

Section 46a-68-89  
Discrimination Complaint  
Process

## **Section 46a-68-89 DISCRIMINATION COMPLAINT PROCESS**

The Connecticut State Community College (CSCC) encourages all employees to utilize the internal grievance procedure adopted by the Board of Regents and the CSCU in all cases of alleged discrimination in employment based on any of the following factors: age, ancestry, color, national origin, gender identity or expression, genetic information, learning disability, marital status, intellectual disability, physical disability (including but not limited to blindness), present or past history of mental disability, prior criminal record, race, religious creed, sex (including pregnancy and sexual harassment), sexual orientation, retaliation for previously opposed discrimination or coercion, veteran status, members of the CT Civil Air Patrol, and workplace hazards to reproductive systems.

The procedure adheres to all regulatory expectations noted below:

- a) The plan shall include a report on the system to process and resolve employee allegations of discrimination consistent with chapter 67 and 68 of the Connecticut General Statutes. Such system shall provide for the expeditious resolution of grievances to assure that legal options for filing complaints with enforcement agencies are not foreclosed. The discrimination complaint process shall include:
  - 1) periodic training in counseling and grievance investigations for agency counselors;
  - 2) confidential counseling and procedures for informal resolution at the agency level by the equal employment opportunity officer;
  - 3) notice to employees that an agency discrimination complaint process is available;
  - 4) a guarantee of non-retaliation for the exercise of rights granted pursuant to this section;
  - 5) advisement of legal options to file complaints with the Commission on Human Rights and Opportunities; United States Equal Employment Opportunity Commission; United States Department of Labor, Wage and Hour Division; and any other agencies, state, federal or local, that enforce laws concerning discrimination in employment; and
  - 6) time frames not exceeding ninety (90) days for filing, processing and resolution of such matters.
- b) All records of grievances and dispositions thereof are maintained and reviewed on a regular basis by the equal employment opportunity officer to detect any patterns in the nature of the grievances. Records so retained shall be confidential except where disclosure is required by law.
- c) A summary of the matters alleged, the results thereof and the length of time required to resolve the grievance is included within this AA Plan. The plan shall provide information on the number of such complaints, investigating agency, whether such matter is currently pending or the outcome thereof. All records relevant to employee grievances filed under this section shall be maintained by the agency for examination by the Commission on Human Rights and Opportunities staff. As this is the first Regional affirmative action plan, a full report of complaints during the reporting period will be contained in the next submission.

## **CONNECTICUT STATE COLLEGES AND UNIVERSITIES**

### **Statement of Discrimination Complaint Policy & Procedure**

The Connecticut State Colleges and Universities (CSCU) has adopted a policy of "zero-tolerance" with respect to unlawful employee harassment. Accordingly, CSCU expressly prohibits any form of unlawful employee harassment based on The Connecticut State Colleges and Universities (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 Connecticut State Colleges and Universities (CSCU) will not discriminate against persons with a prior criminal conviction.

Improper interference with the ability of CSCU employees to perform their expected job duties will not be tolerated.

The following procedure provides periodic training in confidential counseling and grievance investigation for agency counselors. Confidential counseling is completely independent of any other grievance procedure presently in place. It is for the purpose of resolving employee allegations of discrimination at CSCU in an expeditious and informal manner.

This procedure, or submission of a complaint to this procedure, in no way precludes the submission of a complaint of a discriminatory nature to the Commission on Human Rights and Opportunities (CHRO), United State Equal Employment Opportunity Commission (EEOC), United States Department of Education Office of Civil Rights (OCR), United States Department of Justice, United States Department of Labor (DOL) Wage and Hour Division, and any other agencies, state, federal or local, that enforces laws concerning discrimination in employment or public service and accommodation nor, does the establishment of this procedure foreclose any other legal options available to the employee.

Violation of this policy may be grounds for disciplinary action, up to and including dismissal from State Service.

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## **Connecticut State Colleges and Universities Discrimination Complaint Procedure on matters other than Sexual Harassment or Sexual Orientation**

### **Definition/Legal Basis**

#### *Race, Color, Religion, Sex or National Origin*

Title VII of the Civil Rights Act of 1964 (as amended) and Executive Order 11246 (as amended) prohibit discrimination in employment against any person (e.g. applicants and employees) on the basis of race, color, religion (religious creed), sex or national origin.

#### *Age*

The Age Discrimination in Employment Act of 1967 (ADEA), (as amended) prohibits discrimination in employment on the basis of age against any person (e.g. applicants and employees) age forty (40) or older. Connecticut General Statute Sec. 46a-60 prohibits discrimination based on age and protects any worker eighteen (18) years of age or older.

