

# CharterOak

## STATE COLLEGE

A Higher Degree of **Online** Learning

Annual Security Report  
For The 2020 Calendar Year



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## Welcome Message

Charter Oak State College (“Charter Oak” or “College”) publishes this Annual Security Report (“ASR”) in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) to ensure that current and prospective students, faculty and staff are provided with a transparent and accurate reflection of security and safety related matters on campus. The College, with cooperation from local law enforcement agencies prepares and publishes this report which represents a compilation of both qualitative and quantitative crime and security data. The report includes narratives regarding various security and emergency related matters on campus along with statistical crime records reflective of the last three calendar years (2018, 2019, and 2020).

Readers of this report will also find various College policies pertaining to the subject matter herein and an overview of the College’s emergency preparedness and planning procedures. Although this report is voluminous by nature, we hope you find the contents beneficial and that the indexing allows for efficient and effective reading for those matters that may be of interest or concern to you.

As a result of the pandemic most campus services to students were made available remotely and offered by staff who worked remotely for the majority of calendar 2020.

With appreciation,



Michael Moriarty  
Vice President for Administration & Chief Financial Officer

## Report Publication & Distribution

Charter Oak's ASR will be published and distributed annually by October 1<sup>st</sup> of each year. This report includes statistics for the previous three years concerning reported crimes that occurred in Charter Oak State College's geographic area including on-campus and on public property adjacent to and accessible from the campus. This report also includes institutional policies concerning campus security, sexual assault and other matters.

A digital copy of this report will be provided to every student and employee through email and is also available through our website at [www.charteroak.edu/security/](http://www.charteroak.edu/security/). Prospective employees who formally interview for positions with the College and those students who apply will additionally receive a copy of the most current ASR. Data sets used to compile these reports will be maintained for a minimum of seven years in compliance with the Clery Act.

Printed copies of this report can be obtained upon request at the following locations:

55 Paul Manafort Drive  
New Britain, Connecticut

85 Alumni Drive  
Newington, Connecticut

## Campus Geography

Charter Oak State College is a distance learning institution offering curriculum to students across the globe. While a majority of the interactions the students have occur within an online classroom, the College maintains an open door policy allowing those students seeking assistance with admissions, advising, financial aid or other matters to visit campus to conduct such meetings in person. The College additionally offers non-credit early childhood education classes on-site in addition to testing labs which students of any institution including Charter Oak may utilize. The College's campuses maintain approximately 100 permanent employees and student workers who are located on site. An additional 250 faculty are located across the nation who primarily work remotely through telecommuting means. As a result of the COVID-19 pandemic, in March 2020 permanent staff located on campus began working remotely with a few employees with facility related responsibilities working periodically from campus.

Charter Oak's physical campus is segregated into two physical locations split between New Britain and Newington, Connecticut located approximately 2 miles apart. The New Britain Campus (or "Manafort Campus") located at 55 Paul Manafort Drive functions as the primary academic arm of the College. Workstations and offices here are associated with academic and enrollment personnel in addition to the campus being home to the College's technology data center. Students who visit the Manafort Campus are generally attending an enrollment, academic or student association related activity.

The Newington Campus (or "Alumni Campus") is located at 85 Alumni Road and provides working spaces for finance, administration and information technology personnel. Students who visit the Alumni Campus are typically utilizing the computer testing lab. Both campuses may also employ student workers (matriculated at either Charter Oak or other affiliated State of Connecticut institutions).



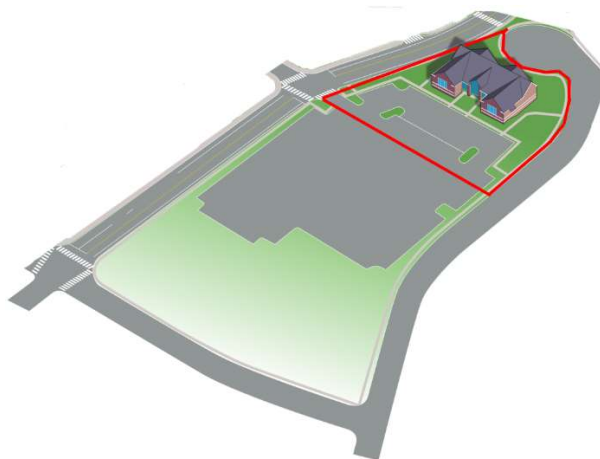
## Clery Act Geography

Campus geography under the Clery Act is categorized into the following four areas:

- On-Campus Property
- Non-Campus Property
- On-Campus Student Housing
- Public Property

Both the Manafort and Alumni campuses are categorized as “On-Campus Property” property under the Clery Act as they represent the primary operational centers where employees are located. Based on the distance learning nature of the College, Charter Oak does not have any on-campus or off-campus student housing. The College additionally does not have any student organizations that own, control or utilize non-campus areas and as a result there are no areas classified as non-campus property.

Immediately adjacent to the Manafort Campus (represented as the red outlined area within the diagram to the right), are city or state owned streets or parking lots that are accessible to students and employees of Charter Oak but do not represent Charter Oak’s campus. These areas include portions of Stratford Road, Sefton Drive, and Stanley Street and are depicted as the grey areas outside of the on-campus region and are classified as Public Property in accordance with the Clery Act. Jurisdiction over these areas is split between several police departments as described later in the report. There is no Public Property classified in connection with the Alumni Campus in Newington.



## Campus Security Authorities

In acknowledgment that crimes may be reported through a multitude of channels, the Clery Act has defined a Campus Security Authority (“CSA”) as:

- A campus police department or security department;
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police or security department. This includes outside security personnel for specific events, individuals responsible for monitoring housing activities or student escort services;
- Any individual or organization to which students and employees should report criminal offenses;

- An official of an institution who has significant responsibility for student and campus activities

The designated CSA's for the College in 2020 were as follow:

<b>Ed Klonoski</b> <i>President*</i>	<b>Shirley Adams</b> <i>Provost*</i>	<b>Michael Moriarty</b> <i>Vice President for Administration &amp; Chief Financial Officer</i>
860-515-3888 <i>eklonoski@charteroak.edu</i>	860-515-3836 <i>sadams@charteroak.edu</i>	860-515-3760 <i>mjmoriarty@charteroak.edu</i>
	<b>Wanda Warshauer</b> <i>Director of Academic Services</i>	<b>Rowena McGoldrick</b> <i>Manager Personnel &amp; Finance *</i>
	860-515-3841 <i>wwarshauer@charteroak.edu</i>	860-515-3751 <i>rmcgoldrick@charteroak.edu</i>

*\* Position also designated as the Title IX coordinator*

These individuals are designated by the President with support from the rest of the Executive Team (defined as the Provost and the Vice President for Administration & Chief Financial Officer). Students and employees should report criminal offenses to one or more of the individuals listed above.

Reports can be made to CSA's through the means most comfortable to the individual making the report and can include in person conversation, telephone, email or written report. Once a report of a crime is received, the CSA reports the matter immediately to the corresponding Executive and the Executive Team convenes to determine the appropriate authorities to contact. To ensure reports and responses are timely, if the Executive team is not available to immediately meet; the Executive notified may engage the appropriate authorities (federal, state or local law enforcement) directly dependent on the severity of the matter.

Although the College encourages accurate and timely reporting of all crimes to the appropriate party through informal means such as verbal conversations on a case by case basis; the College does not maintain a formal policy encouraging such. If a victim is unable to make such a report, a CSA may act on the victim's behalf to liaison with the appropriate authorities.

### **Working With Local Law Enforcement**

As Charter Oak State College does not have a Campus Police Department or Campus Security Office, the College works directly with law enforcement agencies dependent on the situation and location. For the Manafort campus, the College maintains a Memorandum of Understanding with Central Connecticut State University's ("CCSU") Campus Police Department who are designated as first responders and include Charter Oak employees in various training and public awareness events made available to their other constituents. The New Britain Police Department and the Connecticut State Police additionally hold jurisdiction at the Manafort

campus based on the surrounding streets and the fact that the College is a State of Connecticut Higher Education Institution. Each of the three police units maintain the authority to make arrests at the New Britain campus. The Alumni campus, a leased property of the College is within the jurisdiction of the Newington Police Department which is designated as the first responder and maintains the authority to make arrests.

Communication between the College and the CCSU and Newington Police Departments are fluid with all parties understanding how to get in touch with each other at any time. The College is appreciative of close working relationships with these agencies who can be contacted as follows:

<b><i>CCSU Police</i></b>	<b><i>Connecticut State Police Troop H (Central District)</i></b>	<b><i>Newington Police</i></b>
<i>1500 East Street New Britain, CT 06053</i>	<i>100R Washington Street Hartford, CT 06106</i>	<i>131 Cedar Street Newington, CT 06111</i>

As Charter Oak does not have campus police or a security department there are no crime logs maintained by the College. Each of the above listed agencies maintains a records department that complies with all state and federal disclosure laws.

### **Confidential Reporting of Crimes or Offenses**

The College does not maintain a process or mechanism that provides a voluntary confidential reporting program for students or employees to report a crime. As there are no pastoral or professional counselors employed by the College or otherwise available, advisors and counselors are required to report crimes revealed to either the College's CSA or directly to law enforcement.

### **Crime Prevention & Security Awareness**

While crime prevention and security awareness may overlap in many regards, on the College's campus they are considered two separate programs. A Crime Prevention Program is specifically structured to prevent crime from occurring against students and employees whereas a Security Awareness Program is a dedicated event, program or channel to help educate students and employees about threats, protocols and crime prevention programs. Due to the majority of Charter Oak's student population taking classes through a distance online, the College does not maintain any formal Crime Prevention Program.

Security Awareness Programs related to the College consist of education programs and campaigns geared towards both employees and students. Employees are required to take

annual training related to sexual harassment and workplace violence, a requirement for all CSCU employees. Given the Manafort Campus's proximity to Central Connecticut State University and the University's police jurisdiction over one of our two campuses; the University's police department and public safety personnel will invite all Charter Oak staff to participate in any training offered to the University. While these programs are traditionally offered annually, the frequency and time period offered do vary. The contents of the program center around keeping yourself until first responders arrive with subject matter split between medical, fire and violence related emergencies.

In addition, the College maintains the CSCU sexual misconduct policy to aid in the prevention of sexual assault, domestic violence and stalking. The College strongly encourages the reporting of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking and intimate partner violence, as an effective means of taking action by reporting such acts to the appropriate officials and pursuing criminal or disciplinary remedies, or both. The only way that action can be taken against anyone who violates another in such a manner is through reporting. Charter Oak provides those who report sexual misconduct with many supportive options, including referral to agencies that provide medical attention, counseling, legal services, advocacy, referrals and general information regarding sexual misconduct. Sexual assault, domestic violence, and stalking are not gender specific issues and can happen anywhere and to anyone. A copy of the policy has been included in the appendices which detail the procedures to report a crime, those procedures followed if a crime occurs and additional resources and rights of students.

On traditional college campuses, occurrences of sexual assault and other violence are frequently associated with alcohol, and many victims know their assailants. Students who study at a distance as part of the College's curriculum should be aware of personal safety issues and wary of potentially dangerous situations in their daily lives.

Related to workplace violence, the College maintains a Violence in the Workplace Prevention Policy, a copy has been included in the appendices. This policy covers all campuses since each location at the College represents the workplace and discusses prohibited conduct, reporting procedures and leadership's responsibility.

