



CONNECTICUT STATE  
COLLEGES & UNIVERSITIES

## INTERIM CONNECTICUT STATE COLLEGES AND UNIVERSITIES RESOLUTION PROCESS PROCEDURE FOR TITLE IX SEXUAL HARASSMENT

Effective Date: January 17, 2025

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## **I. APPLICABILITY**

This procedure applies to any potential violation of CSCU Board of Regents Policy 4-13 *INTERIM DISCRIMINATORY HARASSMENT, NONDISCRIMINATION, AND TITLE IX POLICY* (“Policy 4-13”) that also falls within the following subsets of Title IX Sexual Harassment, as defined by federal Title IX regulations:

Conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of CSCU conditioning the provision of an aid, benefit, or service of CSCU on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the CSCU’s “Title IX Education Program or Activity;” or
- (3) Sexual Assault, Dating Violence, Domestic Violence, and Stalking as defined in Policy 4-13.<sup>1</sup>

Further, this procedure applies only when the potential violation occurred after August 13, 2020, is alleged to have occurred in the United States, and while the Complainant was participating, or attempting to participate in, CSCU’s “Title IX Education Program or Activity,” which includes locations, events, or circumstances over which CSCU exercised substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurred, and includes any building owned or controlled by a student organization that is officially recognized by the CSCU or the College/University. For any other potential violation of Policy 4-13, please see [\[link to other procedure\]](#). CSCU is solely responsible for determining the applicability of this procedure to any potential violations of Policy 4-13.

## **II. GENERAL PROVISIONS**

CSCU will treat Complainants and Respondents equitably throughout the process. CSCU will presume that a Respondent is not responsible for a potential violation of Policy 4-13 or any other alleged misconduct until a determination regarding responsibility is made at the conclusion of this procedure.

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<sup>1</sup> Note that for purposes of this procedure, the phrase “for a sexual purpose” under Section 6(C)(d) shall be interpreted as “for purposes of sexual gratification” consistent with federal Title IX regulations.

CSCU requires that any Title IX/Equity Coordinator, investigator, informal resolution facilitator, or decision-maker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

Parties involved in matters under this procedure may be accompanied by one advisor of their choice (which may be a union representative or attorney) to any meeting or proceeding. If a party does not obtain an advisor, CSCU will assign an advisor for the purpose of cross-examination during the live hearing. Advisors may not participate in the proceedings in lieu of the party. The advisor must maintain respectful and professional decorum in all proceedings; failure by the advisor to do so may result in CSCU excluding the advisor from participation. CSCU maintains discretion to determine whether exclusion of an advisor is warranted. If an advisor is excluded from participation in the hearing, CSCU will appoint an advisor for the party.

CSCU may offer supportive measures as appropriate and reasonably available to a party before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive measures are non-disciplinary, non-punitive individualized services, without fee or charge to the party, and can include mutual no contact directives, consistent with Policy 4-13. Supportive measures are designed to restore or preserve equal access to CSCU's Education Program and Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the CSCU's educational environment or deter Title IX Sexual Harassment.

CSCU may remove a student Respondent from the CSCU Educational Program and Activity on an emergency basis, provided that the CSCU undertakes an individualized safety and risk analysis to determine whether an immediate threat to the physical health or safety of any student or any other individual arises from the allegations of Title IX Sexual Harassment. CSCU must provide the Respondent with notice and an opportunity to challenge the removal decision immediately following the removal. CSCU may place an employee Respondent on administrative leave from the CSCU Educational Program and Activity consistent with applicable CSCU policies and applicable bargaining agreements.

CSCU will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed to participate in this procedure. Such arrangements may include, but are not limited to, providing qualified interpreters, or assuring a barrier-free location for the proceedings.

CSCU will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and

present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses. While the process under this procedure is private, it is not confidential. CSCU may provide notice of the outcome or other information pertaining to matters addressed under this procedure to individuals or offices with a need to know the information, consistent with applicable laws.

If there is a determination that a violation of Policy 4-13 occurred, CSCU may impose appropriate disciplinary sanctions, up to, and including, separation from the institution, consistent with any applicable collective bargaining agreement. CSCU, as appropriate, will provide remedies to restore access to CSCU's Educational Program and Activity.

### **III. TIMELINE**

CSCU is committed to the prompt and thorough resolution of complaints under Policy 4-13. As such, CSCU will typically complete investigations within sixty (60) business days of receipt of a Formal Complaint. At the conclusion of the investigation, the parties will receive an electronic or physical copy of all relevant and directly-related evidence. Parties will have ten (10) business days to review and submit additional evidence or a written response. After the evidence review, parties will have an additional ten (10) business days to review the final investigative report and submit a written response to the decision-maker. The hearing will not be scheduled until after the ten (10) business day report review expires.

