

Central Connecticut State University

Procedures and Timetables for Processing of Discrimination, Harassment Intimate Partner Violence and Sexual Misconduct Complaints

In accordance with Section 46a-68-46 of the Affirmative Action Regulations of Connecticut State Agencies, the following procedures provide an internal process for the handling of complaints involving claims of discrimination or harassment, including sexual misconduct/violence.

This procedure is designed to further implement the Nondiscrimination in Education and Employment and BOR/CSCU Sexual Misconduct Reporting, Support Services, and Processes policies by providing a process through which individuals alleging violation of these policies may pursue a complaint. This includes allegations of retaliation, discrimination, harassment based on age, ancestry, color, disability, gender identity or expression, genetics, national origin, marital status, race, sex (including pregnancy, transgender status, sexual harassment and misconduct), religious creed, veteran status, sexual orientation, prior criminal conviction and any other status protected by federal or state laws.

When responding to an internal complaint, disclosure of information relating to the internal complaint and the identity of the complainant will be handled with appropriate sensitivity and in accordance with applicable laws.

A. Process for Filing Internal Complaints of Alleged Discrimination or Sexual Harassment and Misconduct

1. Who may file:

Any employee, applicant for employment, student, applicant for admission or any other person, including visitors.

2. When to file:

To provide adequate opportunity for a prompt investigation, complainants are encouraged to file as soon as possible but, except in cases involving sexual misconduct, must file no later than ninety (90) calendar days following the complainant's first knowledge of the alleged discriminatory act.

For cases involving allegations of sexual misconduct, there is no time limit for the filing of complaints. In extenuating circumstances, the Chief Diversity Officer has the discretion to waive the deadline for the filing of complaints involving matters other than sexual misconduct. Once filed, the internal complaint must be resolved within ninety (90) calendar days unless the complainant consents to extend this time period.

3. Where to File:

The Office of Diversity and Equity handles internal complaints alleging violations of the Nondiscrimination Opportunity in Education and Employment and/or the BOR/CSCU Sexual Misconduct Reporting, Support Services, and Processes policies. The Chief Diversity Officer (CDO) or his/her designee reviews and, if necessary, conducts an investigation into each complaint that, if proven, would constitute a violation of CCSU policies. Complaints against students are file with the Office of Student Conduct. See CCSU Student Code of Conduct and Statement of Disciplinary Procedures.

All complaints

Rosa Rodríguez, Chief Diversity Officer
Office of Diversity and Equity
Davidson Hall 102
860-832-0178

Complaints against Students

Director
Office of Student Conduct
Carroll Hall, 202
860-832-1667

The CDO serves as the Title IX officer. Complaints against students may be referred to the Office of Student Conduct.

Reports against the President, Chief Diversity Officer or Office of Diversity and Equity Employees

If a discrimination complaint is made against the President, Chief Diversity Officer or an Office of Diversity and Equity employee alleging that these employees directly or personally engaged in discriminatory conduct, the complaint shall be referred to the Commission on Human Rights and Opportunities (CHRO) for review and, if appropriate, investigation by the Department of Administrative Services, except if any such complaint has been filed with the Equal Employment Opportunity Commission or the Commission on Human Rights and Opportunities, the CHRO or Department of Administrative Services may rely upon the process of the applicable commission in lieu of such investigation.

4. Process for filing complaints

At the time an individual makes his/her complaint, the CDO or designee will provide the individual with the University's respective policies on CCSU Nondiscrimination in Education and Employment Policy and/or the BOR/CSCU Sexual Misconduct Reporting, Support Services, and Processes Policy and the procedures and timetables for processing internal complaints.

No Basis to Proceed.

At any point during the processing of the complaint, the CDO or designee may determine that there is no basis to proceed under the Nondiscrimination in Education and Employment Policy, BOR/CSCU Sexual Misconduct Reporting, Support Services and Processes Policy. The CDO or designee shall refer the complaint as appropriate. The CDO or designee shall notify the complainant and, if necessary, the respondent of the outcome as appropriate, in accordance with applicable state and federal laws.

Investigatory Process.

The Office of Diversity and Equity shall provide the respondent with a written summary of the complaint, including a description of the alleged discriminatory acts, within ten (10) business days of the filing of the complaint. If the complaint is in writing, the Office of Diversity and Equity shall provide the respondent with a copy of the written complaint or summary of the complaint. Disclosure of information shall be in accordance with applicable state and federal laws.

