

# Rules and Regulations

## 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 Commu-

nity 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. "Institution" means the University or College within CSCU.
13. "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.
14. "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).
15. "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.
16. "Prohibited Conduct" means the conduct prohibited by this Code, as more particularly described in Part I-D of this Code.
17. "Reporting Party" means any person who alleges that a student has violated this Code.
18. "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.
19. "Student Code" or "Code" means this Student Code of Conduct.
20. "Student Organization" means an association or group of persons that have complied with the formal requirements for University or College recognition.
21. "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.
22. "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. "Shall" and "will" are used in the imperative sense.

23. "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 online 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:
  - 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.
  - 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 or 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 consti-

tute 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:
- The 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, online 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, and Domestic Violence Cases

The Title IX Coordinator can assist in explaining the student conduct process. In addition to disciplinary procedures applicable to Community College students in Section III, for any hearing conducted involving allegations of sexual misconduct, the accuser and the accused student shall each have the following rights:

1. At any meeting or proceeding, both the reported victim and accused student 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);
2. The reported victim of sexual misconduct is entitled to request that an investigation or disciplinary proceedings begin promptly;
3. 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 accused student and reported victim the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding; and

(v) shall provide both the accused student and the reported victim with equal access to any information that will be used during meetings and hearings; and

(vi) invoke the standard of "affirmative consent"<sup>1</sup> in determining whether consent to engage in sexual activity was given by all persons who engaged in sexual activity.

4. 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;
5. Any reported victim shall be provided 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 reported victim of sexual misconduct shall contain only the following: the name of the accused student, the violation committed, if any, and any sanction imposed against the accused student.
6. The reported victim 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 as shall the accused student; however, if a request for review by a reported victim 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 also be increased. Notwithstanding the foregoing, in any hearing pertaining to sexual misconduct both the reported victim and the accused student 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.

<sup>1</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.

### 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 pro-

tected 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 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 forth in this Section III of the Code.

### **Part A: Disciplinary Procedures**

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 p.m. 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 shall not 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/she 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 A: 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.

## 5.2.2 POLICY ON STUDENT RIGHTS

### Section 1: Rights of Students

It is the policy of the Board of Regents for Higher Education that the educational offerings of the community colleges be available to students without regard to the individual’s race, color, religious creed, sex, age, national origin, ancestry, present or past history of mental disability, genetic information, marital status, mental retardation, sexual orientation, learning disability, or physical disability, including, but not limited to, blindness, or prior conviction of a crime (unless the provisions of sections 46a-60(b), 46a-80(b), or 46a-81(b) of the Connecticut General Statutes are controlling or there is a bona fide occupational qualification excluding persons in one of the above protected groups). With respect to the foregoing, discrimination on the basis of sex shall include sexual harassment as defined in Section 46a-60(8) of the Connecticut General Statutes. Further, the system will not discriminate against any person on the grounds of political beliefs or veteran status.

Students are entitled to an atmosphere conducive to learning and to impartial treatment in all aspects of the teacher-student relationship. The student should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or his or her own part in society. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, whether personality, race, religion, degree of political activism, or personal beliefs. Students are free to take reasoned exception to the data or views offered in any course of study, but they are responsible for learning the content of the course of study, as defined by official college publications.

Community college students are both citizens and members of the academic community. As citizens, they enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy, and as members of the academic community they are subject to the obligations which accrue to them by virtue of this membership.

### Section 2: Student Grievance Procedure

1. Definition: A grievance is an allegation by a student that, as to him or her, an agent of the College has violated board or college policies relating to students other than assignment of grades or other academic evaluation (see Section 3: Review of Academic Standing).
2. How to file a grievance: A grievance is to be submitted in writing to the Dean of Student Services or such other college official as the President may designate (hereinafter, the Dean of Student Services), within thirty days of the date the grievant knew or reasonably should have known of the alleged violation. The written grievance shall specify the right claimed to have been violated and state briefly the

underlying facts.

3. Procedure for grievance resolution: The Dean of Student Services shall investigate the grievance and within thirty days from the time the grievance was submitted recommend to the President a disposition of the grievance, except as provided hereinafter.
  - a. In the course of each investigation, the Dean of Student Services shall consult with the Dean responsible for the area of college operations in which the grievance arose.
  - b. In the case of a grievance alleging discrimination based on race, color, religious creed, sex, age, national origin, ancestry, present or past history of mental disorder, marital status, mental retardation or physical disability, prior conviction of a crime, political beliefs, veteran status, or sexual preference, the Dean of Student Services shall consult with the College's affirmative action person during the course of the investigation.
  - c. In the case of a grievance against a Dean, the grievance shall be filed with the President. The President may accept or reject the recommendation, or direct such further investigation as he or she deems appropriate. The President shall notify the student of the final disposition of the grievance within fifteen days of receiving the recommendation, except for good cause or as provided in 4., below.
4. Advisory Committee: The President may establish an Advisory Committee of students and staff which may be charged with the responsibility of making recommendations at either the level of the Deans or the President. The President may appoint and remove members of the committee. If an Advisory Committee is appointed, the President shall establish a reasonable time frame within which the committee must make recommendations.

### Section 3: Review of Academic Standing

A student may seek review of the assignment of a grade or other decision affecting academic status in accordance with the following procedure:

1. **The grade or academic decision** affecting academic status should be discussed informally with the instructor or official responsible for the decision within fifteen calendar days of the student's awareness of the decision.
2. **If the matter is not satisfactorily adjusted within ten calendar days** of this appeal or the instructor is not available, the student may refer the matter to the Academic Dean by filing a written appeal. The appeal must be filed with the Academic Dean within thirty calendar days of the student's

awareness of the decision which is being appealed.

Upon receipt of such appeal, the Dean shall meet with the instructor, if he or she is available, to determine that step 1 has taken place or is not possible and to receive relevant information from the instructor responsible for the decision. The Dean may then refer the matter to the academic supervisor for informal consideration prior to step 3 below.

3. **The Academic Dean or other designated official(s) shall afford review as provided** below. The President may designate an official or an academic appeals committee to provide review at this step in lieu of the Academic Dean.