This procedure allows for reasonable extensions of timeframes on a case-by-case basis for good cause, which includes but is not limited to: investigations where additional time is necessary to ensure the integrity and completeness of the investigation; to comply with a request by law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of parties and/or witnesses; to account for University/College breaks or vacations; to account for complexities of a case, including the number of witnesses and volume of information provided by the parties; or for other legitimate reasons. Parties will receive written notice, including rationale, for any significant departure from the prescribed timeline.

### **IV. STANDARD OF EVIDENCE**

All determinations will be based on the *preponderance of evidence* standard, meaning the evidence must demonstrate that it is more likely than not that the incident occurred as alleged. Decision-maker(s) must evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decision-maker(s) is not persuaded by the evidence that a violation of Policy 4-13 occurred, whatever the quantity of the evidence is, the decision-maker(s) will not determine that a violation occurred.

## **V. REVIEW OF EVIDENCE**

*Relevant evidence* is evidence that has some value or tendency to prove a matter of fact significant to the case. Relevant evidence may pertain to a party or witness's credibility.

The decision-maker(s) will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as Complainant, Respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered by the investigator or the decision-maker(s) in connection with its investigation or at the hearing, except as may be necessary to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant or directly related:

- Evidence that is protected under a privilege recognized by federal or state law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless CSCU obtains that party's or witness's voluntary, written consent for use in this procedure; and
- Evidence that relates to the Complainant's sexual predisposition or prior sexual behavior, unless evidence about the complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual behavior with the Respondent that is offered to prove consent to the alleged Title IX Sexual Harassment. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the Complainant's consent to the alleged Title IX Sexual Harassment or preclude determination that Title IX Sexual Harassment occurred.

## **VI. FILING A FORMAL COMPLAINT**

To initiate this procedure, a Formal Complaint must be filed. Formal Complaints must:

- be a written request for an investigation;
- be signed by the Complainant or the Title IX/Equity Coordinator, or designee;

- not be anonymous;
- identify the Respondent; and
- contain allegations that reasonable constitute Title IX Sexual Harassment, as defined above.

A Complainant must be participating or attempting to participate in the CSCU's "Title IX Education Program or Activity" at the time of filing the Formal Complaint, for purposes of determining the applicability of this procedure. A Formal Complaint may be filed with the Title IX/Equity Coordinator in person, by mail, or by electronic submission.

## **VII. NOTICE OF ALLEGATIONS**

Upon receipt of a Formal Complaint, CSCU will provide a written Notice of Allegations to the Complainant (if applicable) and the Respondent(s) regarding the allegations and containing information about this procedure. If, during the investigation, CSCU receives information of additional allegations concerning the Respondent(s), CSCU may supplement the Notice of Allegations, or may address the additional allegations through a separate process under the applicable procedures. CSCU may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances. CSCU may also consolidate reports and complaints under this procedure to investigate and adjudicate any potential violation of Policy 4-13 that falls under [\[link to other procedure\]](#), as well as any other applicable CSCU policy arising out of the same facts or circumstances.

## **VIII. DISMISSAL OF FORMAL COMPLAINT**

### *a. Mandatory Dismissal*

CSCU must dismiss a Formal Complaint, in part or whole at any point in the investigation or hearing, if:

- the conduct would not constitute Title IX Sexual Harassment, as defined above, even if proved;
- the conduct did not occur within CSCU's "Title IX Education Program or Activity;" or
- the conduct did not occur within the United States.

### *b. Discretionary Dismissal*

CSCU may dismiss a Formal Complaint, in part or whole at any point in the investigation or hearing, if:

- a Complainant withdraws, in writing, a Formal Complaint, or any allegations therein;
- the Respondent is no longer enrolled or employed by CSCU; or
- specific circumstances prevent the CSCU from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If CSCU dismisses a Formal Complaint, in part or whole, CSCU will notify the parties simultaneously. The notification will include the grounds and rationale for dismissal and information on how to appeal the dismissal, consistent with section XIV of this procedure. Dismissal does not preclude CSCU from taking action under another provision of CSCU policy.

## **IX. INFORMAL RESOLUTION**

Where appropriate and available, CSCU may offer the parties the option to engage in an informal resolution, which should typically be complete within (30) days. Informal resolution is not available for allegations that an employee engaged in Title IX Sexual Harassment against a student. There is no expectation that parties elect to participate in the informal resolution process. Further, both parties must be provided with written notice disclosing the allegations and the requirements of the informal resolution process, and the parties must agree to engage in the process in writing prior to initiation. Parties may decide to withdraw from the informal resolution process at any time prior to a final resolution, and based on the facts and circumstances, the matter may return to the investigation and adjudication process described by this procedure. An informal resolution is binding on the parties and is considered a final resolution to the matter.

