and approval thereof that it is hereby

RESOLVED, That the Board of Trustees approves the following revision to Section 10.2 of the Human Resources Policies for the CSUS Chancellor and University Presidents at the Connecticut State University System:

### 10.2 The Presidents of the four State Universities (revised 12/8/06; 10/1/09; 10/21/2010)

Each President of a university within the CSU System is appointed by the Board, is supervised by the Chancellor, and serves at the pleasure of the Board. He or she may be recommended for non-continuation by the Chancellor without cause or explanation and without recourse to the procedures of Article 10. Prior to notifying the President of his/her intended action and shall receive the Chairman’s concurrence of said action. An employee hired prior to December 8, 2006, may be non-continued upon a one-year written notice, and an employee hired on or after December 8, 2006, may be non-continued upon a three-month written notice. In cases where a President is recommended to be non-continued by the Chancellor, the Chancellor shall report such action to the Executive Committee following notification being provided to the President. At the next meeting of the Board of Trustees, the Board may overturn the recommended non-continuation and either approve or overturn the recommendation by a majority vote of those in attendance and voting at the Board meeting. If no action is taken at the next Board meeting to overturn the Chancellor’s action, the non-continuation shall be implemented as noticed to the Executive Committee and President above. A President may also be terminated by the Board pursuant to Article 10.5. With concurrence of the Executive Committee of the Board and the Chairperson of the Board or, when the Chairperson is unavailable, with the concurrence of the Vice Chairperson, the Chancellor may suspend a President with or without pay. In such a case, the Chancellor shall appoint an Acting President.

Chairman Krapek also reported that the Executive Committee received a copy of the 2011 Board meeting schedule and indicated a copy was provided in Board binders.

**Management Searches.** Chairman Krapek noted the item was for discussion purposes only. With the unexpected announcement by Chancellor Carter of his plans to retire no later
than September 1, 2011, the Chairman stated there were two critically important positions in the
system that need to be filled in accordance with the procedures that outlined in the Board bylaws.

Chairman Krapek stated there would be no shortage of challenges through next spring
and into the 2011-12 academic year, with many complex decisions ahead. As a system, CSUS
will be working with the newly elected state legislature and Governor as they grapple with the
state budget deficit, as well as getting ready for the collective bargaining process with the unions.
Preparations have already begun, and will intensify through the spring.

Chairman Krapek opened the floor for each member to share their thoughts regarding the
search process for Chancellor and for president at Southern Connecticut State University, noting
he believed it was very important for each Trustee who wished to do so to share their thoughts as
to how the Board should proceed regarding the two positions and added that he had not yet
decided how to proceed but would take all remarks into consideration as he made his decision on
initiating the upcoming searches. Each trustee present shared their opinion as to the upcoming
searches (either recommending the chancellor or president search be initiated first or to conduct
both searches at the same time) as follows:

<table>
<thead>
<tr>
<th>Trustee</th>
<th>Search Preference</th>
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<tr>
<td>Karl J. Krapek</td>
<td>--------------------</td>
</tr>
<tr>
<td>Theresa Eberhard Asch</td>
<td>Both</td>
</tr>
<tr>
<td>Richard J. Balducci</td>
<td>Not present</td>
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<tr>
<td>Michael Caron</td>
<td>Chancellor</td>
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<tr>
<td>Andrew Chu</td>
<td>President</td>
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<td>Mercedes DeMasi</td>
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<td>John Doyle</td>
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<td>Elizabeth Gagne</td>
<td>Chancellor</td>
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<tr>
<td>Angelo Messina</td>
<td>Not present</td>
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<td>John Motley</td>
<td>Not present</td>
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<td>Scott Nolan</td>
<td>Chancellor</td>
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<td>L. David Panciera</td>
<td>Chancellor</td>
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<td>Ronald J. Pugliese</td>
<td>President</td>
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<td>Peter M. Rosa</td>
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<tr>
<td>Ryan Sheehan</td>
<td>Chancellor</td>
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<tr>
<td>John R. Sholtis, Jr.</td>
<td>Chancellor</td>
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<tr>
<td>Fr. John P Sullivan</td>
<td>Both</td>
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<tr>
<td>Gail H. Williams</td>
<td>Not present</td>
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Chairman Krapek reiterated his appreciation to the Trustees for their thoughtful input and indicated he expected to be making a decision on the matter within the next two weeks. The Chairman noted that the business portion of the meeting had concluded and that the Board would hear input from students, faculty and staff in open forums and adjourn immediately thereafter. Chairman Krapek apologized that he would have to miss the December 10 meeting and indicated Vice Chairman Balducci would be acting as Chair in his stead.

ADJOURNMENT

Trustee Sullivan moved to adjourn; Trustee Sholtis seconded the motion and the meeting was adjourned at 11:11 p.m.

Respectfully submitted,

Theresa Eberhard Asch, Secretary
Student Code of Conduct and Statement of Disciplinary Procedures
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            DISCIPLINARY PROCEDURES
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   PART D: PROHIBITED CONDUCT

II. DISCIPLINARY PROCEDURES
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   PART B: DISCIPLINARY PROCEDURES - NONACADEMIC MISCONDUCT
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I. STUDENT CODE OF CONDUCT

PREAMBLE

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students and the general well being of society. In line with this purpose, the University has the duty to protect the freedoms of inquiry and expression and furthermore has the responsibility to encourage all of its members to develop the capacity for critical judgment in their sustained and independent search for truth.

The Connecticut State University System has certain self-defined institutional values. Principal among these values is respect for the dignity, rights, and individuality of each member of the University Community. The opportunity to live, study, and work in an institution which values diverse intellectual and cultural perspectives and encourages discussion and debate about competing ideas in an atmosphere of civility is a basic component of quality higher education.