The student shall be afforded the right to present a statement of appeal and relevant information in support of it. It is the student's responsibility to show that the decision in question is arbitrary, i.e., without a reasonable basis, or was made for improper reasons in violation in section 1 of this policy. The student is entitled to a written response within thirty days of the completion of his or her presentation. A decision to change the grade or modify the decision which has been appealed is advisory to and subject to the approval of the President.

4. **The foregoing decision may be appealed to the President** by filing a statement of appeal within ten calendar days of the date of the decision. Review by the President shall be on the basis of the written record unless he or she decides that fairness requires broader review. The decision of the President shall be final.
5. **The time frames provided** herein may be modified by the President for good cause shown.

(Adopted October 10, 1975; amended May 17, 1982, July 19, 1982, April 15, 1985, November 17, 1986, February 26, 1990 and March 22, 1993; technical amendment May 1, 2002 in compliance with Public Acts 98-180 and 01-28.)

## POLICY STATEMENTS

### 2.1.2 Equal Opportunity Policy Statement

This statement establishes a policy framework for the implementation of equal opportunity and affirmative action principles within the Community College system. The purpose is to set forth an appropriate and consistent standard for each college and the system office. The statement constitutes the policy statement required by section 46a-68-63 of the regulations of Connecticut state agencies.

The President of the Board of Regents for Higher Education is authorized to promulgate a supplement to this

statement in order to achieve compliance with paragraphs 3 and 8 of the subject regulation, which supplement shall be an integral part of this policy statement. The BOR President is further authorized to establish system-wide standards for the implementation of affirmative action and equal opportunity consistent with the requirements of applicable law, regulation, and executive orders.

#### The Role and Purpose of Affirmative Action

The Board of Regents for Higher Education recognizes that historically certain groups have been excluded from full participation in educational and employment opportunities and that if they are to overcome the present effects of this past exclusion, affirmative steps beyond simple neutrality are required. Without such affirmative action, society runs the risk of the perpetuation of the status quo ante.

Affirmative action in employment involves taking additional steps to recruit, employ, and promote members of protected groups. More particularly, the Board endorses and expects full compliance with the requirements of law, including but not limited to positive action designed to identify and remove practices, policies, or other job related requirements which act as barriers to equal employment opportunity for women, blacks, Hispanics, and other protected groups found to be underutilized in the work force or affected by policies or practices having an adverse impact.

Similarly, the Board endorses and expects that there will be efforts made to reach out to groups within our society which have historically been excluded from or are disproportionately represented in postsecondary education. The mission of the Community Colleges is particularly well suited to include and provide an environment of success for members of such historically underrepresented groups.

#### Need for Immediate Action

Both the executive and legislative branches of government have identified the need for positive and effective affirmative action in employment and services offered to the public through the agencies of the state of Connecticut. The Board recognizes, adopts, and pledges its support for such affirmative action as a necessary and immediate objective for all the Community Colleges and the system office of the Board of Regents for Higher Education.

In considering the need for affirmative action, it is useful to distinguish between affirmative action and equal employment opportunity. The latter implies an absence of discrimination. In contrast, affirmative action recognizes that a simple stance of neutrality is not sufficient

to surmount existing patterns of underrepresentation and underutilization both in employment and education.

While it is understood that affirmative action relates to societal groups based on such characteristics as race and sex, the Board of Regents also recognizes the special problems of the aged and people with disabilities as requiring particular attention and sensitivity in the implementation of equal opportunity and affirmative action. To this end, each college and the system office shall identify problem areas, if any, and where appropriate, establish program goals to achieve full and fair utilization of such individuals in the workplace.

#### Nondiscrimination Policy

The Community College system of the state of Connecticut will not discriminate against any person on the grounds of race, color, religious creed, sex, age, national origin, ancestry, present or past history of mental disability, genetic information, marital status, mental retardation, sexual orientation, learning disability, or physical disability, including, but not limited to, blindness, or prior conviction of a crime, unless the provisions of sections 46a-60(b), 46a-80(b), or 46a-81(b) of the Connecticut General Statutes are controlling or there is a bona fide occupational qualification excluding persons in one of the above protected groups. With respect to the foregoing, discrimination on the basis of sex shall include sexual harassment as defined in section 46a-60(8) of the Connecticut General Statutes. Although it is recognized that there are bona fide occupational qualifications which provide for exception from employment prohibitions, it is understood these exceptions are to be applied pursuant to section 46a-68-33 of the administrative regulations.

Further, the system will not discriminate against any person on the grounds of political beliefs or veteran status.

#### Affirmative Action in Employment

The employment process consists of recruitment, selection, placement, promotion, transfer, tenure consideration, salary and fringe benefit determination, separation and termination, and job training. The role of affirmative action is to provide an environment for the application of equal opportunity principles and to monitor the employment process to prevent instances of illegal discrimination from arising or existing.

The affirmative action influence on the employment process seeks to assure that:

1. recruitment and hiring of protected group members reflect their availability in the job market;
2. selection, tenure, placement, and related activities

are based upon job-related factors, and criteria and practices which have an illegal discriminatory impact have been identified and eliminated;

3. salary and fringe benefits, including opportunities for training and education, are administered in an equitable manner; and
4. transfer, reassignment, separation, and termination decisions are nondiscriminatory and do not result in an illegal adverse impact upon members of protected groups, and, where there is a negative impact upon protected groups, alternative approaches to separation and termination are explored.

(Adopted October 10, 1975; amended May 17, 1982, July 19, 1982, April 15, 1985, November 17, 1986, February 26, 1990 and March 22, 1993; technical amendment May 1, 2002 in compliance with Public Acts 98-180 and 01-28.)

### **2.1.5 RACISM AND ACTS OF INTOLERANCE POLICY STATEMENT**

The Community Colleges have long been committed to providing educational opportunities to all who seek and can benefit from them, as evidenced in the mission statements and policies concerning student rights, affirmative action, and equal opportunity. The Board and the colleges recognize that an important part of providing opportunity is creating a welcoming environment in which all people are able to work and study together, regardless of their differences. At the same time, colleges and universities have traditionally been at the cutting edge of protection of our most cherished freedoms, most notably freedom of speech and nonviolent action, which protect even unpopular or divisive ideas and perspectives.