In connection with an employee's annual review, each employee must acknowledge and certify that each policy issued by the College in connection with workplace safety and other matters has been received and will be complied with.

## **Physical Security & Access**

Physical campus improvements continue to be examined. During the reporting period of this report, revisions to the entranceway way at the Manafort Campus were installed allowing the doors to be locked 24 hours a day with the only access available through authorized keycards or the digital unlocking of the door through door to desk video conferencing. The Manafort Campus additionally maintains CCTV which is monitored by the CCSU Police Department.



The Alumni Campus remains locked at all times with employees being able to access the campus building with an authorized keycard. The exception to this is during designated examination periods whereby students can access the building during specified times. During the examination period, staff monitor the testing lab and entrance to the building at all times to ensure no unauthorized access is permitted.

Facilities staff on campus monitor lighting, fire, alarm, medical and accessibility conditions on campus and advise as needed when repairs or adjustments are needed. Like many higher education institutes, the College must balance the nature of being a public institute within the State of Connecticut and the safety of Charter Oak's employees and students.

Both campuses maintain alarm and fire systems that are monitored 24/7 by third parties.

### **Active Bystander**

Being an active bystander is a positive act that fellow employees and students will often engage in. These individuals are not directly involved, but observe problematic or violent situations that could lead to criminal events. Often, bystanders have a choice to intervene by speaking up and/or doing something about the detected problematic situation, impacting the outcome positively. It is of critical importance their efforts diffuse the situation and not inflame, intensify or exacerbate it.

If you witness someone in immediate danger or a situation has escalated with raised voices and/or physical abuse, 911 should be called. It is not safe for bystanders to interject themselves in these situations even though a bystander has the best of intentions. Helpful things to consider as an active bystander consist of

- ✓ Believing an individual who has approached you with a serious matter
- ✓ Keeping an eye out for those who may be in danger
- ✓ Saying something should someone's behavior cause concern

Remember to involve the appropriate authorities as early as possible to avoid a situation from progressing.

### **Sex Offender Registry**

The State of Connecticut sex offender registry can be accessed at <https://portal.ct.gov/Services/Public-Safety/Sex-Offender-Registry/>. The College does not maintain nor hold any authority over such registry. The State of Connecticut notates the following as part of the registry:

*"The Connecticut Department of Emergency Services & Public Protection (DESPP) keeps an updated searchable record of sex offenders. Information provided includes the offenders last known address and physical descriptors as well as location, date, and details of the offense. The DESPP has not considered or assessed the specific risk of re-offense with regard to any individual*

*prior to his or her inclusion within this Registry, and has made no determination that any individual included in the Registry is currently dangerous.”*

## **Drug, Alcohol & Substance Abuse Policy Statements**

The College adheres to two policies governing drug and alcohol abuse in the workplace. The first policy that the College must adhere to is a direct result of the public nature of the College and represents the State of Connecticut’s Drug Free Workplace Policy.

This policies emphasizes that the State of Connecticut is committed to winning the battle against substance abuse. Substance abuse jeopardizes a stable family structure, increases crime, impacts worker productivity, and presents a continuing and growing drain of government funds. For our youth, substance abuse is an especially serious threat. Drugs destroy their hopes and dreams and, all too often, their very lives.

The workplace is not immune to the influence of substance abuse. Worker safety, health and efficiency are adversely affected. Therefore, in harmony with Connecticut’s three-pronged strategy of education, treatment and enforcement to combat substance abuse and in accordance with federal legislation, this Drug-Free Workplace Policy has been adopted.

Effective March 18, 1989, the federal government enacted the “Drug-Free Workplace Act”, (41 U.S. Code §§701 et seq.). This act requires that any employer receiving federal funding must certify that it will maintain a drug-free workplace. Among other things, the act requires that a policy be published notifying employees that the unlawful manufacture, distribution, possession, or use of controlled substances is prohibited in the workplace. It also requires that certain actions be taken if this policy is broken.

It is the policy of the State of Connecticut that each employee has a right to come to work and perform his or her job in an environment that is free from the illegal use of drugs. It is also in the interest of the State and the public that employees be able to perform their duties safely and efficiently. The State is firmly committed to promoting high standards of health, safety, and efficient service. Thus, our goal is to maintain a work environment free from the effects of drug abuse.

It is the policy of the State of Connecticut that employees shall not unlawfully manufacture, distribute, dispense, possess or use a controlled substance while on the job or in the workplace, or be under the influence of a controlled substance, not prescribed for him/her by a physician, while on the job or in the workplace. Any employee violating his policy will be subject to discipline, up to and including termination.

It is the policy of the State of Connecticut that employees with substance abuse problems be encouraged to participate in a counseling or rehabilitation program prior to being in a disciplinary situation. Employees should be advised of the Employees Assistance Program provided by the agency and any available drug counseling or rehabilitation programs.

“Controlled substances” are specifically defined in federal law and consist of two classes of drugs: (1) those commonly thought of as “illegal” drugs; and (2) certain medications if not being

taken under a physician's prescription or according to a physician's orders, which the federal government has determined have a potential for abuse, or are potentially physically or psychologically addictive.

Employees must give notification in writing to the College's appropriate personnel within five (5) calendar days of any conviction for violation of a criminal drug statute if the violation occurred in the workplace. A conviction means a finding of guilt (including a plea of nolo contendere) and/or the imposition of a sentence by a judge or jury in any federal or state court. This reporting requirement is in addition to any College specific policies that require notice of arrests and/or convictions. An employee who is so convicted or who fails to report such a conviction is subject to discipline, up to and including termination.

"Workplace" includes any locations owned, operated or controlled by the State, whether the employee is on or off duty, and any other locations while on duty where State business is conducted, including traveling on State time to or from such work locations.

The College must notify the appropriate federal agency in writing, as well as the Office of Labor Relations, within ten (10) calendar days of receiving notice that one of its employees funded under a federal grant or contract has been convicted for a violation of a state or federal drug statute occurring in the workplace.

Employees who have substance abuse problems are encouraged to participate in a rehabilitation program and should be notified of the Employee Assistance Program and available drug counseling or rehabilitation programs. The federal act requires that an employer take action within 30 calendar days of receiving notice of a workplace drug conviction to impose discipline upon and/or to require satisfactory participation in a substance abuse rehabilitation program by the convicted employee.

Since it is a federal certification requirement that employees be notified of this policy, each employee will receive a copy of it. The policy is also be available at the College's Human Resource Office.

The College additionally maintains its own policy to establish a drug-free environment in accordance with the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act. Since Charter Oak does not have a campus where students and faculty gather routinely, it does not encounter the problems of alcohol and drug abuse in the same way as other colleges and universities. However, students and employees are not immune to the problems caused by substance abuse. The College recognizes that the misuse of alcohol or the use of illegal drugs represents a serious threat to the physical and mental well-being of its students and employees as well as to society as a whole. Our common goal is to foster a community where the intellectual development of students is free from the harmful effects of drugs and alcohol. The health and psychological problems resulting from the abuse of illicit drugs and/or alcohol include blackouts, hangovers, nausea, vomiting, loss of energy, depression, impaired driving skills, resistance to authority, tendencies toward verbal arguments, physical confrontations, interpersonal relationship problems, job or school performance problems, and unwanted sexual encounters. Students with these problems find it difficult to be learners and employees find it difficult to work.

Students and staff with problems relating to drug and alcohol abuse are urged to seek help. Charter Oak State College advisors will refer students to the Center for Substance Abuse Treatment Hotline. Requests for such assistance are kept confidential. To obtain information or to obtain a referral to a treatment center, students may contact The Center for Substance Abuse Treatment and Referral Hotline at 1-800-662-HELP. Staff will be encouraged to seek assistance through the Employee Assistance Program at the UCONN Health Center reachable at 1-800-852-4392.

In addition, the following guidelines shall apply to students and staff:

- The consumption of alcohol shall only be permitted at special and approved events and shall be restricted to those persons who have reached the legal drinking age.
- Any person who violates state law or the above guidelines shall be subject to the College's disciplinary actions, which can lead to the suspension or expulsion of the student or suspension or termination of the employee. Students or employees are also subject to criminal prosecution for violation of the above stated statutes. The Board encourages all of its students and staff to play a part in combating the misuse of alcohol and the use of illicit drugs. The price of not eliminating substance abuse is great in dollars and wasted lives.

The smoking and/or vaping of any substance is prohibited on all College property which includes all buildings, grounds, parking lots and state owned vehicles.

### **Missing Student Notification Policy**

Charter Oak does not have any student housing as the predominant majority of our students take classes online. As a result there is no missing student notification policy maintained by the College.

### **Student Disciplinary Procedures**

When a student ignores or fails to act in accordance with local, state, and federal laws and regulations of both Charter Oak and the Connecticut State College & University System, the College has the obligation and right to institute appropriate disciplinary action. Students whose conduct is determined to be unacceptable will be subject to sanctions, following due process, which are commensurate with the gravity of the offense and in the best interests of the College community. Students of Charter Oak must abide by the Connecticut State College and University System Student Code of Conduct found within the appendices.

The Charter Oak Student Code of Conduct explicitly describes the rights and responsibilities of the student, disciplinary procedures and hearings, appeals process, interim administrative actions and disciplinary penalties. The Student Code of Conduct additionally describes the maintenance and review of disciplinary records and defines the terminology utilized therein.

These procedures protect the rights of the students and describes the types of acts that are not acceptable in an academic community. This Code of Conduct additionally provides the procedures for the investigation, definitions of terms, and resolution of complaints regarding student conduct, including those involving sexual misconduct, as defined herein. The Student Code of Conduct provides an equal, fair, and timely process (informal administrative resolution or a formal adjudication) for reported victims and accused students. Reported victims of sexual misconduct 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 misconduct and shall use the preponderance of the evidence (more likely than not) standard in making a determination concerning the alleged sexual misconduct.

Both the reported victim and accused student 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 accused student, the violation committed, if any, and any sanction imposed upon the accused student. Sanctions may range from a warning to expulsion, depending upon the behavior and its severity of the violation(s). The reported victim 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 accused student; however, in such cases, if a review by any reported victim is granted, among the other actions that may be taken, the sanction of the disciplinary proceeding may also be increased. The reported victim and the accused student 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. In accordance with the Family Educational Rights and Privacy Act (FERPA), the accused student and the reported victim have the right to keep their identities confidential.

Upon request the institution will disclose the results of a disciplinary proceeding for a violent crime or non-forcible sex offense (incest or statutory rape) to victims or the victim's next of kin if the victim is deceased.

### **Employee Disciplinary Procedures**

Employees of Charter Oak are governed by one of two policies, differentiated by the categorization of their employment. Employees who are reported to have engaged in sexual misconduct or other crimes are subject to discipline in accordance with the procedures applicable to the employee's classification of employment.

For management/confidential positions (non-unionized labor) disciplinary procedures have been included as an appendix. As stated within the policy, no employee shall be disciplined except for cause. Discipline is defined as reprimand, suspension or termination. Discipline does not include counseling. Cause includes, but is not limited to: conviction of a crime; offensive, indecent or abusive conduct toward students, the public, superiors or co-workers; use of fraudulent credentials in seeking of appointment, continuation of appointment or promotion; poor performance; theft; willful neglect or misuse of state funds, property, equipment, material or

supplies, including state-owned vehicles; violation of law, state regulation or policy of the Board of Regents for Higher Education; intoxication while on duty; neglect of duty; insubordination; engagement in an activity detrimental to the State or the Board of Regents for Higher Education; and disloyalty to the United States or to the State of Connecticut.