All members of the University Community must at all times govern their social and academic interactions with tolerance and mutual respect so that the men and women who pass through the University's doors are enriched by these experiences and are prepared for full and enlightened participation in a multi-cultural society. Because of the University's commitment to principles of pluralism, mutual respect, and civility, certain activities are not acceptable on the University's campus. Acts of intolerance, of hatred or violence based on race, religion, sexual orientation, disability, gender, age, or ethnic background are antithetical to the University's fundamental principles and values. It is the University's responsibility to secure the students' right to learn by establishing an environment of civility.

The disciplinary process is intended to be part of the educational mission of the CSU System. Student disciplinary proceedings are not criminal proceedings and are not subject to court rules of procedure and evidence.

INTRODUCTION

This Student Code of Conduct (hereinafter the “Student Code”) is intended to present a clear statement of student rights and responsibilities established by the Connecticut State University System (“CSUS”) Board of Trustees. The Board has charged the Chancellor with developing procedures to protect those rights and to address the abdication of those responsibilities in collaboration with the four Universities. The Student Code describes the types of acts that are not acceptable in an academic community.

Students must be aware that, as citizens, they are subject to all federal and state laws in addition to all University regulations governing student conduct and responsibilities. Students do not relinquish their rights nor do they shed their responsibilities as citizens by becoming members of the Connecticut State University Community.

Disclaimer: This Code is neither a contract nor an offer of a contract between the University and any student. The provisions of this Code are subject to revision at any time.
PART A: DEFINITIONS

The following list of defined terms utilized throughout this Student Code is provided in an effort to facilitate a more thorough understanding of the Code. This list is not intended to be a complete list of all the terms referenced in the Student Code that might require interpretation or clarification. The Vice President for Student Affairs or his or her designee shall make the final determination of the definition of any term found in the Student Code. For purposes of interpretation and application of the Student Code only, the following terms shall have the following meanings:

1. **“Accused Student”** means any student accused of violating this Student Code.

2. **“Appellate Body”** means any person or persons authorized by the Vice President for Student Affairs or his or her designee to consider an appeal from a determination by a Hearing Body that a student has violated the Student Code.

3. **“Disciplinary Officer” or “Conduct Administrator”** means a University official who is authorized to determine the appropriate resolution of an alleged violation of the Code, and/or to impose sanctions or affect other remedies as appropriate. Subject to the provisions of this Code, a disciplinary officer or conduct administrator is vested with the authority to, among other duties: investigate a complaint of an alleged violation of the Code; decline to pursue a complaint; refer identified disputants to mediation or other appropriate avenues of resolution; establish charges against a student; enter into an administrative agreement developed with an Accused Student in accordance with Section II-B-3 of this Code; advise a Hearing Body; and present the case against the Accused Student as the Complainant before the Hearing Body.

4. **“Hearing Body”** means any person or persons authorized by the Vice President for Student Affairs to determine whether a student has violated the Code and to impose sanctions as warranted, including a hearing officer, hearing board, or hearing panel.

5. **“Instructor”** means any faculty member, teaching assistant, or any other person authorized by the University to provide educational services, including, but not limited to, teaching, research and academic advising.

6. **“Member of the University Community”** means any person who is a student, a University official, or any other person who works for the University, either directly or indirectly (e.g., for a private enterprise doing business on the University’s campus).

7. **“Policy”** means the written regulations, standards and student conduct expectations adopted by the University and found in, but not limited to, the Student Handbook, the Residence Life Handbook, the housing contract, the graduate and undergraduate catalogs, and other publicized University notices.

8. **“Prohibited Conduct”** means the conduct prohibited by this Code, as more particularly described in Part I-D of this Code.
9. “Reporting Party” means any person who submits a charge alleging that a student has violated this Code.

10. “Student” means any person admitted, registered, enrolled or attending any University course or University-conducted program, whether full-time or part-time, and whether pursuing undergraduate, graduate or professional studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students” for purposes of application of this Code.


12. “Student Organization” means an association or group of persons that have complied with the formal requirements for University recognition.

13. “Support Person” means a person, who accompanies an Accused Student, a Reporter, a witness, or a victim to a hearing for the limited purpose of providing support and guidance. A support person may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process.

14. “University” means the CSU System University where the alleged violation of the Code occurred.

15. “University Affiliates” means individuals and/or entities with whom or with which the University has a contractual relationship.

16. “University Calendar Days” means the weekdays (Mondays through Fridays) when the University is open.

17. “University Official” means any person employed by the University to perform assigned administrative, instructional, or professional responsibilities.

18. “University Premises” means all land, buildings, facilities, and other property in the possession of, or owned, used, and/or controlled by, the University, either solely or in conjunction with another entity.

19. “Shall” and “will” are used in the imperative sense.

20. “May” is used in the permissive sense.
**PART B: APPLICATION, DISTRIBUTION AND ADMINISTRATION OF THE STUDENT CODE OF CONDUCT**

1. **Application of the Student Code:** The Student Code shall apply to the four Connecticut State Universities: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University and Western Connecticut State University. An alleged violation of the Student Code shall be addressed in accordance with the procedures agreed to by the Universities, even if the accused Student has withdrawn from the University prior to the completion of the disciplinary procedures.

The Student Code shall apply to Students and to Student Organizations. The term “student” shall generally apply to the student as an individual and to a Student Organization as a single entity. The officers or leaders of a particular Student Organization usually will be expected to represent the organization during the disciplinary process. Nothing in this Student Code shall preclude holding certain members of a Student Organization accountable for their individual acts committed in the context of or in association with the organization’s alleged violation of this Code.

2. **Distribution of the Student Code:** The Student Code shall be made available electronically and/or in a printed publication to students, faculty and staff. The Office of Student Affairs will distribute and make available to students, faculty and staff, electronically and/or in a printed publication, any revisions to the Code.

3. **Administration of the Student Code:** The Vice President for Academic Affairs shall be the person designated by the University President to be responsible for the administration of the Academic Misconduct portion of the Student Code. The Vice President for Student Affairs shall be the person designated by the University President to be responsible for the administration of the Non-Academic Misconduct portion of the Student Code.