Such constitutionally protected expression can contribute to an unwelcome and even offensive social and educational environment for some individuals in the college community, particularly when it concerns race, religion, sex, sexual orientation, disability, national origin, or ethnicity, and the First Amendment does not preclude colleges from taking affirmative steps to sensitize the college community to the effects of creating such a negative environment. Therefore, the community colleges recognize that they have an obligation not only to punish proscribed actions, but also to provide programs which promote pluralism and diversity and encourage the college community to respect and appreciate the value and dignity of every person and his or her right to an atmosphere not only free of harassment, hostility, and violence but supportive of individual academic, personal, social, and professional growth.

Acts of racism or harassment directed against individuals or specific groups of individuals will not be tolerated and will be dealt with under the employee affirmative action grievance procedures and the student grievance and disciplinary procedures.

Each college will provide a comprehensive educational program designed to foster understanding of difference and the value of cultural diversity. This will include plans to (1) promote pluralism, (2) educate the college community about appropriate and inappropriate behaviors to increase sensitivity and encourage acceptance, and (3) widely disseminate this policy statement to the entire college community.

*(Adopted February 26, 1990)*

### **2.1.6 PEOPLE WITH DISABILITIES: POLICY STATEMENT**

#### ***PEOPLE WITH DISABILITIES IN THE COMMUNITY COLLEGES***

The Board of Regents for Higher Education and all of the colleges under its jurisdiction are committed to the goal of achieving equal educational opportunity and full participation for people with disabilities in the community colleges. To that end, this statement of policy is put forth to reaffirm our commitment to ensure that no qualified person be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity on a community college campus or in the system office of the Board of Regents for Higher Education.

The Board recognizes that a physical or functional impairment is a disability only to the extent that it contributes to cutting the person off from some valued experience, activity, or role. Higher education is therefore especially important to people with disabilities, since it aims to increase every student's access to valued experiences, activities, and roles. Improving access for students and employees means removing existing barriers that are physical, programmatic, and attitudinal; it also means taking care not to erect new barriers along the way.

The efforts of the community colleges to accommodate people with disabilities should be measured against the goals of full participation and integration. Services and programs best promote full participation and integration of people with disabilities when they complement and support, but do not duplicate, the regular services and programs of the College.

Achieving the goal of full participation and integration of people with disabilities requires cooperative efforts within and among higher education. The Board of Regents for Higher Education will work to achieve a higher level of services and appropriate delivery methods at all Connecticut Community Colleges.

This statement is intended to reaffirm the Board's com-

mitment to affirmative action and equal opportunity for all people and in no way to replace the equal opportunity policy statement.

*(Adopted November 20, 1989)*

### **2.1.6.1 ADA GRIEVANCE PROCEDURE FOR THE GENERAL PUBLIC**

A grievance is an allegation that an agent of the College has discriminated against the grievant on the basis of disability in violation of the Americans with Disabilities Act, 42 U.S.C. 121011 et. seq. (ADA). The following procedure shall apply only to members of the public.\*

1. How to file a grievance: A grievance must be submitted in writing to the Affirmative Action Officer/ Title IX Coordinator or other college official as the President may designate within thirty days of the date the grievant knew or reasonably should have known of the alleged violation. The written grievance shall describe the discriminatory action and state briefly the underlying facts.
2. Procedure for grievance resolution: The Affirmative Action/Title IX Coordinator shall investigate the grievance in consultation with the College's affirmative action person and, within thirty days from the time the grievance was submitted, recommend to the President a disposition of the grievance. The President may accept or reject the recommendation or direct such further investigation as he or she deems appropriate. The President shall notify the grievant of the final disposition of the grievance within fifteen days of receiving the recommendation.

*(Adopted December 21, 1992)*

\*Members of the public include all those who are not employees or students of the Connecticut Community College system. Employees shall use the affirmative action grievance procedure and students shall use the student grievance procedure.

### **2.10 POLICY ON AIDS AND OTHER COMMUNICABLE DISEASES**

The Community College system reaffirms its commitment to provide a safe and healthy educational environment, safeguard the rights of individuals, and comply with state and federal antidiscrimination laws and regulations. Sound and compassionate legal, ethical, moral, and educational principles require that students and employees with AIDS, HIV infection, and other communicable diseases be accorded the same rights and assume the same responsibilities as all other members of the community college community. It is recognized that the best method of allaying fears and promoting understanding is education; the dissemination of information

based on fact and current scientific knowledge.

1. People with AIDS and other communicable diseases shall be accorded the same rights as all other students and employees. State and federal laws and regulations prohibit discrimination against and harassment of individuals solely because of disability. No individual shall be discriminated against in any college programs, services, or employment solely because of his or her status as AIDS- or HIV-infected or having any other communicable disease.
2. Each college shall provide information and educational programs and activities concerning AIDS and other communicable diseases for students and employees. Such information and programs shall rely on the most current knowledge about such diseases and shall focus on how such diseases are and are not transmitted, how they can be prevented, and the rights of persons with such diseases.
3. Each college president shall designate an individual responsible for coordination, delivery, and evaluation of the college AIDS education program. A committee representative of the college community should be involved in formulating educational and information activities.
4. Restrictions shall not be placed on admission, programs, services, or employment offered to an individual on the basis of a diagnosis of AIDS, HIV infection, or other communicable disease, except in individual cases when it has been medically determined that there is risk of infection or danger to others or in programs from which individuals with specific communicable diseases are excluded by law or regulation.

All community college employees are further subject to the June 3, 1988 "AIDS Policy for State Personnel" and the January 1987 "AIDS Guidelines for State Personnel."