#### *Disability*

The Rehabilitation Act of 1973 defines "disabled individual" as any person who has a physical or mental impairment that substantially limits one or more of such person's major life activities, has a record of impairment, or is regarded as having such an impairment. Section 7(b) of the Rehabilitation Act addresses drug and alcohol abuse, noting that the definition of "disabled individual" does not include any individual who: is "an alcoholic or a drug abuser whose current use of alcohol or drugs prevents such an individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to the property or the safety of others.

*Mental disability* refers to an individual who has a record of, or is regarded as having one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders".

*Intellectual disability* refers to a significant limitation in intellectual functioning existing concurrently with deficits in adaptive behavior that originated during the developmental period before eighteen years of age. "Significant limitation in intellectual functioning" means an intelligence quotient more than two standard deviations below the mean as measured by tests of general intellectual functioning that are individualized, standardized and clinically and culturally appropriate to the individual. "Adaptive behavior" means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for the individual's age and cultural group as measured by tests that are individualized, standardized and clinically and culturally appropriate to the individual.

*Learning disability* refers to an individual who exhibits a severe discrepancy between educational performance and measured intellectual ability and who exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in a diminished ability to listen, speak, read, write, spell or to do mathematical calculations.

*Physically disabled* refers to any individual who has any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes from illness, including, but not limited to, epilepsy, deafness or hearing impairment or reliance on a wheelchair or other remedial appliance or device.”

*Veteran* refers to any person honorably discharged from, or released under honorable conditions from active service in, the armed forces.

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against qualified individuals with disabilities.

The ADA covers individuals who (i) have disabilities, (ii) have records of disabilities, (iii) are perceived as having disabilities, or (iv) are related to or associated with persons who fit into one of the preceding categories.

### **Resolution - Time Constraints**

The Director of Diversity and Inclusion will resolve any alleged discrimination or unfair employment practice within ninety (90) calendar days after the receipt of a written complaint. This timeframe includes filing, processing and resolution of such matters.

### **Records Retention**

All records relevant to employee grievances including counseling sessions and informal allegations which result in complaints to enforcement agencies, are maintained, regularly reviewed and reported by the Director of Diversity and Inclusion in the Affirmative Action Plan.

### **Training/Notification**

The Connecticut State Colleges and Universities (CSCU) will obtain and provide periodic training in counseling and grievance investigations for agency managers, supervisors and employees.

Employees are notified about the CSCU Discrimination Complaint Procedure when the Affirmative Action Plan has been reviewed by the Commission on Human Rights and Opportunities (CHRO). Employees are also invited to review the Affirmative Action Plan.

### **Procedure for Handling and Investigating Discrimination Complaints**

If you feel you have been a victim of discrimination please follow the following procedures:

1. Complainant requests a meeting with the Director of Diversity and Inclusion or designee. The Director of Diversity and Inclusion or designee will advise the complainant of his or her rights in accordance with relevant laws and propose possible courses of action.
2. If the complainant is unsatisfied with any of the proposals or if a situation is not readily resolvable the Complainant then has the right to file a written complaint. The written complaint must be filed on the complaint form and should include the following [please note: all grievances should be submitted within thirty (30) days of the alleged discriminatory treatment]:
  - a. Complainant's name
  - b. Work telephone number
  - c. Job title
  - d. Supervisor's name

- e. Supervisor's Title
  - f. Complainant's home address
  - g. Complainant's home telephone number
  - h. Name of individual against whom the complaint is filed
  - i. The nature of the complaint
  - j. A description of the alleged act (s) of discrimination
  - k. The date (s) the act (s) took place
  - l. The date the complaint was filed
  - m. The complainant's signature
3. The Director of Diversity and Inclusion or designee will notify the accused party of the particulars of the complaint within seven (7) calendar days after receipt of the written complaint.
  4. Upon the filing of a complaint, the Director of Diversity and Inclusion or designee will conduct a fact finding investigation of the complaint. Within thirty (30) calendar days from the filing of the complaint, the Director of Diversity and Inclusion or designee will provide a written report to the Complainant, the Respondent, the President and/or a Designee as appropriate. If there is evidence that indicates the Complainant was discriminated against, the parties shall endeavor to resolve the matter within thirty (30) calendar days and/or an administrative action (e.g. discipline up to and including dismissal from State service). If the endeavors at mediation are successful, a written agreement will be prepared for signature (by the Complainant, the Respondent and the Director of Diversity and Inclusion or designee).
  5. If there is no evidence of discrimination, the Director of Diversity and Inclusion or designee will advise the parties involved and dismiss the complaint.
  6. If the complainant does not agree with the findings made in the investigation, he/she may appeal for review and reconsideration by the President. Any such appeal must be in writing and be filed within ten (10) calendar days from the date of the written report of the findings and must include specific information or evidence in support of the appeal. The President will advise the Complainant in writing within fourteen (14) calendar days of receipt of the appeal as to their choice of action on the matter.