**PART C: SCOPE OF DISCIPLINARY AUTHORITY**

A Student who is found responsible for engaging in conduct that violates the Student Code on any Connecticut State University System campus or on property controlled by the University or by any University Affiliate shall be subject to the sanctions described in this Code. Students who attempt to engage in conduct that violates this Code, who knowingly encourage, aid or assist another person in engaging in such conduct, or who agree with another person, explicitly or otherwise, to engage in such conduct, may also be subject to disciplinary action.

Off-campus misconduct may be subject to the jurisdiction of the University and addressed through its disciplinary procedures if one of the following conditions is met: (i) a Student engages in prohibited conduct at an official University event, at a University-sanctioned event, or at an event sponsored by a recognized Student Organization; or (ii) a Student engages in prohibited conduct under such circumstances that reasonable grounds exist for believing that the Accused Student poses a threat to the life, health or safety of any member of the University Community or to the property of the University.
PART D: PROHIBITED CONDUCT

The following list of behaviors is intended to represent the types of acts that constitute violations of this Code. Behaviors which are prohibited by this Code may be categorized into four broad areas: violations involving personal integrity; violations involving the rights of other individuals; violations involving health and safety of the university community; and violations involving the on-going activities and/or processes of the university. Although the list is extensive, it should not be regarded as all-inclusive.

Violations Involving Personal Integrity

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

   Plagiarism may be defined as occurring when “a writer … uses someone else’s language, ideas, or other original (not common knowledge) material without acknowledging its source.” (Council of Writing Program Administrators, 2003.) It includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

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

2. Acts of dishonesty, including but not limited to the following:

   a. Misuse of University documents, including, but not limited to, forging, transferring, altering or otherwise misusing a student fee card, student payroll card, identification card or other University identification document, course registration document, schedule card, transcript, or any other University-issued document or record.

   b. Knowingly furnishing false information to any University Official, faculty member or office.

3. Theft of property or services, or damage to, defacement or destruction of, or tampering with, real or personal property owned by the State of Connecticut, the University, or any member of the University Community.

Violations Involving Other Individuals

1 These area headings are for ease of reference only and are not intended to in any way circumscribe the applicability of the offenses described thereunder.
4. Actual or threatened physical assault or abuse, threatening behavior, intimidation, or coercion.

5. Sexual assault; sexual misconduct, which is defined as any unwanted or unwelcome physical contact of a sexual nature; or sexual harassment, which is defined as any unsolicited, unwelcome, and unwanted sexual advance or other conduct of a sexual nature which has the effect of interfering with an individual's performance or creating an intimidating, hostile, or offensive environment. Sexual assault or misconduct may include a sexual act directed against another person when that person is not capable of giving consent, which shall mean the voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make a deliberate choice to do something proposed by another. A person who initially consents to sexual activity shall be deemed not to have consented to any such activity which occurs after that consent is withdrawn. Consent cannot be assumed because there is no physical resistance or other negative response. A lack of consent may result from mental incapacity (e.g., ingestion of alcohol or drugs which significantly impair awareness or judgment) or physical incapacity (e.g., the person is unconscious or otherwise unable to communicate consent).

6. Violations of privacy, including, but not limited to, voyeurism and the use of web-based, electronic or other devices to make a photographic, audio or video record of any person without his or her prior knowledge, and without his or her consent, when such a recording is intended or likely to cause injury or distress. This includes, but is not limited to: (i) surreptitiously taking pictures or videos of another person in spaces such as sleeping areas, bathrooms, gymnasiums, locker rooms, and changing areas; and (ii) sexually exploiting another person by electronically recording, or permitting others to view or electronically record, consensual sexual activity without a partner’s knowledge or permitting others to view or listen to such video or audio tapes without a partner’s knowledge and consent. Publicizing or threatening to publicize such records will also be considered a violation of this Code.

7. Hazing, which is defined as an act which endangers the mental or physical health or safety of a Student, or which destroys, damages, or removes public or private property, for the purpose of initiation or admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense to an allegation of hazing. Consenting to the activity by remaining silent or not objecting in the presence of hazing is not a neutral act and is also a violation of this Student Code.

8. Stalking, which is defined as repeatedly contacting another person when:

   a. The contacting person knows or should know that the contact is unwanted by the other person; and

   b. 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, online community or any other internet communication) or remaining in the physical presence of the other person.

9. Harassment, which is defined as conduct which is abusive or which interferes with a person’s pursuit of his or her customary or usual affairs, including, but not limited to, such conduct when directed toward an individual or group because of race, ethnicity, ancestry, national origin, religion, gender, sexual orientation, age, physical attribute, or physical or mental disability or disorder, including learning disabilities and mental retardation.

10. Conduct that is disorderly, lewd or indecent (including, but not limited to, public nudity and sexual activity in areas generally open to members of the campus community); breach of peace; or aiding, abetting or procuring another person to breach the peace on University Premises or at functions sponsored by, or participant in by, the University or members of the University Community.

11. Behavior or activity which endangers the health, safety, or well-being of oneself or others.

Violations Involving Health and Safety of the University Community

12. Unauthorized possession, duplication or use of keys to any University Premises, or forcible and/or unauthorized entry into and/or unauthorized presence in University Premises.

13. Starting fires, causing explosions, falsely reporting the presence of fire, bombs, incendiary or explosive devices, or falsely reporting an emergency.

14. Unauthorized or improper possession, use, removal, tampering or disabling of fire and/or safety equipment and warning devices, failure to follow standard fire and/or emergency safety procedures, or interference with firefighting or emergency response equipment or personnel.

15. Use, possession, purchase, sale or distribution of alcoholic beverages, except as expressly permitted by law and University regulations. Alcoholic beverages may not, under any circumstances, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.

16. Use, possession, purchase, sale, distribution or manufacturing of narcotics, controlled substances and/or drugs, including, but not limited to, marijuana and heroin, or drug paraphernalia, except as expressly permitted by law.