5. Colleges shall not require testing of students or employees for AIDS, HIV infection, or other communicable diseases for participation in employment, programs, or services of the College, except as required by law or regulation. Where possible, colleges shall maintain a listing of local referral sources for such testing and shall publish such listing with other educational information.
6. All student or employee information related to inquiries, testing, and disclosure of AIDS, HIV, or other infection status shall be treated confidentially as all other health records. All reasonable steps shall be taken to protect the identity of an individual with AIDS.
7. Students and employees involved in the direct delivery of health care services and those who might otherwise come in contact with blood and other

body fluids (such as in science laboratories or allied health practica) shall at all times follow the guidelines regarding precautions to be taken in the handling of such fluids disseminated by the Department of Health Services (January 1987, provided as Appendix A) or other approved guidelines.

8. Violations of any part of this policy shall be dealt with under the appropriate disciplinary procedures for students or employees.
9. This policy shall be published in all college catalogs and all student handbooks and shall be made available to all employees.

*(Adopted February 21, 1989)*

## SEXUAL MISCONDUCT, SEXUAL ASSAULT AND INTIMATE PARTNER VIOLENCE 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 insuring 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, 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 victims to report any instance 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. Each and every BOR governed college or university shall provide 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. Each and every BOR governed college or university will preserve the confidentiality of those who report sexual misconduct to the fullest extent possible and allowed by law. All BOR and CSCU employees, victim support persons and community victim advocates being consulted will make any limits of confidentiality clear before any disclosure of facts takes place. Other than confidential resources

as defined above, in addition to employees who qualify as Campus Security Authorities under the Jeanne Clery Act, all BOR and CSCU employees are required to immediately communicate to the institution's designated recipient 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

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 of sexual misconduct is the receipt of a communication of an incident of sexual misconduct accompanied by a request for an investigation or adjudication by 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.

### MANDATED REPORTING

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 reported victim. 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 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.

### CONFIDENTIALITY

When a BOR governed college or university receives a report of sexual assault, all reasonable steps will be taken by the appropriate CSCU officials to preserve the privacy of the reported victim while promptly investigating and responding to the report. While the

institution will strive to maintain the confidentiality of the 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, such as off-campus counseling and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center are bound by state statutes and professional ethics from disclosing information about reports without written releases. Information provided to a confidential resource by a victim of a sexual assault or the person reported to have been assaulted 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 victim 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 or university will provide a list of such confidential resources in the College or University's geographic region to victims of assault 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 the reported victim and/or other 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 reported victim of a sexual assault to the extent reasonably possible.

### RIGHTS OF THOSE WHO REPORT

Those who report any type of sexual misconduct, including sexual harassment, sexual assault or intimate partner violence, to any BOR governed college or university employee will be informed in a timely manner of all their rights and options, including the necessary steps and potential outcomes of each option. When choosing a reporting resource, the following information should be considered:

- All reports of sexual misconduct, including sexual harassment, sexual assault and intimate partner violence, 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 an assault feel ready to make any decisions about reporting the assault to police, the Dean of Students or the Campus' Title IX Coordinator.
- Those who have been assaulted have the right to take both legal action (criminal/civil action) and action against the individual allegedly responsible.
- Those who seek confidentiality may contact a clergy member(s) and/or the Sexual Assault Crisis Cen-

ter of Connecticut – all of whom are bound by state statutes and professional ethics to maintain confidentiality without written releases.

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

The colleges or universities will provide assistance to those involved in a report of sexual harassment, sexual assault or intimate partner violence, including but not limited to, reasonably available options for changing academic, campus transportation, housing or working situations as well as honoring lawful protective or temporary restraining orders. Each and every BOR governed college or 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.

### **SUPPORT SERVICES CONTACT INFORMATION**

It is BOR policy that whenever a college or university Title IX Coordinator or other employee receives a report that a student, faculty or staff member has been subjected to sexual misconduct, including sexual harassment, sexual assault or intimate partner violence, the Title IX Coordinator or other employee shall immediately provide the student, faculty or staff member with contact information for and, if requested, professional assistance in accessing and using campus, local advocacy, counseling, health, and mental health services. All CSCU campuses shall develop and distribute contact information for this purpose as well as provide such information online.

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

Those who report being subjected to sexual misconduct, including harassment, sexual assault or intimate partner violence, 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;
  - relief from physical abuse by a family or household member or person in a dating relationship; and
  - family violence protective orders.

### **STUDENT CONDUCT PROCEDURES**

The Student Code of Conduct provides the procedures for the investigation, definitions of terms, and resolution of complaints regarding student conduct, including those involving sexual harassment, sexual assault and intimate partner violence.

The Title IX Coordinator can assist in explaining the student conduct process. The Student Code of Conduct provides an equal, fair, and timely process (informal administrative resolution or a formal adjudication) for complainants and accused students.

Reported victims of such assault or violence shall have the opportunity to request that disciplinary proceedings begin promptly and such disciplinary proceedings shall be conducted by an official trained in issues relating to sexual assault and intimate partner violence and shall use the preponderance of the evidence standard in making a determination concerning the alleged assault or violence. Both the reported victim of such assault or violence and the accused are entitled to be accompanied to any meeting or proceeding relating to the allegation of such assault or violence 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 each shall have the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding. Both the reported victim and accused are entitled to be informed in writing of the results of any disciplinary proceeding not later than one business day after the conclusion of such proceeding. Sanctions may range from a warning to expulsion, depending upon the behavior and its severity. To the extent permitted under state or federal law or as necessary for the disciplinary proceeding, the college or university shall not disclose the identity of the reporter or the accused.

### **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. 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.

### **TERMS AND USAGE**

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; and/or
- threats, demands or suggestions that retention of one's educational status is contingent upon toleration of or acquiescence in sexual advances.

(b) Sexual assault may include a sexual act directed against another person when that person is not capable of giving consent, which shall mean the voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make a deliberate choice to do something proposed by another. Sexual assault is further defined sections 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the 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.

Consent is the equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. Consent cannot 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 consented to any such activity which occurs after that consent is withdrawn. 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).

Intimate partner violence is any physical or sexual harm against an individual by a current or former spouse of or person in a dating 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 general statutes, or domestic violence as designated under section 46b-38h of the general statutes. The offenses that are designated as "domestic violence" are against family or household members or persons in dating relationships and include assaults, sexual assaults, stalking, and violations of protective or restraining orders issued by a Court. Stalking is one person's repetitive and willful following or lying in wait behavior towards another person that causes that other person to reasonably fear for his or her physical safety. Relationship violence may also include physical abuse, threat of abuse, and emotional abuse.