To discipline an employee the following steps shall be followed:

A. Before any disciplinary action is taken a meeting shall be arranged with the employee and the designee of the employer to discuss the situation. The employee shall have the opportunity to present relevant information. Upon the agreement of both parties discussion may be continued to a mutually agreed time.

B. After the employer has issued discipline the employee may request a formal hearing by presenting said request not later than five (5) days after the receipt of the disciplinary notice. Said hearing shall be scheduled within thirty (30) days following a timely request by the employee.

C. A hearing for non-Presidential Staff shall be held before the Vice President for Human Resources or his/her designee. The hearing shall not be governed by formal rules or procedures. The Vice President for Human Resources or his/her designee shall make a good faith effort to be fair and impartial while eliciting relevant information on the matter in question. If the discipline that is being contested was imposed by the Vice President for Human Resources then the President of the Board of Regents may appoint a different hearing officer of his/her choosing.

D. Hearings for Presidential Staff shall be held by a committee of three appointed by the Chairman of the Board of Regents or his/her designee. Such hearings shall not be governed by formal rules or procedures. The committee appointed by the Chairman of the Board or his/her designee shall make a good faith effort to be fair and impartial while eliciting relevant information on the matter in question.

E. In either a Presidential or non-Presidential hearing the hearings officers have ten (10) days from the conclusion of the hearing to notify the employee of his/her final and binding decision. Said decision(s) shall be without appeal.

F. Failure by an employee to adhere to the deadlines specified herein shall be deemed a waiver of the opportunity for a hearing on the matter.

G. All reprimands and discipline actions shall be placed in the employee's personnel file and a copy shall be sent to the employee. Written reprimands may be removed from an employee's personnel file on the one year anniversary of the date of its issuance unless, during that one year period there is additional discipline issued to the employee. It shall be the employee's responsibility to request removal of a reprimand after its expiration



date has passed. Reprimands may only be removed by mutual agreement of the President, Chief Human Resources Officer and the employee.

H. The President may suspend an employee with pay if the employee constitutes a threat of harm to him or herself or others pending investigation of conduct for which discipline may be appropriate. The President may suspend an employee without pay for cause. In any given action, the affected employee shall have the right to know and respond to the reasons for suspension without pay prior to the imposition of the penalty.

For unionized labor disciplinary procedures have been included as an appendix. As stated within the policy, discipline is defined as written reprimand, suspension, demotion or dismissal. The union contract does not include a formal disciplinary process and does not prohibit the College from bypassing progressive discipline when the nature of the offense requires and the failure to apply progressive discipline shall not in and of itself be cause for overturning the disciplinary action.

### **Emergency Notifications Policy**

Emergency notifications may be distributed for matters including but not limited to:

- Terrorists Attack
- Weather Related Matters
- Technology Outages
- Threats
- Natural Disasters
- Environmental Events
- Epidemic
- Fire
- Gas Leak
- Power Failure

Each potential matter that may represent a significant emergency or dangerous situation involving an immediate threat to the health and safety of our students or employees occurring on campus is examined on a case by case basis by the College President. The President may consult with the Executive Team, law enforcement, state and local government or other involved individuals to determine if an emergency notification is warranted. The President manages the activation and content of the emergency notification and the President will ensure the emergency notification is distributed without delay to ensure impacted individuals have the proper notice. The emergency notifications are structured in a way to alert the campus and notate the date, time and location of the matter when applicable and action steps for employees to maintain their safety.

Emergencies are reported by calling 911 and notifying other staff members and visitors in the building.

The College utilizes the Everbridge emergency notification system hosted in the cloud that maintains the ability to distribute messages via SMS text, email and telephone. This system is activated by logging into the system through a web portal or application and initiating a notification. Defined templates can be pre-established for common events such as weather

closing or nonstandard message may be customized as needed. Audit reports are available to indicate message sent, received and acknowledged.

It is important to note that the emergency notification system is customarily utilized for only individuals who are routinely on campus. The President will assess whether or not the emergency notification is distributed to all students, staff and/or faculty and may adjust the manner of distribution dependent on the information at hand with the intent of ensuring the communication is most effective. Potential alternative means of communication such as the website, social media, online learning management system and others overlap with those communication channels described within the timely warning section below and may also be utilized to disseminate information to the broader community and affiliates as warranted. The President will provide follow up information through the emergency notification system as warranted and email (provided impacted individuals have access to email).

In the absence of the President, an emergency notification may be issued by a member of the Executive Team.

### **Timely Warning Policy**

Timely warnings are different than emergency notifications as timely warnings are triggered by the report of a Clery Act crime that has been reported to a campus CSA or law enforcement agency which resides in the College's Clery Campus Geography. Timely warnings are not issued for all events, but only those that represent a serious or continuing threat to the student or employee population. Emergency notifications can potentially represent a broader set of situations or events that require notification to the student or employee population and as a result if an emergency notification has already been sent out, a timely warning will not be issued for the same matter.

Each potential reported event or matter that falls within the criteria above is examined on a case by case basis by the College President or designee in the President's absence. Like emergency notifications, the President may consult with the Executive Team, law enforcement or other involved individuals to determine if a timely warning message is warranted. The President will balance a timely notification while assessing what pertinent information is available as the current time and whether or not additional information is expected.

The current tools available to the College to issue a timely warning is through email, the current online learning management system (i.e. BlackBoard), social media, website or the Everbridge emergency notification system that maintains the ability to distribute messages via SMS text, email and telephone. The message if distributed is intended to aid in the prevention of similar crimes and the President will assess whether or not the timely warning is distributed to all students, staff and/or faculty and the manner of distribution dependent on the information at hand.

Timely warnings by nature are messages tailored to promote the safety of individuals associated with the campus based on a very specific set of circumstances. Should the College President need to issue a timely warning, the following information will be included:

- ✓ The time, location and type of crime to the extent such information is available
- ✓ Information that furthers a student or employee's ability to protect themselves or reduce the risk of the associated matter impacting the individual.

Under no circumstances will any victims be identified and privileged information protected by State or Federal law inclusive of medical or attorney/client privilege will be released.

In the absence of the President to issue a timely warning in accordance with the above, a timely warning may be issued by a member of the Executive Team.

### **Building Evacuations & Emergency Preparedness**

Evacuation procedures are distributed to all campus personnel on a periodic basis and as needed based on personnel or procedural changes. These procedures have been included as an appendix.

Procedures are tailored to the Manafort and Alumni Campus buildings and instruct personnel how to safely exit the building in case of emergency. Alternative instructions are also included should building exits be obstructed.

As part of the evacuation plan, the College maintains an Emergency Evacuation Team. There are several members of the Emergency Evacuation Team all of who are assigned various zones in the building which cover both employee workstations and public areas. In the event of an emergency, the team will ensure assigned individuals are out of the building and/or danger and perform counts at a designated meeting area.

Evacuation teams, procedures and summary reports of the drills are posted on the College's intranet site and shared with the College's Health & Safety Committee. Evacuation drills are to be performed on an annual basis and are unannounced to the campus. Evacuation drills were last performed in each building between May 13, 2019 and May 22, 2019 and were not held in calendar 2020 due to the employee base working remotely.

A log of fires, fire related events and suppression systems is not maintained as the College does not have any on-campus or off-campus housing.

### **Reporting on Crime & Offenses**

The College's Annual Security Report includes crime statistics that conform to the definitions and presentation prescribed within the Clery Act and Violence Against Women Act ("VAWA") and these definitions have been included as an appendix. The crimes and offenses applicable to these acts include the following:

**Criminal Offenses**

Criminal Homicide (*murder, [non] negligent manslaughter,*  
Sexual assault (*rape, fondling, incest, statutory rape*)  
Robbery  
Aggravated Assault  
Burglary  
Motor Vehicle Theft  
Arson

**VAWA Offenses**

Domestic Violence  
  
Dating Violence  
  
Stalking

**Arrests & Referrals**

Illegal weapons  
  
Drug Laws  
  
Liquor Laws

Statistical data presented within this report will additionally notate whether or not any of the reportable crimes were hate crimes meaning that such criminal offense manifested evidence that the victim was intentionally selected because of a perpetrator’s bias against the victim. Bias categories include race, gender, gender identity, religion, sexual orientation, ethnicity, national origin and disability. In addition to those offenses listed above, the following crimes and offenses would also be included in this report should such offense indicate a hate crime:

- Larceny and Theft
- Intimidation
- Simple Assault
- Destruction / Damage / Vandalism of Property

Crime statistics are compiled annually for the preparation of this report and require communications with the following individuals or agencies to ensure all crimes and reports are captured:

- ✓ Charter Oak State College Campus Security Authorities
- ✓ Town of Newington Police Department
- ✓ City of New Britain Police Department
- ✓ Central Connecticut State University Police Department

Each of the contacts herein are familiar with the crimes that need to be included with this report and the compilation of data is not just a one sided submission. Clarifying questions or follow up commentary may be provided by these parties to ensure the statistical data is complete and free from error. Communications often include the law enforcement agency examining case details to understand if a potential crime occurred within a residence or potentially the street in front of the residence which in the College’s case may be part of the Public Property Clery Act geography. The College adheres to the “sidewalk, street, sidewalk” methodology which includes reported crimes and offenses that occur in the public streets and thoroughways that comprise the campus. The College includes additional statistics for crimes that are unfounded. For a crime to be considered unfounded in the report the crime must have been investigated by law enforcement and found to be false or baseless with the conclusion that no offense was attempted or occurred. The College cannot and will not designate a crime as unfounded unless such determination is made by a sworn law enforcement official holding the appropriate jurisdiction.

**Statistical Crime Tables & Data**

Clery Reportable Crimes / Offenses	Year	Total Events Reported	Geographic Location				Unfounded
			On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	
Murder / Non-Negligent Manslaughter	2020	-	-	-	-	1	-
	2019	-	-	-	-	-	-
	2018	-	-	-	-	-	-
Negligent Manslaughter	2020	-	-	-	-	-	-
	2019	-	-	-	-	-	-
	2018	-	-	-	-	-	-
Rape	2020	-	-	-	-	-	-
	2019	-	-	-	-	-	-
	2018	-	-	-	-	-	-
Fondling	2020	-	-	-	-	-	-
	2019	-	-	-	-	-	-
	2018	1	1	-	-	-	-
Incest	2020	-	-	-	-	-	-
	2019	-	-	-	-	-	-
	2018	-	-	-	-	-	-
Statutory Rape	2020	-	-	-	-	-	-
	2019	-	-	-	-	-	-
	2018	-	-	-	-	-	-
Robbery	2020	-	-	-	-	-	-
	2019	-	-	-	-	-	-
	2018	-	-	-	-	-	-
Aggravated Assault	2020	-	-	-	-	-	-
	2019	-	-	-	-	-	-
	2018	-	-	-	-	-	-
Burglary	2020	-	-	-	-	-	-
	2019	-	-	-	-	-	-
	2018	-	-	-	-	-	-
Motor Vehicle Theft	2020	-	-	-	-	-	-
	2019	-	-	-	-	-	-
	2018	-	-	-	-	-	-
Arson	2020	-	-	-	-	-	-
	2019	-	-	-	-	-	-
	2018	-	-	-	-	-	-