17. Use, possession or distribution of firearms, ammunition for firearms, other weapons or dangerous instruments, facsimiles of weapons or firearms, fireworks, explosives or dangerous chemicals. A dangerous instrument is any instrument, article or substance that, under the circumstances in which it is being utilized, is capable of causing death or
serious physical injury. The possession of a deadly weapon or dangerous instrument on campus is strictly prohibited, even if such item is legally owned.

18. Gambling, including, but not limited to, promoting, wagering, receiving monies for wagering or gambling for money or property, on University premises.

19. Disruption or obstruction of any University function, activity or event, whether it occurs on or off the campus, or of any non-University function, activity or event which is authorized by the University to occur on its premises.

**Violations Involving the On-going Activities and/or Processes of the University**

20. Intentional obstruction of the free flow of pedestrian or vehicular traffic on University Premises or at University-sponsored or supervised functions or interference with entry into or exit from University Premises or with the free movement of any person.

21. Failure to comply with the directions of University officials or law enforcement officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.

22. Conduct that violates published University policies, rules, and regulations, including, but not limited to, residence hall rules and regulations.

23. Conduct prohibited by any federal, state, and/or local law, regulation or ordinance.

24. Unauthorized use of University property or the property of members of the University Community or of University Affiliates.

25. Theft, unauthorized use, or abuse of University computers and/or peripheral systems and networks, including, but not limited to:
   a. Unauthorized access to University computer programs or files;
   b. Unauthorized alteration, transfer or duplication of University computer programs or files;
   c. Unauthorized use of another individual’s identification and/or password;
   d. Deliberate disruption of the operation of University computer systems and networks;
   e. Use of University computing facilities and resources in violation of copyright laws (including unauthorized peer-to-peer file sharing of copyrighted material, including, but not limited to, copyrighted music, movies, and software);
   f. Use of computing facilities and resources to send obscene messages (which are defined as messages which appeal mainly to a prurient, shameful or morbid interest in nudity, sex, excretion, sadism or masochism, go well beyond
customary limits of candor in describing or representing such matters, and are utterly without redeeming social value); and

g. Violation of the Connecticut State University System Policy Statement on Student Use of University Computer Systems and Networks and/or any applicable University computer use policy.

26. Abuse of the University disciplinary system, including but not limited to:

   a. Failure to obey the notice from a Hearing Body or University Official to appear for a meeting or hearing as part of the Student Conduct system;

   b. Falsification, distortion, or intentional misrepresentation of information to a Disciplinary Officer or Conduct Administrator, or before a Hearing Body;

   c. Institution of a disciplinary proceeding knowingly without cause;

   d. Disruption or interference with the orderly conduct of a disciplinary proceeding;

   e. Attempting to discourage an individual’s proper participation in, or use of, the disciplinary system;

   f. Attempting to influence the impartiality of a Disciplinary Officer, Conduct Administrator or member of a Hearing Body prior to, and/or during the course of, the disciplinary proceeding;

   g. Harassment (verbal or physical) and/or intimidation of a Disciplinary Officer, Conduct Administrator, or member of a Hearing Body prior to, and/or during the course of, the disciplinary proceeding;

   h. Failure to comply with the sanction(s) imposed under the Student Code; and

   i. Influencing or attempting to influence another person to commit an abuse of the disciplinary system.

II. PROCEDURES FOR ADDRESSING ALLEGATIONS OF MISCONDUCT

PART A: PROCEDURES FOR ADDRESSING ALLEGATIONS OF ACADEMIC MISCONDUCT

Procedures for addressing allegations and sanctions regarding academic misconduct (as defined in Section I.D.1 above) shall be established by the Universities. Below are a set of principles to which such procedures shall adhere.
1. **Instructor's Role:**

When the instructor of record or his or her designee believes that an act of academic misconduct has occurred, he or she shall notify the student of the allegation and save any evidence of such misconduct in its original form. (Copies of the Accused Student’s work will be provided to the Student upon request.) In addition, the instructor shall not transmit a final grade to the registrar until such time as the allegation(s) of academic misconduct are finally determined.

2. **Information from Person other than Student's Instructor:** Any member of the University Community may provide information which might lead to a complaint against a Student alleging academic misconduct.

3. **The Academic Misconduct Hearing Board:** There shall be an academic misconduct hearing board convened by the University's Disciplinary Officer to consider allegations of academic misconduct lodged against a Student. The University’s disciplinary officer shall be a non-voting member of the board and act as convener.

4. **Hearing Process:** The Accused Student shall be afforded adequate notice of the allegation, an opportunity to discuss the allegation with the instructor, and adequate time to request and prepare for a hearing. All parties shall have an opportunity to be heard and a record of the proceedings shall be made. The decision of a hearing board shall be communicated in writing.

5. **Sanctions:** If the academic misconduct hearing board determines that the Accused Student is "Not Responsible," the board shall not impose any sanctions. The board shall so advise the Student’s instructor and the instructor shall reevaluate the student’s course grade in light of the Board’s determination. If the academic misconduct hearing board determines that the Accused Student is "Responsible," the academic sanction set forth in the instructor's course syllabus shall be imposed.

The academic misconduct hearing board may make a recommendation to change the academic sanction imposed by the instructor on the basis of its hearing of the evidence of academic misconduct. Upon consideration of the Accused Student's record of misconduct and/or the nature of the offense, the academic misconduct hearing board may impose additional non-academic sanctions in proportion to the severity of the misconduct. These sanctions may include the following: warning, written reprimand, discretionary sanctions, suspension and/or expulsion, as described in II.D of this Student Code of Conduct.