*(Adopted March 13, 2014)*

## INFORMATION TECHNOLOGY RESOURCES (ACCEPTABLE USE POLICY)

<http://www.ct.edu/it/policy-list>

Asnuntuck Community College operates in accordance with the Board Computing Policy (printed below) and the associated Acceptable Use Policies. These documents are incorporated by reference in this Policy. All computer resources and facilities of ACC shall be used solely for legitimate and authorized ACC academic and administrative purposes. The following guidelines represent an extension and clarification of the Acceptable Use Policy applicable to Asnuntuck Community College.

**Sanctions:** Violations of this Policy shall subject users to the regular disciplinary processes and procedures of the College for student, staff or faculty and may result in loss of computing privileges. Illegal acts involving College computing resources may also subject violators to prosecution by local, state, and/or federal authorities.

**General Principles for Use:** The College reserves the right to inspect and examine any Asnuntuck owned or operated communication system, computer resource, and/or files or information contained therein at any time. It is prohibited for Systems or Network Administrators to read users' files unless required to react to or prevent actions by users that may violate this Acceptable Use Policy or may cause significantly detrimental effects on system or network operation.

**Unacceptable Uses:** The viewing, downloading, and/or printing of materials for purposes other than legitimate academic work is prohibited. The viewing, downloading or printing of sexually graphic or suggestive materials may additionally be considered grounds for further disciplinary action for sexual harassment. Storing of files and/or programs on the hard drives of the computers by students is prohibited. Installation of personal software on computers is prohibited.

**Additional Guidelines:** Software downloads or printouts of materials from the Internet are subject to limitation. No food or drink is allowed at any computer table. Cups and other containers must be left on the floor. Children must be supervised by parents at all times and are not allowed to use computers without specific authorization from College staff supervising Computer Resource areas, unless participating in College-sponsored activities.

## **ACCEPTABLE USE AND RESPONSIBLE USE OF INFORMATION TECHNOLOGY AND RESOURCES POLICY (BOARD POLICY IT-001)**

### **Introduction**

This Policy governs the Acceptable and Responsible Use of Information Technology and Resources of Connecticut State Colleges and Universities (CSCU). Information Technology (IT) resources are a valuable asset to be used and managed responsibly to ensure their integrity, security, and availability for appropriate academic and administrative use.

The usage of CSCU IT resources is a privilege dependent upon appropriate use. Users of CSCU IT resources are responsible for using IT resources in accordance with CSCU policies and the law. Individuals who violate CSCU policy or the law regarding the use of IT resources are subject to loss of access to IT resources as well as additional CSCU disciplinary and/or legal action.

### **Purpose**

The purpose of this policy is to provide the CSCU community with common rules for the usage of IT resources.

The intent of this policy is to provide information concerning the appropriate and inappropriate use of CSCU IT systems to:

- Ensure CSCU IT resources are used for purposes consistent with CSCU mission and goals;
- Prevent disruptions to and misuse of CSCU IT resources;
- Ensure CSCU community is informed of state and federal laws and CSCU IT policies governing the use of CSCU IT resources and;
- Ensure IT resources are used in a manner, which comply with such laws and policies.

### **Scope**

This Policy applies to:

- All IT resources owned or managed by the CSCU;
- All IT resources provided by the CSCU through contracts and other agreements with the CSCU; and
- All users and uses of CSCU IT resources.

### **Policy Authority**

This policy is issued by the Board of Regents for Higher Education for the Connecticut State Colleges & Universities.

### **Definitions**

Knowledge of the following definition is important to understanding this Policy:

- **IT Resources:** This includes, but is not limited to, computers, computing staff, hardware, software, networks, computing, laboratories, databases, files, information, software licenses, computing-related contracts, network bandwidth, usernames, passwords, documentation, disks, CD-ROMs, DVDs, magnetic tapes, and electronic communication.

### **Provisions**

To adhere to the Acceptable and Responsible Use Policy, users of CSCU IT resources must:

- Ensure that any personal use of CSCU IT resources be limited and have no detrimental impact on institution operations, job performance or CSCU IT resources;
- Protect their User ID and IT resources from unauthorized use. Users are responsible for all activities on their User ID or that originate from IT resources under their control.
- Access only information that is their own or is publicly available or to which authorized access has been given.
- Use only legal versions of copyrighted software in compliance with vendor license requirements.
- Use shared resources appropriately. (e.g. refrain from monopolizing systems, overloading networks with excessive data, degrading services, or wasting computer time, connect time, disk space, printer paper, manuals, or other resources).

To adhere to the Acceptable and Responsible Use policy, users of CSCU IT resources must NOT:

- Use CSCU IT resources to violate any CSCU policy or state or federal law.
- Use another person's IT resource, User ID, password, files, or data.
- Have unauthorized access or breach any security measure including decoding passwords or accessing control information, or attempt to do any of the above.
- Engage in any activity that might be harmful to IT resources or to any information stored thereon, such as creating or propagating viruses, disrupting services, damaging files or making unauthorized modifications to computer data.
- Make or use illegal copies of copyrighted materials or software, store such copies on CSCU IT resources, or transmit them over CSCU networks.
- Harass or intimidate others or interfere with the ability of others to conduct CSCU business.
- Directly or indirectly cause strain on IT resources such as downloading large files, unless prior authorization from the appropriate CSCU authority as determined by the institution is given.
- Use CSCU IT resources for unauthorized purposes may include but are not limited to, the conduct of a private business enterprise, monetary gain, commercial, religious or political purposes.
- Engage in any other activity that does not comply with the general principles presented above.

### **No Expectation of Privacy**

All activities involving the use of CSCU IT systems are not personal or private. Therefore users should have no expectation of privacy in the use of these resources. Information stored, created, sent or received via CSCU IT systems is potentially accessible under the Freedom of Information Act.