Violence Against Women Act (VAWA) Violations	Year	Total Events Reported	Geographic Location				Unfounded
			On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	
Domestic Violence	2020	-	-	-	-	-	-
	2019	-	-	-	-	-	-
	2018	-	-	-	-	-	-
Dating Violence	2020	-	-	-	-	-	-
	2019	-	-	-	-	-	-
	2018	-	-	-	-	-	-
Stalking	2020	-	-	-	-	-	-
	2019	-	-	-	-	-	-
	2018	-	-	-	-	-	-

Arrests for Weapons, Drugs & Liquor Violations	Year	Total Events Reported	Geographic Location				
			On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	
Weapons Violations	2020	-	-	-	-	-	
	2019	-	-	-	-	-	
	2018	-	-	-	-	-	
Drug Law Violations	2020	-	-	-	-	-	
	2019	-	-	-	-	-	
	2018	-	-	-	-	-	
Liquor Law Violations	2020	-	-	-	-	-	
	2019	-	-	-	-	-	
	2018	-	-	-	-	-	

Disciplinary Referrals for Weapons, Drugs & Liquor	Year	Total Events Reported	Geographic Location				
			On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	
Weapons Violations	2020	-	-	-	-	-	
	2019	-	-	-	-	-	
	2018	-	-	-	-	-	
Drug Law Violations	2020	-	-	-	-	-	
	2019	-	-	-	-	-	
	2018	-	-	-	-	-	
Liquor Law Violations	2020	-	-	-	-	-	
	2019	-	-	-	-	-	
	2018	-	-	-	-	-	

**There were no hate crimes reported during the periods of this report.**



**Listing of Appendices**

<b>Appendix Title</b>	
A	Student Code of Conduct
B	Sexual Misconduct Reporting, Supportive Measures and Processes Policy
C	Violence in the Workplace Prevention Policy
D	Reportable Crime Definitions
E	Management / Confidential Non-Continuation, Discipline, Reprimand, Suspension and Termination Policy (Article 8 of Contract)
F	AFSCME Local 1214 Dismissal and Discipline Policy (Article 11 of Contract)
G	Evacuation Procedures

**Appendix A – Student Code of Conduct**

## BOR/CSCU STUDENT CODE OF CONDUCT

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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 Board of Regents for Higher Education (“BOR”) in conjunction with the Connecticut State Colleges and Universities (“CSCU”) 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.

CSCU has certain self-defined institutional values. Principal among these values is respect for the safety, dignity, rights, and individuality of each member of the CSCU 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 CSCU must at all times govern their social and academic interactions with tolerance and mutual respect so that the students who pass through a CSCU door are enriched by these experiences and are prepared for full and enlightened participation in a multi-cultural society. Because of the BOR’s and CSCU’s commitment to principles of pluralism, mutual respect, and civility, certain activities are not acceptable on CSCU campuses. Acts of intolerance, of hatred or violence based on race, religion, sexual orientation or expression, disability, gender, age, or ethnic background are antithetical to the BOR’s and CSCU’s fundamental principles and values. It is the BOR’s and CSCU’s responsibility to protect our students’ right to learn by establishing an environment of civility.

The disciplinary process is intended to be part of the educational mission of CSCU. 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” or “Code”) is intended to present a clear statement of student rights and responsibilities established by the Board of Regents for Higher Education. The BOR has charged the President of the Board of Regents for Higher Education with developing procedures to protect those rights and to address the abdication of responsibilities in collaboration with the four State Universities, the twelve Community Colleges and Charter Oak State College. The Student Code describes the types of acts that are not acceptable in an academic community.

*Disclaimer: This Code is neither a contract nor an offer of a contract between any BOR governed institution 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 at a University, the Dean of Students at a Community College, the Provost at Charter Oak State College or their designee shall make the final decision of the interpretation 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. **“Advisor”** means a person who accompanies an Accused Student or an alleged victim to a hearing (or a proceeding pertaining to a report of sexual violence) for the limited purpose of providing advice and guidance to the student. An advisor may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process (or other proceeding pertaining to a report of sexual violence).
3. **“Appellate Body”** means any person or persons authorized by the University Vice President for Student Affairs, Community College Dean of Students, Charter Oak State College Provost or their designee to consider an appeal from a determination by a Hearing Body that a student has violated the Student Code.
4. **“Calendar Days”** means the weekdays (Mondays through Fridays) when the University or College is open.
5. **“College”** means either collectively or singularly any of the following institutions: Asnuntuck Community College, Capital Community College, Gateway Community College, Housatonic Community College, Manchester Community College, Middlesex Community College, Naugatuck Valley Community College, Northwestern Connecticut Community College, Norwalk Community College, Quinebaug Valley Community College, Three Rivers Community College, Tunxis Community College, and Charter Oak State College.
6. **“Complainant(s)”** means the person(s) who initiates a complaint by alleging that a Student(s) violated the Code.
7. **“CSCU”** means either collectively or singularly, any of the following institutions: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, Western Connecticut State University; Asnuntuck Community College, Capital Community College, Gateway Community College, Housatonic Community College, Manchester Community College, Middlesex Community College, Naugatuck Valley Community College, Northwestern Connecticut Community College, Norwalk Community College, Quinebaug Valley Community College, Three Rivers Community College, Tunxis Community College, and Charter Oak State College.

8. **“CSCU Affiliates”** means individuals and/or entities with whom or with which the College or University has a contractual relationship.
9. **“CSCU Official”** means any person employed by the College or University to perform assigned administrative, instructional, or professional responsibilities.
10. **“CSCU Premises”** means all land, buildings, facilities, and other property in the possession of, or owned, used, and/or controlled by, the University or College, either solely or in conjunction with another entity.
11. **“Disciplinary Officer” or “Conduct Administrator”** means a University, College or CSCU 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 before the Hearing Body.
12. **“Hearing Body” or “Hearing Panel”** means any person or persons authorized by the University Vice President for Student Affairs, Community College Dean of Students or Charter Oak State College Provost to determine whether a student has violated the Code and to impose sanctions as warranted, including a hearing officer or hearing board.
13. **“Institution”** means the University or College within CSCU.
14. **“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.
15. **“Member of the CSCU Community”** means any person who is a student, an official or any other person who works for CSCU, either directly or indirectly (e.g., for a private enterprise doing business on a CSCU campus).
16. **“Policy”** means the written regulations, standards, and student conduct expectations adopted by the BOR 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 and College notices.
17. **“Prohibited Conduct”** means the conduct prohibited by this Code, as more particularly described in Part I-D of this Code.
18. **“Reporting Party”** means any person who alleges that a student has violated this Code.



19. **“Student”** means either (1) any person admitted, registered, enrolled or attending any CSCU course or CSCU conducted program, whether full-time or part-time, and whether pursuing undergraduate, graduate or professional studies, or continuing education; (2) any person who is not officially enrolled for a particular term but who has a continuing relationship with a CSCU; or (3) any person within two calendar years after the conclusion of their last registered Community College course unless the student has formally withdrawn, graduated or been expelled from the College.
20. **“Student Code” or “Code”** means this Student Code of Conduct.
21. **“Student Organization”** means an association or group of persons that have complied with the formal requirements for University or College recognition.
22. **“Support Person”** means a person, who accompanies an Accused Student, a Reporting Party 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.
23. **“University”** means any of the following institutions: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, and Western Connecticut State University, whichever the alleged violation of the Code occurred.
24. **“Shall” and “will”** are used in the imperative sense.
25. **“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, the twelve Community Colleges, and the on-line college: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, Western Connecticut State University; Asnuntuck Community College, Capital Community College, Gateway Community College, Housatonic Community College, Manchester Community College, Middlesex Community College, Naugatuck Valley Community College, Northwestern Connecticut Community College, Norwalk Community College, Quinebaug Valley Community College, Three Rivers Community College, Tunxis Community College, and Charter Oak State College.

An alleged violation of the Student Code shall be addressed in accordance with the Code of Conduct, even if the accused Student has withdrawn from the Institution prior to the completion of the disciplinary procedures.

The Student Code shall apply to Students and to University 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 readily available electronically and/or in a printed publication to students, faculty and staff. The office responsible for Student Affairs will annually 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: A University's and Charter Oak State College's Provost or a Community College's Dean of Students shall be the person designated by the institution President to be responsible for the administration of the Academic Misconduct portion of the Student Code. A University's Vice President for Student Affairs, a Community College's Dean of Students, or Charter Oak State College's Provost shall be the person designated by the institution President to be responsible for the administration of the Non-Academic Misconduct portion of the Student Code.

## **PART C: SCOPE OF AUTHORITY**

A Student who is found responsible for engaging in conduct that violates the Student Code on any CSCU campus or on property controlled by the BOR or by any CSCU Affiliate or any CSCU sponsored function or event shall be subject to the sanctions described in this Code. The Student Code of Conduct also applies to online activities, where applicable. 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 by University students 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 University 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 CSCU or to the property of the CSCU.

Community College students conduct is subject to the Code on campus and off-campus whenever such conduct impairs College-related activities or affairs of another member of the College community or creates a risk of harm to a member or members of the College community. Students must be aware that, as citizens, they are subject to all federal and state laws in addition to all CSCU 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 CSCU Community. However, where a court of law has found a student to have violated the law, an institution has the right to impose the sanctions of this Code even though the conduct does not impair institution-related activities of another member of the university or college community and does not create a risk of harm to the college or university community. The decision to exercise this right will be in the sole discretion of the President of the impacted institution or his/her designee.

Charter Oak State College applies this Code to matriculated and non-matriculated students, including those participating in portfolio assessment, credential evaluation, testing, or contract learning. Jurisdiction shall be limited to student conduct that occurs while students are taking Charter Oak State College courses or availing themselves of Charter Oak State College services. However, if a matriculated Charter Oak State College student is found guilty of student misconduct at another institution, including but not limited to misrepresentation of records from other institutions, the student may be subject to disciplinary action at Charter Oak State College.

## **PART D: PROHIBITED CONDUCT**

The following list of behaviors is intended to represent the types of acts that constitute violations of this Code.

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

*Plagiarism* is defined as the submission of work by a student for academic credit as one's own work of authorship which contains work of another author without appropriate attribution.

*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 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 or College documents, including, but not limited to forging, transferring, altering or otherwise misusing a student fee card, student payroll card, identification card or other College or University identification document, course registration document, schedule card, transcript, or any other institution-issued document or record.
  - b. Knowingly furnishing false information to any CSCU 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, CSCU/BOR, the institution, or any member of the CSCU Community.
4. Actual or threatened physical assault or abuse, threatening behavior, intimidation, or coercion.
5. Sexual misconduct may include engaging in one of more 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; submission to or rejection of such conduct by an individual is used as a basis for academic decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile or offensive educational environment. Examples of conduct which may constitute sexual harassment include but are not limited to:

- 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 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). Consent must be affirmative. (See Sexual Misconduct Reporting, Support Services and Processes Policy).

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 (such as letting your friends hide in the closet to watch you 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.
6. Intimate partner violence is defined as:
- Including intimate partner violence, which is 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, as defined in section 5 above; (2) sexual assault in a spousal or cohabiting relationship; (3) domestic violence; (4) sexual harassment, as defined in section 5 above or, (5) sexual exploitation, as defined in section 5 above.
  - Physical abuse, which can include but is not limited to, slapping, pulling hair or punching.
  - Threat of abuse, which can include 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, which can include 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.
7. 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 express 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.
8. 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.

9. 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, on-line community or any other internet communication) or remaining in the physical presence of the other person.

