

Code of Student Rights, Responsibilities and Conduct



The mission of Housatonic Community College is to empower all individuals to develop to their full potential as lifelong learners, through a collaborative, learner-centered, technology-rich and stimulating educational environment. As a knowledgeable and dedicated faculty and staff, we inspire students to contribute responsibly to our dynamic regional and global society.

This Code of Student Rights, Responsibilities, and Conduct outlines the provisions and expectations related to how students may participate responsibly in the College community. The Code of Student Rights, Responsibilities, and Conduct (hereafter “The Code”) governs the conduct, policies, and procedures for students and takes precedence over all other procedures.

We are committed to safeguarding the diverse learning environment of Housatonic Community College by upholding its standards for student conduct and reserve the right to determine the time, place, and use of its facilities and grounds.

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I. Bill of Rights

The following rights shall not be interpreted or used to deny or disparage the rights retained by

students in their pursuit of learning and engagement at Housatonic Community College. It is the

policy of the Board of Regents/CSCU that the educational offerings of the Community Colleges be available to students without regard to the individuals race, color, religious creed, sex, gender identity or expression, 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 protect groups). With respect to the foregoing, discrimination on the basis of sex shall include sexual harassment as defined in Section 46-60(8) of the Connecticut General Statutes. Further the system will not discriminate against any person on the grounds of political beliefs or veteran status.

- A. Are entitled to an atmosphere conducive to learning and to impartial treatment in all aspects of the teacher/student relationship.
- B. 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.
- C. 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.
- D. 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 to 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.

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 Campus CEO of the impacted institution or his/her designee.

II. Conduct Subject to Disciplinary Action

Housatonic Community College in conjunction with the Board of Regents for Higher Education 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. In order to uphold this duty, the College finds it necessary to set the following regulations that require student compliance for the welfare of the College community. The College may exercise its judgement to not officially charge students with violations of this code of conduct.

College discipline shall be applied to conduct by a student or student organization occurring on College premises, activities off campus, online, or at College sponsored programs off campus. College sponsored programs by a student or student organization off campus include but are not limited to: internships, field study, student teaching, community service, international study programs, recreational, social, and intramural activities.

The College will take disciplinary action against a student or student organization when it is required by law to do so, or when the nature of the conduct:

- Impairs College-related activities or affairs of another member of the College community
- Creates a risk of harm to a member or members of the College community

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.

Within the parameters noted above, the following conduct is subject to disciplinary action. Violation of any of the following may be subjected to one or more of the sanctions in Section IX of this Code.

- Abuse of the CSCU conduct and disciplinary system
- Academic misconduct
- Acts of dishonesty
- Actual or threatened physical assault or abuse, threatening behavior, intimidation, or coercion
- Behavior or activity which endangers the health, safety, or well-being of oneself or others.
- Conduct prohibited by any federal, state, and/or local law, regulation or ordinance.
- Conduct that is disorderly, lewd or indecent.
- Conduct that violates published BOR/CSCU policies, rules, and regulations
- Disruption or obstruction of any College or University function, activity or event,
- Failure to comply with the directions of CSCU officials or law enforcement officers
- Gambling

- Harassment
- Hazing
- Intentional obstruction of the free flow of pedestrian or vehicular traffic
- Intimate partner violence
- Offensive or disorderly conduct
- Sexual misconduct
- Stalking
- Starting fires, causing explosions, falsely reporting the presence of fire, bombs, incendiary or explosive devices, or falsely reporting an emergency.
- Theft of property or services, or damage to, defacement or destruction of, or tampering with, real or personal property
- Theft, unauthorized use, or abuse of University or College computers and/or peripheral systems and networks
- Unauthorized or improper possession, use, removal, tampering or disabling of fire and/or safety equipment and warning devices
- Unauthorized possession, duplication or use of keys
- Unauthorized use of CSCU property or the property of members of the CSCU
- Use, possession or distribution of firearms, ammunition for firearms, other weapons or dangerous instruments
- Use, possession, purchase, sale or distribution of alcoholic beverages
- Use, possession, purchase, sale, distribution or manufacturing of narcotics, controlled substances and/or drugs
- Violations of privacy

I. STUDENT CODE OF CONDUCT PREAMBLE

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. In line with this purpose, the Board of Regents for Higher Education (“BOR”) in conjunction with the Connecticut State Colleges and Universities (“CSCU”) has the duty to protect the freedoms of inquiry and expression, and furthermore, has the responsibility to encourage all of its members to develop the capacity for critical judgment in their sustained and independent search for truth.