Pursuant to Communications Assistance for Law Enforcement Act (CALEA), Public Act 98-142, and the State of Connecticut's "Electronic Monitoring Notice", the Board of Regents reserves the right to monitor and/or log all activities of all users using CSCU IT systems without notice. This includes, but is not limited to, files, data, programs and electronic communications records without the consent of the holder of such records.

### **Assurance**

Each CSCU institution shall incorporate the Acceptable and Responsible Use Policy as part of the terms and conditions for issuing institution computer network accounts. Each CSCU institution shall have all full-time and part-time employees, including student employees, acknowledge that they have read and understand the Acceptable Use Policy. Each CSCU institution shall make the Acceptable Use Policy accessible to all em-

ployees and students.

### **Enforcement**

Violations of CSCU Acceptable and Responsible Use policy may result in appropriate disciplinary measures in accordance with local, state, and federal laws, as well as CSCU Policies, general rules of conduct for all colleges and university employees, applicable collective bargaining agreements, and the CSCU student conduct codes.

For purposes of protecting the CSCU network and information technology resources, the BOR Information Security Program Office, in conjunction with college/university IT department, may temporarily remove or block any system, device, or person from the CSCU network that is reasonably suspected of violating CSCU information technology policy. These non-punitive measures will be taken to maintain business continuity and information security; users of the college/university information technology resources will be contacted for resolution.

### **Exception Process**

ConnSCU recognizes that some portions of the Acceptable and Responsible Use of Information Technology Resources Policy may have to be bypassed from time-to-time because of technical or business reasons.

Accordingly, exceptions may be made provided:

1. the need for the exception is legitimate and approved by the BOR CIO or designee
2. the exception does not disrupt or compromise other portions of the CSCU service delivery capability
3. the implementation of the exception is vetted through the Change Management Process
4. the BOR Information Security Program Office, in conjunction with college/university IT department, is able to establish a monitoring function to assess the operations of the implementation exception
5. the exception has a defined lifecycle, in that the "retirement" of the exception is scheduled (e.g., "when Release 4.9 is implemented," "at contract termination," etc.)

### **Exception Request**

To request an exception, please submit the Information Security Exception request to SecProg@ct.edu. The requestor and BOR Information Security Program Office will define the approved alternative configuration if different than the original proposal of the requestor.

The exception process is NOT an alternative to the Change Control Management process.

### **Review**

This policy will be reviewed every three years by the Board of Regents.

## **ELECTRONIC COMMUNICATIONS POLICY (BOARD POLICY IT-002)**

### **Introduction**

The Connecticut State Colleges and Universities (CSCU) encourages the use of electronic communications to share information and knowledge in support of CSCU mission and goals. To this end, CSCU provides and supports interactive, electronic communications resources and services.

### **Purpose**

The purpose of this Policy is to:

- Promote the use of electronic communication as an official means of communication within CSCU
- Ensure that CSCU electronic communications resources are used for purposes appropriate to the CSCU mission and goals;
- Prevent disruptions to and misuse of CSCU electronic communications resources and services;
- Ensure that the CSCU community is aware that use of CSCU electronic communications resources is subject to state and federal laws and the CSCU policies; and
- Ensure that electronic communications resources are used in compliance with those laws and the CSCU policies.

### **Scope**

This Policy applies to:

- All electronic communications resources owned or managed by CSCU including the content of electronic communications, electronic attachments and transactional information associated with such communications;
- All electronic communications resources provided by CSCU through contracts and other agreements with CSCU;
- All users and uses of CSCU electronic communications resources; and
- All CSCU electronic communications records in the possession of CSCU employees or other users of electronic communications resources provided by CSCU.

### **Policy Authority**

This Policy is issued by the Board of Regents for Higher Education for the Connecticut State Colleges & Universities.

### **Definitions**

The following terms are used in this Policy. Knowledge of these definitions is important to an understanding of this Policy:

**Electronic Communication:** Any communication that is broadcast, created, sent, forwarded, replied to, trans-

mitted, stored, held, copied, downloaded, displayed, viewed, read, or printed by one or several electronic communications services, including but not limited to email and telephone.

**Electronic Communications Records:** Electronic transmissions or messages created, sent, forwarded, replied to, transmitted, distributed, broadcast, stored, held, copied, downloaded, displayed, viewed, read, or printed by one or several electronic communications services. This definition of electronic communications records applies equally to the contents of such records, attachments to such records, and transactional information associated with such records.

**Electronic Communications Resources:** Any combination of telecommunications equipment, transmission devices, electronic video and audio equipment, encoding or decoding equipment, computers and computer time, data processing or storage systems, computer systems, servers, networks, input/output and connecting devices, and related computer records, programs, software, and documentation that supports electronic communications services.

**Electronic Communications Services:** Any messaging, collaboration, publishing, broadcast, or distribution system that depends on electronic communications resources to create, send, forward, reply to, transmit, store, hold, copy, download, display, view, read, or print electronic records for purposes of communication across electronic communications network systems between or among individuals or groups, that is either explicitly denoted as a system for electronic communications or is implicitly used for such purposes.

### **Provisions**

ConnSCU encourages the use of electronic communications resources for legitimate and authorized academic and administrative purposes and makes them widely available to the CSCU community. To insure the reliable operation of these resources, their use is subject to the following:

- Email is an official means for communication within CSCU unless otherwise prohibited by law. The colleges and universities reserve the right to send official communications to employees and students via email. In the event of an emergency, the colleges and universities shall utilize all available communication mechanisms including email to reach employees and students.
- All employees and students will be given official college/university email accounts. Official university communications shall be sent to official college/university email addresses. Employees and students are expected to check their official email accounts on a frequent and consistent basis in order

to stay current with campus related communications. Failure to receive or read official communications does not absolve the employee or student from knowing and complying with the content of such official communications.