10. 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 or expression, age, physical attribute, or physical or mental disability or disorder, including learning disabilities and mental retardation.
11. 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 CSCU premises or at functions sponsored by, or affiliated with the University or College.
12. Behavior or activity which endangers the health, safety, or well-being of oneself or others.
13. Offensive or disorderly conduct which causes interference, annoyance or alarm or recklessly creates a risk thereof at CSCU or CSCU premises, CSCU web or social media sites, at a CSCU-sponsored activity or in college or university courses, including cyber bullying. This offense does not apply to speech or other forms of constitutionally protected expression.
14. Unauthorized possession, duplication or use of keys (including, but not limited to, card access, card keys, fobs, etc.) to any CSCU premises or forcible and/or unauthorized entry on or into CSCU premises.
15. Starting fires, causing explosions, falsely reporting the presence of fire, bombs, incendiary or explosive devices, or falsely reporting an emergency.
16. 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.

17. Use, possession, purchase, sale or distribution of alcoholic beverages, except as expressly permitted by law and CSCU 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.
18. 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.
19. 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.
20. Gambling, including, but not limited to, promoting, wagering, receiving monies for wagering or gambling for money or property on CSCU premises.
21. Disruption or obstruction of any College or University function, activity or event, whether it occurs on or off the campus, or of any non-University or College function, activity or event which is authorized by the institution to occur on its premises.
22. Intentional obstruction of the free flow of pedestrian or vehicular traffic on CSCU premises or at University or College-sponsored or supervised functions or interference with entry into or exit from CSCU premises or with the free movement of any person.
23. Failure to comply with the directions of CSCU 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.
24. Conduct that violates published BOR/CSCU policies, rules, and regulations, including, but not limited to, residence hall rules and regulations.
25. Conduct prohibited by any federal, state, and/or local law, regulation or ordinance.
26. Unauthorized use of CSCU property or the property of members of the CSCU Community or of CSCU Affiliates.
27. Theft, unauthorized use, or abuse of University or College computers and/or peripheral systems and networks, including, but not limited to:
  - a. Unauthorized access to CSCU computer programs or files;
  - b. Unauthorized alteration, transfer or duplication of CSCU computer programs or files;
  - c. Unauthorized use of another individual's identification and/or password;

- d. Deliberate disruption of the operation of CSCU computer systems and networks;
  - e. Use of the Institution's 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 BOR Policy Statement on Acceptable and responsible use of Information Technology resources and/or any applicable BOR computer use policy.
28. Abuse of the CSCU conduct and disciplinary system, including but not limited to:
- a. Failure to obey the notice from a Hearing Body or CSCU 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. Initiation of a conduct or 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.



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

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

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

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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.

The Title IX coordinator will initiate the Title IX Process.

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

3. If the institution's Title IX Coordinator determines that the alleged harassment does not meet the factors in Section 2 above, but the alleged misconduct violates the Student Code of Conduct, the following procedures apply:
  - a. At any meeting or proceeding, both the Complainant and Respondent (Respondent means the person who has been reported to be the perpetrator of conduct violating the Student Code of Conduct) may be accompanied by an advisor or support person of the student's choice provided the advisor or support person does not cause a scheduled meeting or hearing to be delayed or postponed and provided an advisor or support person may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process (or other proceeding or pertaining to a report of sexual misconduct);
  - b. Both the Complainant and Respondent are entitled to request that disciplinary proceedings begin promptly;
  - c. Any hearing regarding an accusation of sexual misconduct shall (i) be fair, prompt and impartial; (ii) be conducted by a Hearing Body annually trained in issues relating to sexual misconduct (iii) use the preponderance of evidence (more likely than not ) standard; (iv) shall allow both the Complainant and Respondent the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding; (v) provide both the Complainant and Respondent with equal access to any information that will be used during meetings and hearings; (vi) invoke the standard of "affirmative consent"<sup>6</sup> in determining whether consent to engage in sexual activity was given by all persons who engaged in sexual activity; (vii) presume that the Respondent is not responsible until the conclusion of the process; and (viii) the hearing will be held live.
  - d. In accordance with the Family Educational Rights and Privacy Act (FERPA), Complainant and Respondent have the right to keep their identities confidential;
  - e. Complainants and Respondents shall be provided written notice of the decision of the Hearing Body simultaneously, normally within one (1) business day after the conclusion of the Hearing. In accordance with the Family Educational Rights and Privacy Act (FERPA) the notice to parties to sexual misconduct shall contain only the following: the name of the parties, the violation committed, if any, and any sanction imposed against the Respondent.
  - f. Both parties shall have the same right to request a review of the decision of the Hearing Body (appeal rights) in the same manner and on the same basis; however, if a request for review is determined to be properly made and if the review determines there is sufficient grounds for altering the decision of the Hearing Body, among the other actions that may be taken as set forth above, the sanction of the hearing may be increased or decreased.

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

Notwithstanding the foregoing, in any hearing pertaining to sexual misconduct both the Complainant and Respondent are entitled to be simultaneously provided notice of any change in the results of the hearing prior to the time when the results become final, as well as to be notified when such results become final.

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

### ***PART F: CONDUCT AND DISCIPLINARY RECORDS***

The written decision resulting from an administrative conference or a hearing under this Code shall become part of the student's educational record and shall be subject to the provisions of the Family Educational Rights and Privacy Act (FERPA). A student's disciplinary record shall be maintained separately from any other academic or official file maintained by the Institution. 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.

While student education records are generally protected from disclosure by FERPA, there are a number of exceptions to this rule. Students should be aware that a record concerning his/her behavior while a student at the College or University may be shared with other colleges or universities to which the student may subsequently wish to transfer or be admitted. Similarly, prospective employers may require a student to provide access to his/her education records as part of the employment application process. A record of having been sanctioned for conduct that violates Section I.D. of the Code may disqualify a student for admission to another college or university, and may interfere with his/her selection for employment.

### ***PART G: INTERPRETATION AND REVISION***

Questions regarding the interpretation of this Code shall be referred to the University's and Charter Oak State College's Provost or a Community College's Dean of Students or their designees for the administration of the Non-Academic Misconduct portion of the Student Code and to the University's Vice President for Student Affairs, a Community College's Dean of Academic Affairs or Charter Oak State College's Provost or their designees for the administration of the Academic Misconduct portion of the Student Code.

This Code shall be reviewed and revised, if and as necessary, every five (5) years, or as directed by the President of the Board of Regents for Higher Education.

## II. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO STATE UNIVERSITY STUDENTS

Procedures for University students differ from those procedures applicable to either the Community Colleges or Charter Oak State College. This is due to the environmental, cultural, and administrative differences within the types of the institutions comprising CSCU. Procedures for addressing allegations and sanctions regarding academic misconduct (as defined in Section I.D.1) for University Students as set for in this Section II of the Code.

### **PART A: DISCIPLINARY PROCEDURES - ACADEMIC MISCONDUCT**

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. Each institution shall establish implementation guidelines in accordance with this Code.
2. Information from Person Other than Student's Instructor: Any member of the CSCU 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. (Should the academic sanction not be changed pursuant to this recommendation, the University reserve the right to change the academic sanction.) 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) 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: DISCIPLINARY PROCEDURES - NONACADEMIC MISCONDUCT**

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

1. Providing Information leading to a Complaint: Any person 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. Disciplinary Proceedings Against a Student Charged with Sexual Assault, Sexual, Intimate Partner, Domestic Violence or Other Sex Related Offense: See Section I.E
4. Pre-Hearing Investigation and Administrative Disposition:
  - a. 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.
  - b. The Disciplinary Officer or Conduct Administrator may conduct an investigation to determine if there is reason to believe the student has committed a violation of any part of Section I.D. of the Code and, after considering both the possible violation and the prior conduct record of the student, if the Disciplinary Officer or Conduct Administrator determines that a sanction of less than residential hall separation or suspension or expulsion from the University is appropriate, the Disciplinary Officer or Conduct Administrator shall schedule an administrative conference with the student. The student shall be given reasonable notice of the time and place of the conference. At the administrative conference, the student shall have the opportunity to present information for the Disciplinary Officer's or Conduct Administrator's consideration. At the conclusion of the administrative conference, the Disciplinary Officer or Conduct Administrator shall determine whether it is more likely than not that the student has violated the Policy and, if so, impose a sanction less than residential hall separation, or suspension or expulsion from the University. The Disciplinary Officer or Conduct Administrator shall provide the student with a written explanation for the determination. The decision of the Disciplinary Officer or Conduct Administrator shall be final.
5. Hearing Bodies: A Student accused of misconduct has the right to be heard by an impartial Hearing Body. Any concern 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. Any Hearing regarding an accusation of sexual assault, sexual misconduct, intimate partner, domestic violence or other sex related offense or intimate partner violence shall be conducted by an impartial Hearing Body trained in issues relating to sexual assault, sexual violence, intimate partner, and domestic violence.
6. Hearing Procedures:
  - a. Notice of Hearing: Normally, a hearing will be conducted within ten (10) 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, with delivery receipt attached or by certified mail, return receipt requested by University email or by overnight delivery with signature of recipient required. 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.

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) 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.

In any Hearing alleging sexual assault, sexual, intimate partner, domestic violence or other sex related offense, any alleged victim and the Accused Student are entitled to:

- 1) be accompanied to any meeting or proceeding by an advisor or support person of their choice, provided that the advisor or support person does not cause a scheduled meeting to be delayed or postponed;
- 2) present evidence and witnesses on their behalf;
- 3) in accordance with the Family Educational Rights and Privacy Act (FERPA), to have their identities kept confidential.

In addition, the alleged victim of sexual assault, sexual, intimate partner, domestic violence or other sex related offense is entitled to request that disciplinary proceedings begin promptly.

- 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. Advisors and Support Persons: The Reporting Party, any alleged victim, and the Accused Student shall each have the right to be accompanied by an Advisor and Support Person. The Advisor and 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 an Advisor or Support Person.
- h. Presentation of Evidence: Only evidence introduced at the hearing itself may be considered by the Hearing Body in determining whether it is more likely than not that the alleged violation was committed by the accused student.
- 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.

With respect to Hearings alleging sexual assault, sexual, intimate partner, domestic violence or other sex related offense, any alleged victim shall receive written notice of the decision of the Hearing Body at the same time as the Accused Student, normally within one (1) business day after the conclusion of the Hearing.

In accordance with the Family Educational Rights and Privacy Act (FERPA) the notice to any alleged victim of sexual assault, sexual, intimate partner, domestic violence or other sex related offense shall contain only the following: the name of the student, the violation committed and any sanction imposed against the student.

6. Review: An Accused Student may request that the decision of the Hearing Body be reviewed by 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) 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 a request for a review. 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 reviewed.
- a. Grounds for Review: The Accused Student has the right to request a review of 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 review shall be limited to a review of the record except as required to explain the basis of new information.
- b. Review Procedures: In order to prepare for the review, 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 review will not be heard by anyone involved in the initial hearing. The review shall be considered and a decision rendered within ten (10) Calendar Days of the filing of the request for review.

If a request for review is granted, 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 a request is not granted, the matter shall be considered final and binding upon all involved.

- c. Status of Student Pending Review: All sanctions imposed by the Hearing Body shall be and continue in effect pending the outcome of a review. Any request to delay the commencement of sanctions pending a review must be made by the Accused Student, in writing, to the Vice President for Student Affairs or his or her designee.
- d. With respect only to Hearings related to sexual assault, sexual, intimate partner, domestic violence or other sex offense, the alleged victim shall have the same right to request a review in the same manner and on the same basis as shall the Accused Student as set forth above; however, in such cases, if a review by any alleged victim is granted, among the other actions that may be taken as set forth above, the sanction of the Hearing may also be increased.