CSCU has certain self-defined institutional values. Principal among these values is respect for the safety, dignity, rights, and individuality of each member of the CSCU Community. The opportunity to live, study, and work in an institution which values diverse intellectual and cultural perspectives and encourages discussion and debate about competing ideas in an atmosphere of civility is a basic component of quality higher education.

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

The disciplinary process is intended to be part of the educational mission of CSCU. Student disciplinary proceedings are not criminal proceedings and are not subject to court rules of procedure and evidence.

INTRODUCTION

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

Disclaimer: This Code is neither a contract nor an offer of a contract between any BOR governed institution and any student. The provisions of this Code are subject to revision at any time.

PART A: DEFINITIONS

The following list of defined terms utilized throughout this Student Code is provided in an effort to facilitate a more thorough understanding of the Code. This list is not intended to be a complete list of all the terms referenced in the Student Code that might require interpretation or clarification. The Vice President for Student Affairs at a University, the Dean of Students at a Community College, the Provost at Charter Oak State College or their designee shall make the final decision of the interpretation of the definition of any term found in the Student Code. For purposes of interpretation and application of the Student Code only, the following terms shall have the following meanings:

1. **“Accused Student”** means any student accused of violating this Student Code.
2. **“Advisor”** means a person who accompanies an Accused Student or an alleged victim to a hearing (or a proceeding pertaining to a report of sexual violence) for the limited purpose of providing advice and guidance to the student. An advisor may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process (or other proceeding pertaining to a report of sexual violence).
3. **“Appellate Body”** means any person or persons authorized by the University Vice President for Student Affairs, Community College Dean of Students, Charter Oak State College Provost or their designee to consider an appeal from a determination by a Hearing Body that a student has violated the Student Code.
4. **“Calendar Days”** means the weekdays (Mondays through Fridays) when the University or College is open.
5. **“College”** means either collectively or singularly any of the following institutions: Asnuntuck Community College, Capital Community College, Gateway Community College, Housatonic Community College, Manchester Community College, Middlesex Community College, Naugatuck Valley Community College, Northwestern Connecticut Community College, Norwalk Community College, Quinebaug Valley Community College, Three Rivers Community College, Tunxis Community College, and Charter Oak State College.
6. **“Complainant(s)”** means the person(s) who initiates a complaint by alleging that a Student(s) violated the Code.
7. **“CSCU”** means either collectively or singularly, any of the following institutions: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, Western Connecticut State University; Asnuntuck Community College, Capital Community College, Gateway Community College, Housatonic Community College, Manchester Community College, Middlesex Community College, Naugatuck Valley Community College, Northwestern Connecticut Community College, Norwalk Community College, Quinebaug Valley Community College, Three Rivers Community College, Tunxis Community College, and Charter Oak State College.