### **Retaliation for Discrimination Complaints**

Retaliation for filing or participating in a complaint or investigation of discrimination is presumptive employment discrimination in violation of the law and as such will not be tolerated.

**Retaliation** may be linked to the following activity:

- Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with an employee because that employee has complained about or resisted harassment, discrimination or retaliation, and

- Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described in any item above.

The above is not to be construed as an all-inclusive list of prohibited acts under this policy. If you feel you have been the subject of retaliation for having filed or taken part in a discriminatory complaint/investigation, please contact the Director of Diversity and Inclusion or designee immediately.

## **Connecticut State Colleges and Universities Sexual Harassment Policy and Procedure**

### **Statement of Policy**

It is the policy of the Board of Regents of Higher Education to prohibit harassment of employees by another employee or supervisor on the basis of sex. The purpose of this policy is not to regulate our employees' personal morality; rather it is to assure a workplace that is free of sexual harassment. In this regard, sexually offensive activity will not be tolerated.

Violations of the policy may be grounds for disciplinary action, up to and including dismissal from State Service.

### **Definition**

Sexual harassment is a form of sex discrimination that is prohibited under both Connecticut law and Title VII of the Federal Civil Rights Act of 1964. See C.G.S. 46a-60(a) (8) and 29 C.F.R. 1604.11.

"Sexual harassment" is defined under Connecticut law as: "any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (C) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

The Connecticut Courts have distinguished two general categories of sexually harassing behavior: Quid Pro Quo and Hostile Work Environment. The following are descriptions of conduct which constitute each category and are prohibited by this policy.

### **Quid Pro Quo (literally "this for that")**

Quid Pro Quo sexual harassment occurs when an economic or job benefit is conditioned upon the granting of sexual favors. It may also occur when an employee is punished for failing to grant sexual favors in the workplace.

In a Quid Pro Quo case, the sexual overture or conduct is generally clear: for example, the supervisor demands that an employee go out with him or her in exchange for a promotion.

Both federal and state law is violated if the employee's response to such an overture is used as the basis for an employment decision affecting the employee.

Quid Pro Quo harassment may be based on a single incident.

### **Hostile Work Environment**

Sexual harassment may also occur when there is unwanted sexual conduct that creates an intimidating, hostile or offensive work environment, or that has the effect of unreasonably



interfering with an individual's work performance. It is not necessarily to show a direct and tangible job or economic loss. This type of claim can be brought against anyone in the workplace, whether it is a supervisor or a coworker.

Conduct that will be considered a violation of this policy includes, but is not limited to the following:

- a. Verbal - includes sexual innuendoes, suggestive comments, insults, jokes of a sexual nature, sexual propositions and threats.
- b. Non-verbal - includes sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling and obscene gestures.
- c. Physical - unwanted physical contact, including touching, patting, grabbing, pinching, brushing the body, massaging, coerced sexual intercourse, rape, molestation, sexual assault and battery.
- d. Any other unwelcome conduct of a sexual nature.

### **Procedure for Handling and Investigating Sexual Harassment Complaints**

If you feel you have been a victim of sexual harassment please adhere to the following procedures:

- 1) Keep a record of the incidents of sexual harassment. Write down the details of the incident: the date, time and location, the names of any witnesses and your response. Include also any notes, letters, pictures, etc. Keep the records in a safe place.
- 2) Seek assistance from the Director of Diversity and Inclusion/or designee, any Human Resources staff member, supervisor or manager about the harassment or issues.
- 3) Supervisors and managers will contact the Director of Diversity and Inclusion or designee and refer the employee to the Director of Diversity and Inclusion or designee. The Director of Diversity and Inclusion or designee shall receive both written and verbal complaints and may assist the complainant in preparing a statement of allegations. Anonymous complaints and complaints from the public will also be investigated.
- 4) Within five (5) days of receiving a formal complaint of sexual harassment, the alleged harasser will be contacted by the Director of Diversity and Inclusion or designee to set up a meeting and will be presented with a copy of the complaint. The individual has the right to union representation or other representation at this meeting (as long as bargaining unit members have signed a waiver of union representation) and will be given an opportunity to respond to the charges alleged in the complaint.
- 5) All complaints will be investigated expeditiously by the Director of Diversity and Inclusion or designee.
- 6) Discipline will be applied if a violation of this policy is found to have occurred.

When a complaint is made the Director of Diversity and Inclusion or designee will have the duty of immediately bringing all sexual harassment and retaliation complaints to the confidential attention of the President.