Upon review, if the decision or sanction of the disciplinary proceeding is changed, any alleged victim must be notified in writing of the change in decision or sanction at the same time that the Accused Student is notified.

### **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 suspension, 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 Calendar Day that the Student is available.

At that meeting, the Accused Student will be advised of his/her reported behavior and be offered the opportunity to provide information upon which the determination may be based whether or not the Student engaged in conduct warranting an interim suspension or residence hall separation.

Any Student placed on an interim suspension will be given an opportunity to appear at an administrative conference or a formal hearing on the misconduct charges lodged against him or her in accordance with II.B.5 of this Code within ten (10) Calendar Days of being placed on such suspension, 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. Fine: A sanction involving the imposition of a specified dollar amount due and payable by a specified date.
- 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 Separation: 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 among CSCU 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 CSCU by suspension may under the terms of the suspension be excluded from the premises of all CSCU premises 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 CSCU 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 CSCU by expulsion may under the terms of the expulsion be excluded from all CSCU Premises 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.

### **III. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO COMMUNITY COLLEGE STUDENTS**

Procedures for Community College students differ from those procedures applicable to either the Universities or Charter Oak State College. This is due to the environmental, cultural and administrative differences within the types of the institutions comprising CSCU. Procedures for addressing allegations and sanctions regarding academic misconduct (as defined in Section I.D.1 above) for Community College Students as set for in this Section III of the Code.

#### **PART A: DISCIPLINARY PROCEDURES (Academic and Non-Academic Misconduct)**

In regard to College Students, the following procedures shall govern the enforcement of the Code:

1. Information that a student may have violated the Code should be submitted to the Dean of Students, Dean of Academic Affairs or other designee of the President (hereinafter referred to as “the Dean”), normally within thirty (30) calendar days of the date of a possible violation or within thirty (30) calendar days of the date that the facts constituting a possible violation were known.
2. Upon receipt of information relating to a possible violation, the Dean may immediately place restrictions on or suspend a student on an interim basis if, in the judgment of the Dean, the continued presence of the student at the College or continued participation in the full range of college activities poses a danger to persons or property or constitutes an ongoing threat of disrupting the academic process.
  - a. “Interim restrictions” are limitations on the Student’s participation in certain College functions and activities, access to certain locations on campus or access to certain persons, that do not prevent the Student from continuing to pursue his/her academic program. A Student upon whom the Dean has placed interim restrictions shall be afforded written reasons for the restrictions, as well as the time period during which the interim restrictions shall apply. The decision of the Dean regarding interim restrictions shall be final.
  - b. “Interim suspension” is the temporary separation of the Student from the College that involves the denial of all privileges, including entrance to College premises. Prior to imposing an interim suspension, the Dean shall make a good faith effort to meet with the Student. At this meeting, the Dean shall inform the Student of the information received and provide the Student an opportunity to present other information for the Dean’s consideration. Based upon the information available at that time, the Dean shall determine whether the Student’s continued presence on campus poses a danger to persons or property or constitutes an ongoing threat of disrupting the academic process. A Student suspended on an interim basis by the Dean shall be provided written reasons for the suspension and shall be entitled to an administrative conference or a hearing as soon as possible, normally within ten (10) calendar days from the date the interim suspension was imposed. The decision of the Dean regarding an interim suspension shall be final.
3. Following the imposition of interim restrictions or interim suspension, if any, the Dean shall promptly investigate the information received by meeting with individuals who may have knowledge of the matter, including the accused Student, and by reviewing all relevant documents.

If upon the conclusion of the Dean's investigation, the Dean determines that there is insufficient reason to believe the Student has committed a violation of any part of Section I.D. of this Policy, the Dean shall dismiss the matter and shall so inform the Student in writing.

4. If upon the conclusion of the Dean's investigation, the Dean determines that there is reason to believe the Student has committed a violation of any part of Section I. D. of this Code and, after considering both the possible violation and the prior conduct record of the Student, that a sanction of less than suspension or expulsion is appropriate, the Dean shall schedule an administrative conference with the Student. The Student shall be given reasonable notice of the time and place of the conference. At the administrative conference, the Student shall have the opportunity to present information for the Dean's consideration. At the conclusion of the administrative conference, the Dean shall determine whether it is more likely than not that the Student has violated the Policy and, if so, impose a sanction less than suspension or expulsion. The Dean shall provide the Student with a written explanation for the determination. The decision of the Dean shall be final.
5. If upon the conclusion of the Dean's investigation, the Dean determines that there is reason to believe the Student has committed a violation of any part of Section I.D. of this Code and, after considering both the violation and the prior conduct record of the Student, that a sanction of suspension or expulsion is appropriate, the Dean shall provide the Student with reasonable written notice of a meeting and shall inform the Student that his/her failure to attend the meeting or to respond to the notice may result in the imposition of the maximum permissible sanction. At the meeting, the Dean shall provide the Student with a written statement that shall include the following:
  - a. a concise statement of the alleged facts;
  - b. the provision(s) of Section I.D. that appear to have been violated;
  - c. the maximum permissible sanction; and
  - d. a statement that the student may resolve the matter by mutual agreement with the Dean, or may request a hearing by notifying the Dean in writing, which must be received by 5:00pm on the following business day.
6. If the Student requests a hearing, he/she is entitled to the following:
  - a. to be heard within five (5) days or as soon as reasonably possible, by an impartial party or panel whose members shall be appointed by the Dean;
  - b. if the Dean appoints an impartial panel, to have a Student on the panel if requested by the Student;
  - c. to appear in person and to have an advisor who not shall attend as a representative of the Student. However, if there is pending at the time of the hearing a criminal matter pertaining to the same incident that is the subject of the hearing, a lawyer may be present for the sole purpose of observing the proceedings and advising the Student concerning the effect of the proceedings on the pending criminal matter;
  - d. to hear and to question the information presented;
  - e. to present information, to present witnesses, and to make a statement on his or her behalf; and
  - f. to receive a written decision following the hearing.
7. As used herein, the term "impartial" shall mean that the individual was not a party to the incident under consideration and has no personal interest in the outcome of the proceedings. Prior to the



commencement of the hearing, the Student who is subject to the hearing may challenge the appointment of an impartial party or panel member on the ground that the person(s) is (are) not impartial. The challenge shall be made in writing to the Dean and shall contain the reasons for the assertion that the person(s) is (are) not impartial. The decision of the Dean shall be final.

8. The written decision of the impartial party or panel shall specify whether, based on the information presented, it is more likely than not that the Student committed the violation(s) reported and shall state the sanction to be imposed, if any. The written decision shall be provided to the Student.
9. Sanctions imposed by an impartial party or panel are effective immediately. The President may, for good cause, suspend imposition of the sanctions imposed by the impartial party or panel to allow the Student time to prepare a written request for review. If a written request is received, the President may continue to suspend imposition of the sanctions until he has reviewed and acted on the Student's request.
10. A written request for review of the decision of the impartial party or panel must be received by the President within three (3) calendar days after the Student is notified of the decision and must clearly identify the grounds for review. The review by the President is limited to the record of the hearing, the written request, and any supporting documentation submitted with the request by the Student. The decision of the impartial party or the panel shall be upheld unless the President finds that:
  - a. a violation of the procedures set forth herein significantly prejudiced the Student; and/or
  - b. the information presented to the impartial party or panel was not substantial enough to justify the decision; and/or,
  - c. the sanction(s) imposed was (were) disproportionate to the seriousness of the violation.
11. Decisions under this procedure shall be made only by the college officials indicated.

## **PART B: DISCIPLINARY SANCTIONS**

The prior conduct record of a Student shall be considered in determining the appropriate sanction for a Student who has been found to have violated any part of Section I.D. of this Code. Sanctions shall be progressive in nature; that is, more serious sanctions may be imposed if warranted by the prior conduct record of the Student.

A "sanction" may be any action affecting the status of an individual as a Student taken by the College in response to a violation of this Policy, and for the purposes of this Section III of the Code include but are not limited to the following:

1. "Expulsion" is a permanent separation from the College that involves denial of all Student privileges, including entrance to College premises;
2. "Suspension" is a temporary separation from the College that involves denial of all Student privileges, including entrance to college premises for the duration of the suspension, and may include conditions for reinstatement;

3. "Removal of College Privileges" involves restrictions on Student access to certain locations, functions and/or activities but does not preclude the Student from continuing to pursue his/her academic program;
4. "Probation" is a status that indicates either (a) serious misconduct not warranting expulsion, suspension, or removal of College privileges, or (b) repetition of misconduct after a warning has been imposed;
5. A "Warning" is a written notice to the Student indicating that he or she has engaged in conduct that is in violation of Section I.D. of this Code and that any repetition of such conduct or other conduct that violates this Code is likely to result in more serious sanctions;
6. "Community Restitution" requires a Student to perform a number of hours of service on the campus or in the community at large.

## **IV. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO CHARTER OAK STATE COLLEGE STUDENTS**

Procedures for Charter Oak State College students differ from those procedures applicable to either the Community Colleges or the Universities. This is due to the environmental, cultural, and administrative differences within the types of the institutions comprising CSCU. Procedures for addressing allegations and sanctions regarding academic misconduct (as defined in Section I.D.1 above) for Charter Oak State College Students as set for in this Section IV of the Code.

### **PART A: RIGHTS AND RESPONSIBILITIES OF HEARING PARTICIPANTS**

Hearing participants may include the accused student(s), a complainant, witnesses, support person(s), and the members of the hearing body.

The complaining party, any alleged victim, and the student who has been charged shall each have the right to:

1. Be notified of all charges.
2. Review any written complaint(s) submitted in support of the charge(s).
3. Be informed of the hearing process.
4. Request a delay of a hearing due to extenuating circumstances.
5. Be accompanied by an advisor or support person during the hearing.
6. Be present at all stages of the hearing process except during the private deliberations of the hearing body.
7. Submit a written statement regarding the incident.
8. Give a personal statement.
9. Question all statements and other information presented at the hearing.
10. Present information and witnesses when deemed appropriate and relevant by the hearing body.
11. Be informed of the finding(s) as well as any sanctions imposed.
12. Present a personal or community impact statement to the hearing body upon a finding of "Violation."

In addition to the above-mentioned rights, a student who has been charged with a violation of the Student Code of Conduct shall have the right to:

1. Be notified of the proposed information to be presented and to know the identity of witnesses who have been called to speak at the hearing when the Chair of the disciplinary hearing knows such information.
2. Request an alternate hearing panel member when there is reasonable cause to believe that the hearing panel will be unable to conduct an impartial hearing.
3. Be presumed not to be in "violation" of the code unless the facts presented at the hearing prove otherwise.
4. Deny or admit violating the Code of Conduct.
5. Decline to give a personal statement.
6. Present Character Witnesses, if appropriate.
7. Receive a written notice of the sanction(s) imposed.

**PART B: DISCIPLINARY PROCEDURES**

The Administration and the Faculty of Charter Oak State College believe that all members of the academic community are entitled to expect compliance with Section I.D.1 Prohibited Conduct. Accordingly, any Student or employee of the College may initiate a disciplinary process in the manner specified by this section. Once the process has been initiated, all subsequent decisions concerning possible discipline of a Student or students rest with the appropriate College officials. The President shall designate the Provost or another College official to have responsibility for the disciplinary procedures.