8. ***“CSCU Affiliates”*** means individuals and/or entities with whom or with which the College or University has a contractual relationship.
9. ***“CSCU Official”*** means any person employed by the College or University to perform assigned administrative, instructional, or professional responsibilities.
10. ***“CSCU Premises”*** means all land, buildings, facilities, and other property in the possession of, or owned, used, and/or controlled by, the University or College, either solely or in conjunction with another entity.
11. ***“Disciplinary Officer” or “Conduct Administrator”*** means a University, College or CSCU official who is authorized to determine the appropriate resolution of an alleged violation of the Code, and/or to impose sanctions or affect other remedies as appropriate. Subject to the provisions of this Code, a disciplinary officer or conduct administrator is vested with the authority to, among other duties: investigate a complaint of an alleged violation of the Code decline to pursue a complaint, refer identified disputants to mediation or other appropriate avenues of resolution, establish charges against a student, enter into an administrative agreement developed with an Accused Student in accordance with Section II-B-3 of this Code, advise a Hearing Body, and present the case before the Hearing Body.
12. ***“Hearing Body” or “Hearing Panel”*** means any person or persons authorized by the University Vice President for Student Affairs, Community College Dean of Students or Charter Oak State College Provost to determine whether a student has violated the Code and to impose sanctions as warranted, including a hearing officer or hearing board.
13. ***“Institution”*** means the University or College within CSCU.
14. ***“Instructor”*** means any faculty member, teaching assistant or any other person authorized by the University to provide educational services, including, but not limited to, teaching, research, and academic advising.
15. ***“Member of the CSCU Community”*** means any person who is a student, an official or any other person who works for CSCU, either directly or indirectly (e.g., for a private enterprise doing business on a CSCU campus).
16. ***“Policy”*** means the written regulations, standards, and student conduct expectations adopted by the BOR and found in, but not limited to the Student Handbook, the Residence Life Handbook, the housing contract, the graduate and undergraduate catalogs, and other publicized University and College notices.
17. ***“Prohibited Conduct”*** means the conduct prohibited by this Code, as more particularly described in Part I-D of this Code.
18. ***“Reporting Party”*** means any person who alleges that a student has violated this Code.

19. **“Student”** means either (1) any person admitted, registered, enrolled or attending any CSCU course or CSCU conducted program, whether full-time or part-time, and whether pursuing undergraduate, graduate or professional studies, or continuing education; (2) any person who is not officially enrolled for a particular term but who has a continuing relationship with a CSCU; or (3) any person within two calendar years after the conclusion of their last registered Community College course unless the student has formally withdrawn, graduated or been expelled from the College.
20. **“Student Code” or “Code”** means this Student Code of Conduct.
21. **“Student Organization”** means an association or group of persons that have complied with the formal requirements for University or College recognition.
22. **“Support Person”** means a person, who accompanies an Accused Student, a Reporting Party or a victim to a hearing for the limited purpose of providing support and guidance. A support person may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process.
23. **“University”** means any of the following institutions: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, and Western Connecticut State University, whichever the alleged violation of the Code occurred.
24. **“Shall” and “will”** are used in the imperative sense.
25. **“May”** is used in the permissive sense.

PART B: APPLICATION, DISTRIBUTION, AND ADMINISTRATION OF THE STUDENT CODE OF CONDUCT

1. Application of the Student Code: The Student Code shall apply to the four Connecticut State Universities, the twelve Community Colleges, and the on-line college: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, Western Connecticut State University; Asnuntuck Community College, Capital Community College, Gateway Community College, Housatonic Community College, Manchester Community College, Middlesex Community College, Naugatuck Valley Community College, Northwestern Connecticut Community College, Norwalk Community College, Quinebaug Valley Community College, Three Rivers Community College, Tunxis Community College, and Charter Oak State College.

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

The Student Code shall apply to Students and to University Student Organizations. The term “student” shall generally apply to the student as an individual and to a Student Organization as a

single entity. The officers or leaders of a particular Student Organization usually will be expected to represent the organization during the disciplinary process. Nothing in this Student Code shall preclude holding certain members of a Student Organization accountable for their individual acts committed in the context of or in association with the organization's alleged violation of this Code.

2. Distribution of the Student Code: The Student Code shall be made readily available electronically and/or in a printed publication to students, faculty and staff. The office responsible for Student Affairs will annually distribute and make available to students, faculty and staff, electronically and/or in a printed publication, any revisions to the Code.

3. Administration of the Student Code: A University's and Charter Oak State College's Provost or a Community College's Dean of Students shall be the person designated by the institution President to be responsible for the administration of the Academic Misconduct portion of the Student Code. A University's Vice President for Student Affairs, a Community College's Dean of Students, or Charter Oak State College's Provost shall be the person designated by the institution President to be responsible for the administration of the Non-Academic Misconduct portion of the Student Code.