6. **Appeals:** The decision rendered by the academic misconduct hearing board may be appealed to the Provost/Academic Vice President, who shall review the record of the hearing, including any and all documents presented to the academic misconduct hearing board. An appeal shall be in writing and shall be delivered to the Provost/Academic Vice President within three (3) University calendar days of receipt of the academic misconduct hearing board’s written decision.
An appeal may be brought on any of four grounds: (a) a claim that error in the hearing procedure substantially affected the decision; (b) a claim that new evidence or information material to the case was not known at the time of the hearing; (c) a claim that the non-academic sanction(s) imposed were not appropriate for the violation of the Code for which the accused student was found responsible; and/or (d) a claim that the academic sanction imposed has resulted in a palpable injustice. The Provost/Academic Vice President shall have the right to deny an appeal not brought on any of the foregoing grounds. The decision rendered by the Provost/Academic Vice President shall be final and there shall be no further right of appeal.

PART B: PROCEDURES FOR ADDRESSING ALLEGATIONS OF NONACADEMIC MISCONDUCT

The following procedures shall be followed in addressing allegations of non-academic misconduct.

1. Providing Information leading to a Complaint: Any member of the University Community may provide information leading to the filing of a complaint against a Student or a Student Organization alleging a violation of the Student Code. A complaint must be made in writing and submitted to the University’s Disciplinary Officer or Conduct Administrator.

2. Disciplinary Proceedings Against a Student Charged with a Violation of Law and a Violation of the Code: University proceedings may be instituted against an Accused Student who has been charged with a violation of state or federal law for conduct which also constitutes a potential violation of this Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following the institution of civil or criminal court proceedings against the Accused Student. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

3. Pre-Hearing Investigation and Administrative Disposition: The Disciplinary Officer or Conduct Administrator may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the Accused Student and the Disciplinary Officer or Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Disciplinary Officer or Conduct Administrator may also present the case for the University at any subsequent hearing, but if he or she does, he or she shall not serve as a member of the Hearing Body.

4. Hearing Bodies: A Student accused of misconduct has the right to be heard by an impartial Hearing Body. Any dispute surrounding the impartiality of the Hearing Body or any member thereof will be referred to the Vice President for Student Affairs or his or her designee, who will review the matter and make a determination.
5. **Hearing Procedures:**

a. **Notice of Hearing:** Normally, a hearing will be conducted within ten (10) University Calendar Days of the Accused Student being notified of the charges. Notice may be provided to the Accused Student by in-hand delivery, by registered mail, by University email, with delivery receipt attached, or by certified mail, return receipt requested, or by overnight delivery, with signature of recipient required. Notice shall be sent or delivered to the Accused Student at his or her campus email address, campus address, if any, or at his or her home address on file with the University, whichever is appropriate. Should the Accused Student refuse to accept in-hand delivery, a written statement of the attempted delivery of the notice signed by the person attempting to make such delivery shall constitute notice. Should the Accused Student refuse to sign for registered or certified mail, the postal document indicating such refusal shall constitute notice. Delivery of notice via University email shall constitute notice regardless of whether the Accused Student has opened and read the email itself.

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

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

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

The Accused Student, the Reporting Party and any alleged victim shall have the right to be present at all stages of the hearing process except during the private deliberations of the Hearing Body and the presentation of sanctions. In hearings involving more than one Accused Student, the Hearing Body may determine that, in the interest of fairness, separate hearings should be convened.
c. **Record of Hearing:** When expulsion or suspension from the University or residence hall separation is a possibility, the University shall make a recording of the hearing. The recording shall be the property of the University. No other recordings shall be made by any person during the hearing. Upon request, the Accused Student may review the recording in a designated University office in order to prepare for an appeal of the decision rendered by the Hearing Body. Further disclosure of the recording shall be governed by applicable state and federal law.

d. **Opportunity to Present a Defense:** The Accused Student shall have the full opportunity to present a defense and information, including the testimony of witnesses, in his or her behalf. The Reporting Party and the Accused Student may question the statements of any person who testifies in a manner deemed appropriate by the Hearing Body. The Reporting Party and the Accused Student may make concluding statements regarding the charges made and the information presented during the hearing. The Hearing Body may question the Accused Student and the Reporting Party, any witness presented by the Accused Student or the Reporting Party, and any other witness(es) the Hearing Body may choose to call to testify.

e. **Accused Student Can Choose Whether or Not to Testify in His or Her Own Defense:** The Accused Student who is present at the hearing shall be advised by the Hearing Body that he or she is not required to testify, to answer questions, or to make any statement regarding the complaint or the allegations set forth in the complaint. Refusal to do so shall not be considered by the Hearing Body to constitute evidence of responsibility.

f. **Non-Appearance of Accused Student at Disciplinary Hearing:** If an Accused Student does not appear at a disciplinary hearing, the Hearing Body shall enter a plea of “not responsible” on behalf of such student and the hearing shall proceed in the normal manner of hearing evidence, weighing facts, and rendering judgment. The failure of an Accused Student to appear at the disciplinary hearing shall not be considered by the Hearing Body to constitute evidence of responsibility.

g. **Support Persons:** The Reporting Party, any alleged victim, and the Accused Student shall each have the right to be accompanied by a Support Person. The Support Person should be someone whose schedule allows attendance at the scheduled date and time for the disciplinary hearing because delays will not normally be allowed due to the scheduling conflicts of a Support Person.

h. **Presentation of Evidence:** Only evidence introduced at the hearing itself may be considered by the Hearing Body.

i. **Evidence of Prior Convictions or Disciplinary Actions:** Evidence of prior criminal convictions or University disciplinary actions may be presented to the Hearing Body only after a determination of responsibility has been made and only for consideration in connection with determining the sanction.
j. **Accommodation of Witnesses:** The Hearing Body may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Reporting Party, the Accused Student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Hearing Body to be appropriate.

k. **Written Notice of Decision:** The Accused Student shall receive written notice of the decision of the Hearing Body that shall set forth the decision rendered, including a finding of “responsible” or “not responsible,” and the sanctions imposed, if any. The decision of the Hearing Body, as well as the sanction(s) imposed, if any, generally will not be released to third parties without the prior written consent of the Accused Student. However, certain information may be released if and to the extent authorized by state or federal law.