- Employees are not allowed to conduct official CSCU business via private (unofficial) email accounts unless specifically authorized.
- Students, who choose to have their emails auto-forwarded to private (unofficial) email addresses, do so at their own risk. The college/university is not responsible for any difficulties that may occur in the transmission of the emails.
- Contents of all electronic communications shall conform to state and federal laws and CSCU policies regarding protection of privacy, intellectual property, copyright, patents and trademarks
- Using electronic communications resources for any purpose restricted or prohibited by state and federal laws, regulations or CSCU policies is prohibited.
- Using electronic communications resources for monetary gain or for commercial, religious, or political purposes that are not directly related to CSCU institutional missions or otherwise authorized by appropriate CSCU authority is prohibited.
- Usage that directly or indirectly causes strain on the electronic communications resources is prohibited.
- Capturing, opening, intercepting or obtaining access to electronic communications, except as otherwise permitted by the appropriate CSCU authority is prohibited.
- Using electronic communications to harass or intimidate others or to interfere with the ability of others to conduct CSCU business is prohibited.
- Users of electronic communications resources shall not give the impression that they are representing, giving opinions or otherwise making statements on behalf of CSCU unless authorized to do so.
- Directly or by implication, employing a false identity (the name or electronic identification of another), except under the following circumstances, is prohibited:

A supervisor may direct an employee to use the supervisor's identity to transact CSCU business for which the supervisor is responsible. In such cases, an employee's use of the supervisor's electronic identity does not constitute a false identity.

A user of the CSCU electronic communications services may not use a pseudonym (an alternative name or electronic identification for oneself) for privacy or other reasons, unless authorized by an appropriate CSCU authority for business reasons.

- Forging email headers or content (i.e., constructing an email so it appears to be from someone else) is prohibited.

- Unauthorized access to electronic communications or breach any security measure is prohibited.
- Interfering with the availability of electronic communications resources is prohibited, including but not limited to the following:
  - i. sending or forwarding email chain letters or their equivalents in other electronic communications services;
  - ii. "spamming," i.e., sending electronic junk mail or junk newsgroup postings;
  - iii. "letter-bombing," i.e., sending an extremely large message or sending multiple messages to one or more recipients to interfere with the recipient's use of electronic communications resources; or
  - iv. intentionally engaging in other practices such as "denial of service attacks," i.e., flooding the network with traffic.
- Distribution of an electronic mail to the entire or a substantial portion of a campus community must obtain prior approval as specified by the receiving institution.

#### **No Expectation of Privacy**

All activities involving the use of CSCU IT systems are not personal or private. Therefore users should have no expectation of privacy in the use of these resources. Information stored, created, sent or received via CSCU IT systems is potentially accessible under the Freedom of Information Act.

Pursuant to Communications Assistance for Law Enforcement Act (CALEA), Public Act 98-142, and the State of Connecticut's "Electronic Monitoring Notice", the Board of Regents reserves the right to monitor and/or log all activities of all users using CSCU IT systems without notice. This includes, but is not limited to, files, data, programs and electronic communications records without the consent of the holder of such records.

#### **Assurance**

Each CSCU institution shall incorporate the Electronic Communication Policy as part of the terms and conditions for issuing institution computer network accounts. Each CSCU institution shall have all full-time and part-time employees, including student employees, acknowledge that they have read and understand the Electronic Communication Policy. Each CSCU institution shall make the Electronic Communication Policy accessible to all employees and students.

#### **Enforcement**

Violations of CSCU Electronic Communication Policy may result in appropriate disciplinary measures in accordance with local, state, and federal laws, as well as CSCU Policies, general rules of conduct for all colleges and university employees, applicable collective bargaining agreements, and the CSCU student conduct codes.

For purposes of protecting the CSCU network and information technology resources, the BOR Information Security Program Office, in conjunction with college/university IT department, may temporarily remove or block any system, device, or person from the CSCU network that is reasonably suspected of violating CSCU information technology policy. These non-punitive measures will be taken to maintain business continuity and information security; users of the college/university information technology resources will be contacted for resolution.

#### **Exception Process**

ConnSCU recognizes that some portions of the Electronic Communication Policy may have to be bypassed from time-to-time because of technical or business reasons.

Accordingly, exceptions may be made provided:

1. the need for the exception is legitimate and approved by the BOR CIO or designee
2. the exception does not disrupt or compromise other portions of the CSCU service delivery capability
3. the implementation of the exception is vetted through the Change Management Process
4. the BOR Information Security Program Office, in conjunction with college/university IT department, is able to establish a monitoring function to assess the operations of the implementation exception
5. the exception has a defined lifecycle, in that the "retirement" of the exception is scheduled (e.g., "when Release 4.9 is implemented," "at contract termination," etc.)

#### **Exception Request**

To request an exception, please submit the Information Security Exception request to SecProg@ct.edu.

The requestor and BOR Information Security Program Office will define the approved alternative configuration if different than the original proposal of the requestor.

The exception process is NOT an alternative to the Change Control Management process.

#### **Review**

This policy will be reviewed every three years by the Board of Regents.

#### **Electronic Device Policy**

In order for students to receive uninterrupted quality instruction and services, all cell phones, beepers, pagers, and alarm watches should be turned to vibrating mode while students are in classrooms, labs, Library, Academic Support Center, and Computer Labs. Should a cell phone, beeper, or pager need to be answered during these times, the student should leave the area. Many instructors do not allow students to return to the

classroom if exams or presentations are in progress. Students should check instructors' individual policies on leaving the classroom to respond to one of the above-mentioned devices.

#### **4.23 Weapons on College Campuses**

The use or possession of weapons (as defined in Section 53-206 of the Connecticut General Statutes) is prohibited on college campuses or at college activities except as authorized by Board or college policies. Colleges are hereby authorized to develop policies which allow for specific exemptions to the extent permitted by law.

*(Adopted May 18, 1992)*

Sec. 53-206: "slung [sic] shot, air rifle, BB gun, black jack, sand bag, metal or brass knuckles, or any dirk knife, or any switch knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one half inches in length, or stiletto, or any knife the edged portion of which is four inches or over in length, or any martial arts weapon or electronic defense weapon, as defined in section 53a-3, or any other dangerous or deadly weapon or instrument" Sec. 53a-3(6): "any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, bill, blackjack, bludgeon, or metal knuckles."