1. A statement of possible violation must be filed in writing with the Provost within thirty (30) business days of the date of the alleged violation or within thirty (30) business days of the date the alleged violation was known. Said statement must specify the Student conduct in question and the part or parts of Section I.D.1 Prohibited Conduct, which it is alleged said conduct violates, if applicable.
2. If the Provost determines that the alleged conduct may violate the provisions of the Code or otherwise threatens the safety or order of the College, the Provost shall, within ten (10) business days of receiving a written statement, provide written notice to the Student of the statement of possible violation(s) and the fact that the allegations will be investigated. The investigation shall be conducted by the Provost and/or his or her designee(s), and may include but not be limited to interviews with witnesses, the complainant(s), and review of any pertinent materials and information, and shall include an interview with the Student suspected in engaging in misconduct conduct unless the Student suspected declines to be interviewed. The investigation shall be completed within thirty (30) business days of the Provost's receipt of the written statement of possible violation. A record of the investigations will be maintained.
3. Following completion of the informal investigation specified above, the Provost will (a) determine that there is insufficient basis in fact and dismiss the matter or (b) conclude that there is a sufficient factual basis for discipline.
4. If the Provost determines there is a sufficient factual basis for moving forward with disciplinary proceedings, he or she shall cause a written statement of charges to be provided to the Student. Said statement shall contain (a) a concise statement of the facts on which the charge is based; (b) a citation of the rule or rules alleged to have been violated; (c) a statement of the maximum penalty sought; (d) a statement that the Student may request a hearing by responding in writing to the Provost within thirty (30) business days requesting such hearing; and (e) a statement that failure to request a hearing may result in imposition of the penalty sought.
5. If the Student requests a formal hearing, the Student is entitled to the following: (a) a hearing be conducted within thirty (30) business days after receipt by Provost of a written request for a hearing; (b) to be heard by an impartial panel chaired by the Dean of the Faculty or his/her designee and composed of no fewer than two members of the Charter Oak State College Faculty, one appointed by the Dean of the Faculty and one Student appointed by the Student Association; (c) to appear in person or through a conference call or other mutually agreed upon electronic means, or to have a representative attend on his/her behalf; (d) be accompanied by a support person during the hearing; (e) to hear and have a reasonable opportunity to question adverse witnesses and to present evidence and testimony in his/her behalf; and (f) to receive a written decision within ten (10) business days following the hearing specifying the panel's

findings and the penalty assessed, if any. The hearing shall be taped and a record shall be maintained of this hearing.

6. Hearing: A hearing shall be conducted following the guidelines specified below:

***On-site:***

- a. A hearing shall be conducted in private.
- b. Admission of any person into the hearing room shall be at the discretion of the chair of the hearing body. The chair, who is the Dean of the Faculty or his/her designee, shall have the authority to discharge or to remove any person whose presence is deemed unnecessary or obstructive to the proceeding.
- c. Except as directed by the chair, support persons shall limit their role in a hearing to that of a consultant to the accused, to the complainant or to the victim.
- d. The complainant and the accused are responsible for presenting their respective witnesses, any additional information, and any concluding statements regarding the charges and the information.
- e. In a manner deemed appropriate by the chair, the complainant and/or the accused may question the statements of any person who testifies.
- f. The hearing panel may question any witness presented by the accused and the complainant, including the complainant and the accused as well as any other witnesses the chair may choose to call.
- g. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Hearing Body at the discretion of the chair.
- h. All procedural questions are subject to the final decision of the chair or the Provost.
- i. After the hearing has concluded, the hearing panel, in private, will decide whether the Student charged with misconduct is in violation of the Student Code of Conduct. The Dean of the Faculty or his/her designee may participate in the discussion, but is a non-voting member. Only evidence introduced at the hearing shall be considered in the determination of the decision. Each decision shall be made on the basis of whether or not the information presented at the hearing substantiates the charges in a more likely than not manner.
- j. If the panel finds that the student violated the Student Conduct Code, the panel, in private, shall review the Student's academic transcript and disciplinary record, hear a character witness, if appropriate, and impose the appropriate sanction (s). The decision of the panel will be provided in writing to the Provost. The decision and sanction will be sent to the student in writing by the Provost.
- k. A taped record of the hearing will be maintained. The record shall be the property of the College.

***Via the Phone:***

- a. For the accused or complainant who cannot attend in person, Charter Oak State College will set up a conference call.
- b. Twenty-one (21) business days before the hearing, the Provost must receive all materials to be presented by the accused and by the complainant, including the names and relationships of the character witnesses and support persons. The Provost will send copies of the materials to the hearing panel, the accused, and

- the complainant at least seven (7) business days before the hearing. The Provost will arrange for the conference call.
- c. The procedures outlined in the "on- site" section will be followed, unless they specifically apply only to the on-site hearing.
  - d. Within ten (10) business days of the conclusion of the formal hearing, a Student may appeal the decision, in writing, to the President. An appeal shall be limited to a consideration of the verbatim record of the hearing and supporting documents for one or more of the following: a.) the process set forth in the guidelines was not followed and resulted in prejudice to the Student; b.) the evidence presented was insufficient to justify the decision; and c.) sanction(s) imposed was/were disproportionate to the gravity of the offense. The President may accept the decision of the hearing panel, overturn their decision, return the matter to the original hearing panel, or appoint a new hearing panel. The decision of the original hearing panel or the new hearing panel or the President will be sent to the Student in writing by the President and will be final.
  - e. During any appeal period, any sanctions will remain in place and the Student will not be allowed to participate in a graduation ceremony nor graduate until the review process has been completed and a final decision rendered.

### **PART C: INTERIM ADMINISTRATIVE ACTION**

The President or his/her designee may impose an interim "College Suspension" and/or other necessary restrictions on a Student prior to a hearing on the Student's alleged violation. Such action may be taken when, in the professional judgment of the President or his/her designee, a threat of imminent harm to persons or property exists.

Interim Administrative Action is not a sanction. Rather, it is an action to protect the safety and well-being of an accused Student, or other members of the College community, or greater community or to protect property. Such action is in effect only until a hearing is completed.

### **PART D: DISCIPLINARY SANCTIONS**

Disciplinary penalty shall mean any action affecting the status of an individual as a Student taken by the College in response to a Student's misconduct in violation of Section I.D.1 Prohibited Conduct above, which penalties shall include but not be limited to:

1. Warning - A written notice that the Student has violated College Policy and a warning that another violation will likely result in a more severe sanction.
2. Restitution - Compensation for loss of or damage to property.
3. Academic Sanctions
4. Suspension - Suspension is a temporary disciplinary separation from the College involving denial of all Student privileges, including entrance to College premises. A notation of "suspension" will be placed in the Student database but will not be placed on the Student transcript. Charter Oak State College will not accept credits earned at another institution or through any other means during a period of suspension. Suspensions shall range from one semester to two years.
5. Students who are suspended will receive no refund of tuition or fees.
6. A Student who has been suspended must apply for re-matriculation if he/she plans to return.
7. Expulsion - Expulsion is mandatory separation from the College involving denial of all Student privileges, including entrance to college premises for a minimum of 5 years.

After the length of the term for expulsion has expired, the Student may request in writing directed to the Provost permission to re-matriculate. That permission must indicate why Charter Oak State College should allow the Student to return.

8. Charter Oak State College will not accept credits earned at another institution or through any other means during a period of expulsion. A permanent notation of "Dismissed" shall be placed on the Student's transcript.

Failure to comply with requirements of Restitution or Academic Sanctions above will result in dismissal from the institution. The Student must complete the requirements of the sanction before he/she would be allowed to apply for readmission and/or graduate.

**Appendix B – Sexual Misconduct Reporting, Supportive Measures and Processes Policy**



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.

Sexual Misconduct Reporting  
Support Services and Processes Policy

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

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

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

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

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

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

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

Sexual Misconduct Reporting  
Support Services and Processes Policy

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

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

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

(c) **Sexual exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

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

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

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

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

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

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

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

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

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

**CONFIDENTIALITY**

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

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

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

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

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

**MANDATED REPORTING BY COLLEGE AND UNIVERSITY EMPLOYEES**

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

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

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

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

**RIGHTS OF PARTIES**

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

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

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

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

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

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

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

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

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

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

**SUPPORT SERVICES CONTACT INFORMATION**

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

**SEXUAL MISCONDUCT INVESTIGATION AND PROCEDURES**

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

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

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

and

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**REVIEW AND AUDIT**

The Title IX Coordinator will report to the President of the institution 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.

**Appendix C – Violence in the Workplace Prevention Policy**



## STATE OF CONNECTICUT

### **VIOLENCE IN THE WORKPLACE PREVENTION POLICY**

The State of Connecticut has adopted a statewide zero tolerance policy for workplace violence. The Board of Regents for Higher Education fully supports this policy and recognized the right of its employees to work in a safe and secure environment that is characterized by respect and professionalism.

#### **Prohibited Conduct**

Except as may be required as a condition of employment:

- No employee shall bring into any state worksite any weapon or dangerous instrument as defined herein.
- No employee shall use, attempt to use, or threaten to use any such weapon or dangerous instrument in a state worksite.
- No employee shall cause or threaten to cause death or physical injury to any individual in a state worksite.

In addition, the Board of Regents for Higher Education prohibits all conduct, either verbal or physical, that is abusive, threatening, intimidating or demeaning.

#### **Definitions**

“Weapon” means any firearm, including a BB gun, whether loaded or unloaded, any knife (excluding a small pen or pocket knife), including a switchblade or other knife having an automatic spring release device, a stiletto, any police baton or nightstick or any martial arts weapon or electronic defense weapon.

“Dangerous instrument” means any instrument, article, or substance that, under the circumstances, is capable of causing death or serious physical injury.

#### **Confiscation of Weapons and Dangerous Instruments**

Any weapon or dangerous instrument at the worksite will be confiscated and there is no reasonable expectation of privacy with respect to such items in the workplace.

#### **Reporting Procedures**

- **Emergency Situations:** Any employee who believes that there is a serious threat to his/her safety or the safety of others that requires immediate attention should contact **911**. The employee must also contact his/her **immediate supervisor** or the **Human Resources Office (860) 723-0331** at the Connecticut State Colleges and Universities System Office.

Please note that when 911 is dialed from a hard line, the local police authority will respond. When dialing from a cell phone, 911 will connect you directly to the nearest State Police Troop.

- **Non-Emergency Situation:** any employee who feels subjected to or witnesses violent, threatening, harassing, or intimidating behavior in the workplace should immediately report the

incident or statement to his/her supervisor or manager, the Human Resources Office, or the Board of Regents for Higher Education.

- **Supervisors/Managers Responsibilities:** Any manager or supervisor who received a report of violent, threatening, harassing, or intimidating behavior shall immediately contact the Human Resources Office so that office may evaluate, investigate, and take appropriate action.

**Investigation and Corrective Action**

- The Board of Regents for Higher Education will promptly investigate all reports or alleged incidents of violent, threatening, harassing or intimidating behavior.
- All employees are expected to cooperate fully in all such investigations.
- Any employee suspected of violating this policy may be placed immediately on administrative leave pending the results of the investigation.
- If the claims of violent, threatening, harassing or intimidating conduct are substantiated, or if it is found that the employee has otherwise violated this policy, the employee will be dealt with through the appropriate disciplinary process, and may be subject to discipline up to and including dismissal from state service.
- Where the situation warrants, the Board of Regents for Higher Education will request that the appropriate law enforcement agencies become involved in the investigation of the matter, and the Board of Regents for Higher Education may seek prosecution of conduct that violates the law.