The CDO or designee shall weigh all evidence pertaining to the internal complaint, make findings of fact, recommendations, and, with the consent of the parties and appropriate executive officer, propose settlements to the University President. Without investigation, the CDO or designee may also mediate issues between parties where the allegations, if proven, would not constitute a violation of CCSU policies.

The complainant and the respondent (person accused) will be allowed to have one non-participating support person present for the interview(s). For represented employees, this support person could be a union representative; however, if the support person is not a union representative, the employee who is

the respondent will be asked to sign a union waiver. For more information, see the Right to Union Representation section.

Timeline

Internal complaints shall be investigated and resolved within ninety (90) calendar days of the receipt of the complaint, including the written notification to the complainant(s) and respondent(s) regarding the results of the investigation. Whenever possible, complaints should be resolved in accordance with relevant University policies at the supervisory, Dean or Director's level with the concurrence of the CDO.

Right to Union Representation.

In accordance with federal law and applicable collective bargaining agreements, represented employees may have the right to request and receive union representation during an investigatory meeting.

Nothing in this procedure is intended to expand, diminish or alter in any manner whatsoever any right or remedy available under a collective bargaining agreement, personnel policy or law.

Determination.

Upon the conclusion of its investigation, the CDO or designee will determine whether or not discrimination or harassment in violation of CCSU policy occurred. A preponderance of the evidence standard is used to make this determination. A copy of the investigatory report will be provided to the University President.

1. **Unsupportable Complaints.** If the CDO or designee determines that the evidence is insufficient to support the allegation, he or she shall dismiss the complaint.
2. **Supportable Complaints.** If the CDO concludes that the allegations are supported by the evidence, he or she will report his or her findings and recommendations to the appropriate administrator.

5. Disciplinary Action

If the CDO or designee believes that disciplinary action against the respondent may be warranted at this or a subsequent stage, a recommendation will be made to the Chief Human Resource Office (for employees) or the Office of Student Conduct (for students).

B. Process for Filing an Appeal

Within fifteen (15) calendar days of the issuance of the Chief Diversity Officer's determination, the complainant or respondent may file an appeal of the determination. The appeal and all supporting documentation shall be submitted in writing to the University President, with copies to the CDO and other parties to the complaint.

The President or designee shall review the investigation and determine whether to affirm or modify the decision. The President or designee may receive additional information if the President or designee believes such information would aid in the consideration of the appeal.

If an appeal of the CDO's determination is filed, the University President or designee shall conduct a review of said appeal and issue a written decision within thirty (30) calendar days of the appeal. The University President shall notify all parties in writing of his/her decision.

AAUP members have the option of appealing the decision using a review panel as outlined in the AAUP Complaint Procedure.

The decision on appeal exhausts the complainant's and the respondent's administrative remedies under this procedure except as provided herein.

Appeal Process for AAUP Members

The complaint will be processed according to an agreed-upon procedure consistent with the CSU-AAUP Collective Bargaining Agreement, Appendix F. See AAUP Complaint Review Procedure.

C. Records Maintenance

The CDO shall create and maintain a file of each internal complaint received under these procedures. All information, including records and correspondence pertaining to said internal complaint will be kept in this file. Access to the file will be in accordance with applicable State and Federal statutes and collective bargaining agreements. The CDO will secure these files. All such files shall be maintained indefinitely, unless otherwise required by applicable State and Federal statutes and collective bargaining agreements.

All records of internal complaints and dispositions shall be reviewed on a regular basis by the Office of Diversity and Equity to discern any pattern in the nature of the internal complaints.

Related policies and procedures:

- Nondiscrimination in Education and Employment Policy
- BOR/CSCU Sexual Misconduct Reporting, Support Services, and Processes
- Consensual Relationship Policy
- Student Code of Conduct and Statement of Disciplinary Procedures

Revised October 25, 2011

Revised June 6, 2014—added BOR Sexual Misconduct, Sexual Assault and Intimate Partner Violence Policy, and revised the following sections: Investigatory process; Reports against CDO

Revised June 15, 2016 the following section: Investigatory Process: removal of sexual harassment policy from related policies and procedures; update notification timeframe for responding parties; clarification of support person for represented employees

Revised June 12, 2017 the following section: Investigatory Process: The right to a support person has been modified to expressly state a respondent or complainant is entitled to only one support person during the investigatory process.

Revised November 27, 2017 the following section: Introduction: added veteran status to protected class listing.

Revised April 23, 2018 the following section: When to file section.

Revised May 6, 2018 – updated the name of the BOR/CSCU Sexual Misconduct Reporting, Support Services, and Processes and records retention section to maintain files indefinitely.

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