## **X. INVESTIGATION**

When CSCU receives a Formal Complaint that is not otherwise subject to dismissal or an informal resolution, CSCU will initiate an investigation.

After providing notice, CSCU will conduct an adequate, reliable, and impartial investigation into the Formal Complaint. The burden is on CSCU- not the parties- to conduct an investigation that gathers sufficient evidence to determine whether a violation of Policy 4-13 occurred. As such, CSCU maintains full authority to determine whether certain evidence or witnesses are necessary to conduct a thorough investigation.

CSCU will provide a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate. CSCU will provide equal opportunity for parties to present information, both inculpatory and exculpatory, and recommend fact or expert witnesses.

At the conclusion of the fact-gathering, parties will receive access to all directly related evidence and an investigation report, consistent with section III of this procedure.

## **XI. HEARING**

For all live hearings conducted under this procedure:

- The hearing will be live and recorded or transcribed for purposes of appeal.
- The hearing will be held by decision-maker(s) who will be either a single Hearing Officer or a Hearing Panel, at the discretion of CSCU. When a Hearing Panel is used, one member of the panel will be designated as the Hearing Chair.
- The Hearing Officer or Hearing Chair is responsible for enforcing the rules of decorum and determining relevancy.
- The Hearing Officer or Hearing Chair will open and establish rules and expectations for the hearing.
- The Parties will each be given the opportunity to provide brief opening statements.
- The Hearing Officer or panel will ask questions of the Parties and witnesses.
- Parties will be given the opportunity for live cross-examination of the parties and any witnesses after the Hearing Officer or panel conducts its initial round of questioning.
- All cross-examination must be done through the Party's advisor. Parties may not act as their own advisor.
- During this live-cross examination the Advisor will ask their advisee, the other Party or Parties, and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.
- Before any cross-examination question is answered, the Hearing Officer or Hearing Chair will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Hearing Officer or Hearing Chair, may be deemed irrelevant if they have been asked and answered.
- During the parties' cross-examination, the Hearing Officer or Hearing Chair will have the authority to pause cross-examination at any time for the purpose of asking the hearing body's own follow-up questions or enforcing the rules of decorum.
- Any Party or witness may choose not to answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning.
- The Hearing Officer or panel may consider statements made by Parties or witnesses even if those Parties or witnesses do not participate in the hearing or do not answer some or all questions, in reaching a determination regarding responsibility.



## **XII. DETERMINATION OF RESPONSIBILITY**

Following the hearing, the decision-maker(s) will review evidence consistent with this procedure and determine whether a policy violation occurred. Within ten (10) business days, the decision-maker(s) will issue a *written notice of outcome* to the parties simultaneously. The notice of outcome will include:

- a description of the allegations;
- a description of the procedural steps taken from the receipt of the Formal Complaint through the determination;
- information about the relevant policies and procedure;
- the decision-maker's evaluation of the relevant and not otherwise impermissible evidence;
- policy determination(s);
- information on sanctions, referrals, and remedies; and
- information on how to appeal the outcome.

Consistent with state law, the decision-maker(s) will also notify the Chancellor or appropriate president, and any other individual or office, such as Labor Relations, that may need to know the information.

Determinations of responsibility become final upon the outcome of appeal or the expiration of the appeal period.

## **XIII. REVIEW OF TRANSCRIPT OR RECORDING**

Either the recording or transcript of the hearing will be available for review by the Parties unless there are any extenuating circumstances. The record/transcript of the hearing will not be provided to Parties or advisors.

## **XIV. RESPONSE TO DECISION AND APPEAL PROCESS**

Within ten (10) business days of receipt of the written notice of outcome or dismissal, parties may submit a written response to the record and/or appeal on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of outcome, that could affect the outcome of the matter; and
- The Title IX/Equity Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

If a timely appeal is received by any party, CSCU will notify the parties in writing and allow for a written response to the appeal within five (5) business days. After the parties are notified, CSCU will appoint an appeal officer or panel to review the appeal. The appeal officer or panel will not have acted as the investigator(s), decision-maker(s), or Title IX Coordinator in the matter.

After reviewing the appeal and any relevant evidence, the appeal officer or panel will provide written notice to the parties describing the outcome and any necessary remedies, up to and including re-opening the investigation.

#### **XV. RECORDKEEPING**

CSCU will maintain records of all proceedings under this procedure for a minimum of seven years, consistent with federal and state law. Such records will be shared pursuant to this procedure and may be disclosed to others with a need to know the information or pursuant to state or federal law or regulations.