6. **Appeals:** The decision of the Hearing Body may be appealed by the Accused Student to the Vice President for Student Affairs or his or her designee. A request for review must be made in writing to the Vice President for Student Affairs or his or her designee within three (3) University Calendar Days of the Accused Student’s receipt of the written notice of decision. For good cause shown, the Vice President for Student Affairs may extend the three-University Calendar Day limitation on filing appeals. An Accused Student may request only one review of each decision rendered by the Hearing Body. A decision reached as a result of an Administrative Disposition may not be appealed.

a. **Grounds for Appeal:** The Accused Student has the right to appeal the decision of the Hearing Body on the grounds that: (i) the procedures set forth in this Code were not followed and, as a result, the decision was substantially affected; (ii) the sanction(s) imposed were not appropriate for the violation of the Code for which the Accused Student was found responsible; and/or (iii) new information, sufficient to alter the decision, or other relevant facts were not brought out in the original hearing because such information and/or facts were not known to the Accused Student at the time of the original hearing. The appeal shall be limited to a review of the record except as required to explain the basis of new information.

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

If an appeal is upheld, the matter shall be referred to the original Hearing Body for reconsideration of its original determination or to a newly-constituted Hearing Body for a new hearing, or the sanction imposed may be reduced, as appropriate. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.
c. **Status of Student Pending Appeal:** All sanctions imposed by the Hearing Body shall be and continue in effect pending the outcome of an appeal. Any request to delay the commencement of sanctions pending an appeal must be made by the Accused Student, in writing, to the Vice President for Student Affairs or his or her designee.

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

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

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

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

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

2. **Effect of Interim Suspension or Residence Hall Separation:** During the interim suspension or residence hall separation, the removed Student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the Student might otherwise be eligible, as the Vice President for Student Affairs, or his or her designee, may determine to be appropriate.

3. **Procedure:** The Accused Student shall be notified, either orally or in writing, of the pending imposition of an interim suspension or residence hall separation. Whenever possible, prior to the imposition of the interim suspension or separation, the affected Student will be afforded an opportunity to meet with the Vice President for Student Affairs, or his or her designee. Otherwise, the meeting will be held on the first University Calendar Day that the Student is available.

   At that meeting, the Accused Student will be advised of the misconduct charges made against him or her and the information upon which the determination that the Student has engaged in conduct warranting an interim suspension or residence hall separation was based. If the Student denies the charges, he or she will be advised of the nature of the evidence supporting the charges. At that meeting, the Accused Student will be given the
opportunity to challenge the reliability of the information concerning his or her conduct, present his or her version of the events giving rise to the charges, and challenge the determination that he or she has engaged in conduct warranting an interim suspension or residence hall separation.

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

**PART D: DISCIPLINARY SANCTIONS**

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

1. **Sanctions Which May Be Imposed for Violations of the Code:** The following sanctions may be imposed, individually or in various combinations, on any student found to have violated the Student Code, and will be entered into the Student's disciplinary records. Notation of disciplinary sanctions shall be on file only in the appropriate office in the Division of Student Affairs and shall not be released without the written consent of the Student except to appropriate University enforcement personnel, University police, staff and administrators, or as required by law.
   a. **Warning:** A disciplinary warning is a written notice to a Student advising him or her that specific behavior or activity constitutes a violation of the Code and that the repetition of such behavior will likely result in the commencement of more serious disciplinary action by the University.
   b. **Written Reprimand:** A written reprimand for a violation of the Code.
   c. **Probation:** Disciplinary probation is a designated period of time during which a Student is given the opportunity to modify unacceptable behavior and/or to complete specific assignments in an effort to regain full student privileges within University Community. Disciplinary probation may involve the imposition of certain restrictions and/or conditions upon the Student including, but not limited to, financial restitution, community service, fines, referral for professional services such as counseling, participation in educational programs, parental notification under limited circumstances, and ineligibility to participate in University activities or events. Periodic contact with a designated member of the University Community or non-college professional may be required. If the Student fully complies with the terms and conditions imposed in connection with the disciplinary probation, full student privileges will be restored to the student.
upon termination of the probationary period. Failure to comply with the terms and conditions of the probation constitutes prohibited conduct that is separate from and in addition to the conduct for which the probation was imposed. A Student accused of violation of probation will be given due notice of the alleged violation and the procedures set forth in this Code shall be followed.

d. **Loss of Privileges**: Denial of specified privileges for a designated period.

e. **Restitution**: Compensation for loss, damage to real or personal property. This may take the form of appropriate service and/or monetary or material replacement.

f. **Discretionary Sanctions**: Work assignments, essays, service to the University, or other related discretionary assignments, referral for professional services such as counseling, participation in educational programs, parental notification under limited circumstances, and ineligibility to participate in University activities or events. Periodic contact with a designated member of the University Community or non-college professional may be required.

g. **Residence Hall Warning**: A written notice to a Student advising him or her that specific behavior or activity constitutes a violation of the Code and that the repetition of such behavior will likely result in the commencement of more serious disciplinary action by the University.

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

i. **Residence Hall Suspension**: Separation of the Student from the residence halls for a definite period of time, after which the Student is eligible to return. Conditions for readmission may be specified.

j. **Residence Hall Expulsion**: Permanent separation of the Student from the residence halls.
k. **Suspension**: Suspension is temporary disciplinary separation from all universities within the Connecticut State University System and the denial of all student privileges. Suspension shall be effective on the date that notice of the suspension is provided to the Accused Student, or later, if so stated in the notice, and shall prescribe the date and conditions upon which the Student may petition for readmission to the University. A Student separated from all universities within the CSU System by suspension may under the terms of the suspension be excluded from the premises of all CSUS universities when in the judgment of the suspending authority the Student’s continued presence would constitute a danger to persons or property or a threat to the academic process. Notwithstanding the foregoing, the suspending authority of the suspended Student’s home University or his or her designee may authorize a suspended student who has been excluded from all University premises to enter the premises of the student’s home University for designated purposes.

l. **Expulsion**: Expulsion is permanent disciplinary separation from all universities within the Connecticut State University System and the denial of all student privileges. Expulsion shall be effective on the date that notice of expulsion is provided to the Accused Student, or later, if so stated in the notice. A student separated from all universities of the CSU System by expulsion may under the terms of the expulsion be excluded from the premises of all CSUS universities when in the judgment of the expelling authority the Student’s presence would constitute a danger to persons or property or a threat to the academic process.