## **STUDENT RECORDS AND CONFIDENTIALITY (FERPA)**

### **5.7 Notification of Rights Under the Family Educational Rights and Privacy Act**

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the College receives a request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate official written requests that identify the record(s) they wish to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request amendment of an education record that the student believes is inaccurate. Students may ask an appropriate College official to amend a record that they believe is inaccurate. The

student should write to the College official, clearly identify the part of the record he or she wants changed, and specify why he/she believes it is inaccurate. The College will notify the student of the decision. If the College decides not to amend the record as requested by the student, the College will advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

NOTE: FERPA is not intended to provide a process to question substantive judgments that are correctly recorded. For example, the right of challenge does not allow a student to contest a grade in a course because the student believes that a higher grade should have been assigned.

3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. FERPA permits disclosure without consent to school officials with legitimate educational interests. A "school official" includes, but is not limited to the following: a person employed by the College in an administrative, supervisory, academic, research or support staff position (including law enforcement and security personnel, counseling and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, collection agent or official of the National Student Clearinghouse); a person serving on the Board of Regents who is authorized to act on its behalf; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities.

FERPA also permits disclosure of education records without consent in connection with, but not limited to:

- to comply with a judicial order or a lawfully issued subpoena;
- to appropriate parties in a health or safety emergency;
- to officials of another school, upon request, in which the student seeks or intends to enroll;
- in connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- to certain officials of the U.S. Department of Education, the Comptroller General, to state and local educational authorities, in connection with certain state or federally supported education programs;
- to accrediting organizations to carry out their functions;
- to organizations conducting certain studies for or

on behalf of the College;

- the results of an institutional disciplinary proceeding against the alleged perpetrator of a crime of violence to the alleged victim of that crime with respect to that crime; and
  - directory information as defined in the policy of the Board of Regents.
4. The right to refuse to permit the College to release directory information about the student, except to school officials with a legitimate educational interest and others as indicated in paragraph 3 above. To do so, a student exercising this right must notify the Office of Registrar in writing. Once filed, this notification becomes a permanent part of the student's record until the student instructs the College, in writing, to remove it.
  5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by colleges to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

### ***Directory Information***

The Board of Regents for Higher Education has designated the following as directory information: student names and addresses, dates of attendance, full vs. part-time student status, awards and honors, major/program of study, and graduation date. For purposes of access by military recruiters only, telephone listings and, if known, age, and level of education are also designated as directory information.

Colleges may disclose directory information without prior consent, unless a student has exercised the right to refuse to permit the College to release directory information in accordance with paragraph 4 above.

*(Adopted March 20, 2006; amended March 15, 2010)*

## **4.15 DRUGS AND ALCOHOL POLICY**

### ***The following policy covering alcohol and drugs has been adopted by the Board of Regents for Higher Education:***

The Board of Regents of Higher Education endorses the Statement of the Network of Colleges and Universities Committed to the Elimination of Drug and Alcohol Abuse, which is based on the following premise:

American Society is harmed in many ways by the abuse

of alcohol and other drugs—decreased productivity, serious health problems, breakdown of the family structure, and strained social resources. Problems of illicit use and abuse of substances have a pervasive effect upon many segments of society — all socioeconomic groups, all age levels, and even the unborn. Education and learning are especially impaired by alcohol abuse and illicit drug use.

- a. The Board recognizes that education regarding alcohol and substance abuse is an appropriate and even necessary part of contemporary college life. Since the unauthorized use of controlled substances, in addition to the potential harmful effect it may have on students and employees, is contrary to state and federal law and regulation, it must be prohibited in any college activity, on or off the college campus. Although the conditions of alcohol and drug dependency may be considered disabilities or handicaps under state law and regulation and Board of Regents policy, employees and students will not be discriminated against because they have these disabilities. All students and employees are considered to be responsible for their actions and their conduct.

***These provisions shall apply to all colleges under the jurisdiction of the Board:***

1. No student or employee shall knowingly possess, use, distribute, transmit, sell, or be under the influence of any controlled substance on the college campus or off the college campus at a college-sponsored activity, function, or event. Use or possession of a drug authorized by a medical prescription from a registered physician shall not be a violation of this provision.
2. All colleges shall develop and enforce policies regarding the sale, distribution, possession, or consumption of alcoholic beverages on campus, subject to state and federal law. Consistent with previous Board policy, the consumption of alcoholic beverages on campus may be authorized by the President subject to the following conditions, as appropriate:
  - b. when a temporary permit for the sale of alcoholic beverages has been obtained and dram shop act insurance has been purchased;
  - c. when a college permit has been obtained;
  - d. when students bring their own beverages; or
  - e. when alcoholic beverages are provided by a student organization and no fee is charged for attendance or for said beverages.
3. All colleges shall provide educational programs on the abuse of alcohol and other drugs and referral for assistance for students and employees who seek it. Colleges are encouraged to establish campus-wide committees to assist in development

of these programs in response to particular campus needs and identification of referral resources in their respective service planning regions.

4. This policy shall be published in all college catalogs, faculty and staff manuals, and other appropriate literature.
5. Failure to comply with this policy will result in invocation of the appropriate disciplinary procedure and may result in separation from the college and referral to the appropriate authorities for prosecution.

*(Adopted November 20, 1989)*

- (1.) Statement of the Network of Colleges and Universities Committed to the Elimination of Drug and Alcohol Abuse.

## SMOKING

Smoking is permitted only in the gazebos located in the back of the building. Smoking is not permitted in any entrance, sidewalk, deck, or grassy area around the building.

Definitions: Smoking is the burning, lighting or use of a tobacco product and any other smoking device or equipment that includes, but is not limited to, cigarettes, cigars, electronic cigarettes (e-cigarettes), vaporizers, hookahs, and pipes.

Change proposed by College Council on April 14, 2016  
Amended by Extended Cabinet on April 19, 2016  
Approved by Cabinet on May 3, 2016

## UNIFORM CAMPUS CRIME REPORT

In accordance with Connecticut Public Act 90-259, the Campus Safety Act, the college has prepared a Uniform Campus Crime Report consistent with the FBI's Uniform Crime Reporting System. This report reflects the crime statistics on the property of the institution for the preceding academic year. A copy of the report may be obtained by request from the Dean of Student Services.