**Enforcement of the Policy**

This policy will be prominently posted for all agency employees.

  
\_\_\_\_\_  
Agency Head

\_\_\_\_\_  
1/30/17  
Date

**Emergency Contact Information:**

CSCU HR Office	860-723-0331
Security Personnel	860-723-0046
State Police	800-968-0664

## **Appendix D – Reportable Crime Definitions**

### AGGRAVATED ASSAULT

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

### ARSON

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, and personal or other property. Only fires determined through investigation to have been willfully or maliciously set are classified as arson. Fires of suspicious or unknown origins are excluded.

### BURGLARY

The unlawful entry of a structure to commit a felony or a theft. The use of force to gain entry is not required to classify an offense as burglary. Burglary in this program is categorized into three sub-classifications: forcible entry, unlawful entry where no force is used, and attempted forcible entry .

### CRIMINAL HOMICIDE (Two categories)

#### Murder and non-negligent manslaughter

The willful (non-negligent) killing of one human being by another.

#### Manslaughter by Negligence

The killing of another person through gross negligence.

### DATING VIOLENCE

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: • The length of the relationship • The type of relationship • The frequency of interaction between the persons involved in the relationship

### DESTRUCTION/DAMAGE OF PROPERTY/VANDALISM

To willfully and maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it

### DOMESTIC VIOLENCE

Felony or misdemeanor crimes of violence committed by a current or former spouse 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, 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.

### DRUG VIOLATIONS

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any

controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

#### HATE CRIME

A hate crime, also known as a bias crime, is a criminal offense committed against a person, property, or society which is motivated, in whole or in part, by the offender's bias against a race, gender, gender identity, religion, disability, sexual orientation, ethnicity or national origin.

#### INTIMIDATION

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

#### LARCENY / THEFT

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

#### LIQUOR LAW VIOLATIONS

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

#### MOTOR VEHICLE THEFT

The theft or attempted theft of a motor vehicle, this offense category includes the stealing of automobiles, trucks, buses, motorcycles, motor scooters, snowmobiles, etc . The definition excludes the taking of a motor vehicle for temporary use by persons who have lawful access.

#### ROBBERY

The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence, and/or by putting the victim in fear.

#### SEX ASSAULT / SEX OFFENSES

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

#### RAPE

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

#### FONDLING

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

#### INCEST

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.



#### STATUTORY RAPE

Sexual intercourse with a person who is under the statutory age of consent.

#### SIMPLE ASSAULT

An unlawful physical attack by one person on another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness

#### STALKING

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.

#### WEAPONS VIOLATION

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

#### UNFOUNDED CASES

The event did not happen or was determined through investigation to be false.

**Appendix E – Management / Confidential Non-Continuation, Discipline,  
Reprimand, Suspension and Termination Policy (Article 8 of Contract)**

## 8.1 Non-continuation

Presidents may be non-continued only by an action of the Board. Other management and confidential professional employees may be non-continued in their current positions without cause or explanation, at the option of the President of the Board, for System Office employees; or Presidents, for College and University employees. Permanent employees hired on or after January 1, 2013, shall receive three (3) months' notice, except for employees hired as campus Presidents whose notice periods shall be established in their initial appointment letters. Campus academic management positions at or above the level of Dean may receive up to twelve (12) months' notice. Permanent employees hired prior to January 1, 2013, shall have the greater of three (3) months' notice or the notice provisions covered by the policy that was previously in effect for their respective employer (e.g. BOR/DHE, CCC, CSU or Charter Oak). The Board retains the authority to offer payment of salary in lieu of service or notice.

## 8.2 Discipline for Cause

No employee shall be disciplined except for cause. Discipline is defined as reprimand, suspension or termination. Discipline does not include counseling. Cause includes, but is not limited to: conviction of a crime; offensive, indecent or abusive conduct toward students, the public, superiors or co-workers; use of fraudulent credentials in seeking of appointment, continuation of appointment or promotion; poor performance; theft; willful neglect or misuse of state funds, property, equipment, material or supplies, including state-owned vehicles; violation of law, state regulation or policy of the Board of Regents for Higher Education; intoxication while on duty; neglect of duty; insubordination; engagement in an activity detrimental to the State or the Board of Regents for Higher Education; and disloyalty to the United States or to the State of Connecticut.

## 8.3 Reprimand

All reprimands shall be placed in the employee's personnel file and a copy shall be sent to the employee. Written reprimands may be removed from an employee's personnel file on the one year anniversary of the date of its issuance unless, during that one year period there is additional discipline issued to the employee. It shall be the employee's responsibility to request removal of a reprimand after its expiration date has passed. Reprimands may only be removed by mutual agreement of the President, Chief Human Resources Officer and the employee.

## 8.4 Suspension

A President may suspend an employee with pay if the employee constitutes a threat of harm to him or herself or others pending investigation of conduct for which discipline may be appropriate. A President may suspend an employee without pay for cause as specified in section 8.2. In any given action, the affected employee shall have the right to know and respond to the reasons for suspension without pay prior to the imposition of the penalty.

## 8.5 Appeals of Discipline (not applicable to those non-continued based on 8.1)

To discipline an employee (per 8.2) the following steps shall be followed: A. Before any disciplinary action is taken a meeting shall be arranged with the employee and the designee of the employer to discuss the situation. The employee shall have the opportunity to present relevant information. Upon the agreement of both parties discussion may be continued to a mutually agreed time. B. After the employer has issued discipline the employee may request a formal hearing by presenting said request not later than five (5) days after the receipt of the disciplinary notice. Said hearing shall be scheduled within thirty (30) days following a timely request by the employee. C. A hearing for non-Presidential Staff shall be held before the Vice President for Human Resources or his/her designee. The hearing shall not be governed by formal rules or procedures. The Vice President for Human Resources or his/her designee shall make a good faith effort to be fair and impartial while eliciting relevant information on the matter in question. If the discipline that is being contested was imposed by the Vice President for Human Resources then the President of the Board of Regents may appoint a different hearing officer of his/her choosing. D. Hearings for Presidential Staff shall be held by a committee of three appointed by the Chairman of the Board of Regents or his/her designee. Such hearings shall not be governed by formal rules or procedures. The committee appointed by the Chairman of the Board or his/her designee shall make a good faith effort to be fair and impartial while eliciting relevant information on the matter in question. E. In either a Presidential or non-Presidential hearing the hearings officers have ten (10) days from the conclusion of the hearing to notify the employee of his/her final and binding decision. Said decision(s) shall be without appeal. F. Failure by an employee to adhere to the deadlines specified herein shall be deemed a waiver of the opportunity for a hearing on the matter.

#### 8.6 Abandonment

Failure to perform assigned duties for five (5) consecutive working days without prior approval of the CSCU President (for system office personnel); or the President (for college and university personnel) is abandonment of one's appointment/position. The employee who has abandoned his/her position will then be separated from State service and be deemed to have resigned not in good standing.

#### 8.7 Layoff

In the event of a reduction in the ranks of Management and/or Confidential Professional employees resulting from retrenchment, reorganization or fiscal exigency, the notice provisions for noncontinuation in 8.1 shall apply.

#### 8.8 Notice of Retirement or Resignation (new 08/21/14)

It is recommended that employees planning retirement provide three (3) months of notice and employees resigning provide at least four (4) weeks of notice when possible. Scheduling of the last day at work should be discussed with the employee's supervisor or other designated individual in an attempt to work out the best arrangement for all concerned.

**Appendix F – AFSCME Local 1214 Dismissal and Discipline Policy (Article 11 of Contract)**

## ARTICLE 11 DISMISSAL AND DISCIPLINE

Section One. Discipline is defined as written reprimand, suspension, demotion or dismissal.

Section Two. No employee who has successfully completed the initial probationary period shall be disciplined under this Agreement except for just cause.

Section Three. The parties jointly recognize the deterrent value of disciplinary action and, whenever appropriate, disciplinary action will be preceded by warning and opportunity for corrective action. Nothing in this Section shall prohibit the Employer from bypassing progressive discipline when the nature of the offense requires and the failure to apply progressive discipline shall not in and of itself be cause for overturning the disciplinary action.

## **Appendix G – Evacuation Procedures**

## Alumni Campus Evacuation Procedures

In the event of an emergency requiring the evacuation of the Alumni Road building, any staff member who observes that an EMERGENCY SITUATION exists should order all other staff members and any visitors in the building to **immediately evacuate** through the **front or side exit doors**. A call to 911 should be made even though the ADT system is alarmed to send a response in the event of smoke or fire. Evacuated staff and visitors should proceed to the designated assembly area (**near the building sign in the grassy area next to Alumni Road**). Staff is to remain in the designated area until a check of all staff and visitors is completed.

As soon as an alarm signal is made the

**Emergency Evacuation Team (EET):**

Bill Burnes  
Yolanda Pacheco

**Or the EET backups**

Crystal Glasscock-Stephens  
Nancy Taylor  
Carolyn Hebert

will make every effort to ensure that all staff and visitors evacuate the building. At the designated assembly area, one of the EET members will conduct a staff count/visitor count, and report the count to the EET on duty at that time.

The Town of Newington police and fire departments respond to Alumni Road emergencies and will provide necessary CPR and First Aid. Response time for these departments is two to three minutes.

The listing herein represents contacts applicable for the 2019 calendar year. As employee transitions occur, EET contacts are updated accordingly.

**\*\*If you are unable to exit through the front or side doors due to smoke or fire, drop to the ground, cover your face if possible, and crawl to the nearest exit door. Do not attempt to stand or escape the building by crawling up into the ceiling vents, as upper areas most likely contain the most dense and deadliest gases and flames.**

***Questions on these procedures should be addressed to the Health and Safety Committee.***



## Manafort Campus Evacuation Procedures

In the event of an emergency requiring the evacuation of the Charter Oak State College administration building, any staff member who observes that an EMERGENCY SITUATION exists should order all other staff members and any visitors in the building to **immediately evacuate** through the **front or side exit doors**. A call to 911 should be made even though the ADT system is alarmed to send a response in the event of smoke or fire. Copies of Charter Oak's floor plans with exit doors labeled are posted on the walls in eight locations. Evacuated staff and visitors should proceed to the designated assembly area which is to the tall tree to left of the building's front door. Everyone is to proceed through the gate to the sidewalk outside of the fenced in parking lot.

As soon as an alarm signal is made the

**Emergency Evacuation Team (EET):**

Paula Silva, Carol Hall, Lila Guillet  
Jennifer Washington, Alison Sincovic

**Or the EET backups**

Carmel French, Michael Broderick  
Ady Yllanes, Kristi Newgarden

will make every effort to ensure that all staff and visitors evacuate the building. At the designated assembly area, one of the EET members will conduct a staff count/visitor count, and report the count to the EET on duty at that time.

The City of New Britain along with Central Connecticut State University's police and fire professionals respond to Manafort Road emergencies and will provide CPR and First Aid. By calling 911, the New Britain Public Safety Dispatch will notify CCSU Police and have them dispatched. Response time for CCSU is two to three minutes.

The listing herein represents contacts applicable for the 2019 calendar year. As employee transitions occur, EET contacts are updated accordingly.

***Questions on these procedures should be addressed to the Health and Safety Committee.***

\*Please note that when 911 is called, the New Britain Public Safety staff will be able to tell that the call is coming from our building and which room it was called from. This is also true of CCSU's police personnel.

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