2. **Revocation of Admission and/or Degree**: Upon the recommendation of the Hearing Body, admission to or a degree awarded from the University may be revoked by the University, acting through its President (or his or her designee) for fraud, misrepresentation, or other violation of University standards in obtaining admission or the degree.

3. **Consequences of Failure to Comply with a Duly Assigned Sanction**: Failure to comply with sanctions which have been assigned through a formal judicial process may lead to one or more of the following consequences:
   
a. Denial of access to certain university services, including, but not limited to housing and parking;
   
b. Denial of access to administrative processes, including, but not limited to, course add/drop, pre-registration, registration and room selection; and/or
   
c. Withholding of the privilege of participation in university sponsored activities and/or public ceremonies, or formal disciplinary charges under II.B hereof.
4. **Sanctions Which May Be Imposed on Student Organizations**
   
a. **Sanctions**: Those sanctions listed in subsections 1.a through f of Section II.D.

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

**PART E: DISCIPLINARY RECORDS**

A Student’s disciplinary record shall be maintained separately from any other academic or official file maintained by the University. Disciplinary Records will be maintained for a period of five (5) years from the date of the incident, except that the sanction of expulsion shall be noted permanently. Information contained in the disciplinary record will be released only in accordance with applicable federal and state laws and regulations.

**PART F: INTERPRETATION AND REVISION**

Questions regarding the interpretation of this Code shall be referred to the University’s Vice President for Student Affairs or his or her designee, in the case of non-academic misconduct, or the Vice President for Academic Affairs or his or her designee in the case of academic misconduct, for final determination. The interpretation accorded by the Vice President for Academic or Student Affairs or his or her designee shall be binding.

The Disciplinary Procedures (Part II of this document) outlined herein shall be reviewed and revised, if and as necessary, by the universities’ Vice Presidents for Academic and Student Affairs, every two (2) years, as directed by the Chancellor of the Connecticut State University System.
BOARD OF TRUSTEES
FOR THE
CONNECTICUT STATE UNIVERSITY SYSTEM

AD HOC COMMITTEE TO REVIEW SECTION 10.2
of
HUMAN RESOURCE POLICIES FOR CSUS CHANCELLOR
and
UNIVERSITY PRESIDENTS

COMMITTEE CHAIR, ELIZABETH S. GAGNE
ANGELO J. MESSINA
PETER M. ROSA

OCTOBER 13, 2010
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INTRODUCTION

As called for within Article III, Section 2 of the Bylaws for the Board of Trustees of the Connecticut State University System, the Board Chairman has the authority to establish additional committees of the Board from time to time for purposes of efficient operation.

Per the June 14, 2010 meeting minutes of the full Board of Trustees,

“Chairman Krapek stated that on October 1, 2009 the Executive Committee approved a revision to Section 10.2 of the Human Resource Policies for the Chancellor and University Presidents, which was then reported out to the full Board on October 8, 2009. The Chairman indicated that the Executive Committee had intended to review the item for fine-tuning if necessary, however, in light of the considerable attention to this issue in the last few months, he felt the most appropriate course of action was to empanel an Ad Hoc Committee for the purpose of reviewing Section 10.2. The Chairman informed the Board that the Ad Hoc Committee would be chaired by Trustee Elizabeth Gagne, with Trustees Peter Rosa and Angelo Messina also serving. Chairman Krapek noted that he had every confidence in the committee to review the revised procedure and to report their findings back to the Board.”

Charge of Committee

As described by Chairman Krapek at the June 14, 2010 Board meeting, the charge of the committee was intentionally general so as not to be prescriptive or to limit the scope of the review in relation to Section 10.2. In establishing the Ad Hoc Committee, the Chairman expressed his hope that the work of the Committee would be concluded by fall and that all meetings were to conducted in compliance with all open meeting requirements and the notice provisions of state law.

Section 10.2 (previous version and the 10/1/09 update) is noted below and is included as Exhibit C hereto:

10/1/09 POLICY
10.2 The Presidents of the Four State Universities (revised 12/8/06, 10/1/09)
Each President of a university within the CSU System is appointed by the Board, is supervised by the Chancellor, and serves at the pleasure of the Board. He or she may be non-continued by the Chancellor without cause or explanation and without recourse to the procedures of Article 10. Prior to notifying the President of his/her non-continuation, the Chancellor shall notify the Chairman of the Board of his/her intended action and shall receive the Chairman’s concurrence of
said action. An employee hired prior to December 8, 2006, may be non-continued upon a one-year written notice, and an employee hired on or after December 8, 2006, may be non-continued upon a three-month written notice. In cases where a President is to be non-continued by the Chancellor, the Chancellor shall report such action to the Executive Committee following notification being provided to the President. At the next meeting of the Board of Trustees, the Board may overturn the non-continuation by a majority vote of those in attendance and voting at the Board meeting. If no action is taken at the next Board meeting to overturn the Chancellor’s action, the non-continuation shall be implemented as noticed to the Executive Committee and President above. A President may also be terminated by the Board pursuant to Article 10.5. With concurrence of the Executive Committee of the Board and the Chairperson of the Board or, when the Chairperson is unavailable, with the concurrence of the Vice Chairperson, the Chancellor may suspend a President with or without pay. In such a case, the Chancellor shall appoint an Acting President.