**Retaliation for Sexual Harassment Complaints**

Retaliation for having filed or participated in a complaint or investigation of sexual harassment will not be tolerated at the Connecticut State Colleges and Universities System Office or at any Connecticut State College or University.

**Records of Complaints and Confidentiality**

All records associated with complaints will be maintained in the Director of Diversity and Inclusion or designee's Office.

All complaints and investigations will be held in confidence until the conclusion of the investigation. Anyone involved in the intake, investigation, discipline and outcome of a complaint will be disciplined as appropriate for failing to protect the confidentiality of all involved in the investigation and outcome of a complaint.

## **Connecticut State Colleges and Universities Sexual Orientation Discrimination Policy and Procedure**

### **Statement of Policy**

All employees are prohibited from discriminating against another employee or agent of the Connecticut State Colleges and Universities (CSCU) on the basis of his/her sexual orientation, in accordance with Connecticut General Statutes, Section 46a-81c.

For purposes of this policy, "sexual orientation" means having a preference for heterosexuality, homosexuality, or bisexuality; having a history of such preference; or being identified with such preference.

The following shall be considered a discriminatory practice in violation of this policy and Connecticut General Statutes, Section 46a-81c:

- If an employer, except in the case of a bona fide occupational qualification or need, refuses to hire, or employ, or to bar or to discharge from employment any individual; or to discriminate against him/her in compensation or in terms, conditions, or privileges of employment because of the individual's sexual orientation, or
- If any person, employer, employment agency or labor organization, except in the case of bona fide occupational qualification or need, advertises employment opportunities in a manner that restricts such employment so as to discriminate against individuals because of their sexual orientation.

Nothing in this policy shall be deemed or construed to mean that CSCU authorizes or permits the use of numerical goals or quota, or other types of affirmative action programs, with respect to transgender status, homosexuality or bisexuality in the administration of this policy.

### **Procedure**

Any employee who feels that he or she is the victim of discrimination based on sexual orientation may file a written complaint with the Director of Diversity and Inclusion or designee.

## DISCRIMINATION COMPLAINT AGENCIES

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 Connecticut State Colleges and Universities (CSCU) Discrimination Complaint Procedure

### **1. The Connecticut Commission on Human Rights & Opportunities**

#### **Southwest Region Office**

350 Fairfield Avenue  
6<sup>th</sup> Floor  
Bridgeport, CT 06604  
Tel: (203) 579-6246  
TDD (203) 579 – 6246

#### **West Central Region Office**

Rowland State Government Center  
55 West Main Street, Suite 210  
Waterbury, CT 06702-2004  
Tel: (203) 805-6530  
TDD (203) 805-6579

#### **Capitol Region Office**

450 Columbus Blvd  
Hartford, CT 06103  
Tel: (860) 566-7710  
TDD (860) 566 – 7710

#### **Eastern Region Office**

100 Broadway  
Norwich, CT 06360  
Tel: (860) 886-5703  
TDD (860) 886 - 5707

Complaints should be filed with the Commission on Human Rights and Opportunities (CHRO) no later than three hundred (300) days after the alleged act of employment discrimination occurred.

### **2. The Equal Employment Opportunities Commission**

John F. Kennedy Federal Office Building  
Government Center, Room 475  
Boston, MA 02203  
Tel: (617) 565-3200

Complaints should be filed with the Equal Employment Opportunities Commission (EEOC) 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. Alternatively:

### **3. Department of Education, Office of Civil Rights**

United States Department of Education  
Boston Office  
8<sup>th</sup> Floor  
5 Post Office Square  
Boston, Massachusetts 02109-3921  
Tel: (617) 289-0111

**4. Department of Justice, for ADA complaints**

United States Department of Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section  
Washington, D.C 20530

<https://www.ada.gov/complaint/>

This is the email to complete the required ADA complaint form.

To file ADA complaint by facsimile, send completed ADA complaint form to

Tel: (202)-307-1197

**5. Connecticut Commission on Women, Children and Seniors, Equity & Opportunity**

18-20 Trinity Street  
Hartford, CT 06106  
Tel: (860) 240-1424

**6. State of Connecticut: Employee Grievance Procedure**

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

200 Folly Brook Boulevard  
Wethersfield, CT 06109  
Tel: (860) 566-3450

**7. Wage and Hour and Public Contracts Division**

United States Labor Department  
135 High Street  
Hartford, CT 06103  
Tel: (860) 240-4277

**8. Wage and Workplace Standards Division**

Connecticut Department of Labor  
200 Folly Brook Boulevard  
Wethersfield, CT 06109  
Tel: (860) 263-6790

5.2	Sexual Misconduct Reporting, Supportive Measures and Processes Policy	20-103	2020-07-29
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**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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**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 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

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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 on a regular basis 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

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Coordinator will 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.