12/8/06 POLICY

10.2 The Presidents of the Four State Universities (revised 12/8/06)

Each President of a university within the CSU System is appointed by the Board and serves at the pleasure of the Board. He or she may be non-continued by the Board without cause or explanation and without recourse to the procedures of Article 10. An employee hired prior to December 8, 2006, may be non-continued upon a one-year written notice, and an employee hired on or after December 8, 2006, may be non-continued upon a three-month written notice. A President may also be terminated by the Board pursuant to Article 10.5. With concurrence of the Executive Committee of the Board and the Chairperson of the Board or, when the Chairperson is unavailable, with the concurrence of the Vice Chairperson, the Chancellor may suspend a President with or without pay. In such a case, the Chancellor shall appoint an Acting President.

REVIEW PROCESS

At the organizational meeting of the Committee on July 9, 2010, the Committee agreed to a meeting schedule which had them meeting three additional times, with an expectation that the final report would be brought to the Board at the September 23rd meeting. That schedule was later adjusted to resolve a conflict with the September 9th meeting date. The Committee’s final meeting was moved to October 6, 2010, with the Committee’s report anticipated to be brought to the Executive Committee for distribution to the full Board on October 21, 2010.

In addition to the agreed-upon meeting schedule, the Committee members also agreed to individually solicit the input of the university presidents as well as to request the input of Mr. David Trainor, CSUS Associate Vice Chancellor for Human Resources
& Labor Relations and Executive Assistant to the Chancellor concerning the intent and implications of the revision to Section 10.2 the following items

The Committee received copies of the following documentation to assist in their deliberations

- Bylaws of CSUS Board of Trustees
- HR Policies for CSUS Chancellor and University Presidents
- 10/1/09 Staff Report concerning Section 10.2
- Section 10.2 – current policy and prior version
- BR 07-7 Revision of HR Policies for CSUS Chancellor and University Presidents
- Position Descriptions for CSUS Chancellor and University Presidents
- Board Committees’ areas of jurisdiction
- Section 2 HR Policies of Connecticut Community Colleges (Selection, Appointment & Termination)
- BR 10-74 Revision of HR Policies for CSUS Chancellor and University Presidents

RANGE OF TOPICS DISCUSSED

Over the course of the meetings of the Ad Hoc Committee, a wide range of topics were discussed, some of which included

- the purpose of 10.2 (both old and new—why did administration feel the update was necessary/an improvement);
- Pros and cons concerning efficacy of the policy as revised;
- Benchmarks at other institutions of higher education;
- Use of negotiated separation agreements is not referenced within the policy: what policy governs such agreements; when might one be used or not used; should 10.2 be modified to contemplate that possible resolution to a non-continuation situation;
- Notification of non-continuation (formal notification vs. preliminary informational discussion);
- One-year vs. three-month non-continuation notification; and
- Notification of non-continuation at private industry compared to academia.

The Committee received input from AVC Trainor which indicated the CSUS notification provisions were more generous than that afforded by University of Connecticut (UConn) and the Connecticut Community Colleges (CCC). At UConn, with the exception of the university president, management employees are on an at-will basis. In the case of the CCC, the Committee received a copy of their HR Policies (Exhibit G), which indicated that the CCC Chancellor had the authority to non-continue a college president, without prior approval of the Board of Trustees. Whereas, in the instance of
the CSUS policy (10.2), a non-continuation recommendation by the Chancellor, must first go to the Chairman, then the Executive Committee, then to the full Board if the Board wished to overturn the recommendation of the CSUS Chancellor.

AVC Trainor also pointed out that state statutes detailing the role of the CSUS Board of Trustees have similar language as it relates to the hiring of university presidents and university physicians as contained in the statutes governing UConn and the CCC.

**RECOMMENDATION**

At the October 6, 2010 Ad Hoc Committee meeting, the Committee received without objection the revision to Section 10-2 as provided by Committee Chair Gagne. At that meeting, representatives of the Attorney General’s Office were present and indicated the revision as submitted was acceptable in that it would fully comply with state law. They opined, however, they it might be a preferable management practice for the CSUS Chancellor to meet with the Board prior to notifying the affected individual to notify the Board of the Chancellor’s intent to recommend non-continuation. AVC Trainor pointed out that to do so would not be allowable under state Freedom of Information provisions (C.G.S. Chapter 14, Section 1-200 and Section 1-210 (6) (a) wherein the Board, even if meeting in Executive Session, was obligated to notify the subject individual. That individual would then have the option of attending the meeting and, additionally, call for the meeting to be held in Open session.

Following a discussion among all Committee members, the members of the Ad Hoc Committee approved the following revisions to Section 10.2 of the HR Policies for CSUS Chancellor and University Presidents be moved to the Executive Committee for review and then to the full Board as called for under the recently approved Board Resolution (Exhibit H) 10-74 amending same.
10.2 The Presidents of the four State Universities (revised 12/8/06; 10/1/09; **/2010)

Each President of a university within the CSU System is appointed by the Board, is supervised by the Chancellor, and serves at the pleasure of the Board. He or she may be recommended for non-continuation non-continued by the Chancellor without cause or explanation and without recourse to the procedures of Article 10. Prior to notifying the President of his/her the Chancellor’s intention to recommend non-continuation, the Chancellor shall notify the Chairman of the Board of his/her intended action and shall receive the Chairman’s concurrence of said action. An employee hired prior to December 8, 2006, may be non-continued upon a one-year written notice, and an employee hired on or after December 8, 2006, may be non-continued upon a three-month written notice. In cases where a President is recommended to be non-continued by the Chancellor, the Chancellor shall report such action to the Executive Committee following notification being provided to the President. At the next meeting of the Board of Trustees, the Board may overturn shall take up the recommended non-continuation and either approve or overturn the recommendation by a majority vote of those in attendance and voting at the Board meeting. If no action is taken at the next Board meeting to overturn the Chancellor’s action, the non-continuation shall be implemented as noticed to the Executive Committee and President above. A President may also be terminated by the Board pursuant to Article 10.5. With concurrence of the Executive Committee of the Board and the Chairperson of the Board or, when the Chairperson is unavailable, with the concurrence of the Vice Chairperson, the Chancellor may suspend a President with or without pay. In such a case, the Chancellor shall appoint an Acting President.