PART C: SCOPE OF AUTHORITY

A Student who is found responsible for engaging in conduct that violates the Student Code on any CSCU campus or on property controlled by the BOR or by any CSCU Affiliate or any CSCU sponsored function or event shall be subject to the sanctions described in this Code. The Student Code of Conduct also applies to online activities, where applicable. Students who attempt to engage in conduct that violates this Code, who knowingly encourage, aid or assist another person in engaging in such conduct, or who agree with another person, explicitly or otherwise, to engage in such conduct, may also be subject to disciplinary action.

Off-campus misconduct by University students may be subject to the jurisdiction of the University and addressed through its disciplinary procedures if one of the following conditions is met:

(i) a Student engages in prohibited conduct at an official University event, at a University-sanctioned event, or at an event sponsored by a recognized University Student Organization; or (ii) a Student engages in prohibited conduct under such circumstances that reasonable grounds exist for believing that the Accused Student poses a threat to the life, health or safety of any member of the CSCU or to the property of the CSCU.

Community College students conduct is subject to the Code on campus and off-campus whenever such conduct impairs College-related activities or affairs of another member of the College community or creates a risk of harm to a member or members of the College community. Students must be aware that, as citizens, they are subject to all federal and state laws in addition to all CSCU regulations governing student conduct and responsibilities. Students do not relinquish their rights nor do they shed their responsibilities as citizens by becoming members of the CSCU Community. However, where a court of law has found a student to have violated the law, an institution has the right to impose the sanctions of this Code even though the conduct does not impair institution-related activities of another member of the university or college community and does not create a risk of harm to the college or university community. The decision to exercise this right will be in the sole discretion of the President of the impacted institution or his/her designee.

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

PART D: PROHIBITED CONDUCT

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

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

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

Cheating includes, but is not limited to: (i) use of any unauthorized assistance in taking quizzes, tests or examinations; (ii) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems or carrying out other assignments; (iii) the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff; and (iv) engaging in any other behavior specifically prohibited by a faculty member in the course syllabus.

2. Acts of dishonesty, including but not limited to the following:
 - a. Misuse of University or College documents, including, but not limited to forging, transferring, altering or otherwise misusing a student fee card, student payroll card, identification card or other College or University identification document, course registration document, schedule card, transcript, or any other institution-issued document or record.
 - b. Knowingly furnishing false information to any CSCU Official, faculty member or office.
3. Theft of property or services, or damage to, defacement or destruction of, or tampering with, real or personal property owned by the State of Connecticut, CSCU/BOR, the institution, or any member of the CSCU Community.
4. Actual or threatened physical assault or abuse, threatening behavior, intimidation, or coercion.
5. Sexual misconduct may include engaging in one of more behaviors:

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

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

(b) **Sexual assault** shall include but is not limited to a sexual act directed against another person when that person is not capable of giving consent, which shall mean the voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make a deliberate choice to do something proposed by another.

A person who initially consents to sexual activity shall be deemed not to have consented to any such activity which occurs after that consent is withdrawn. Consent cannot be assumed because there is no physical resistance or other negative response. A lack of consent may result from mental incapacity (e.g., ingestion of alcohol or drugs which significantly impair awareness or judgment) or physical incapacity (e.g., the person is unconscious or otherwise unable to communicate consent). Consent must be affirmative. (See Sexual Misconduct Reporting, Support Services and Processes Policy).

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

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

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

6. Intimate partner violence is defined as:

- Including intimate partner violence, which is any physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1) sexual assault, as defined in section 5 above; (2) sexual assault in a spousal or cohabiting relationship; (3) domestic violence; (4) sexual harassment, as defined in section 5 above or, (5) sexual exploitation, as defined in section 5 above.
- Physical abuse, which can include but is not limited to, slapping, pulling hair or punching.
- Threat of abuse, which can include but is not limited to, threatening to hit, harm or use a weapon on another (whether victim or acquaintance, friend or family member of the victim) or other forms of verbal threat.
- Emotional abuse, which can include but is not limited to, damage to one's property, driving recklessly to scare someone, name calling, threatening to hurt one's family members or pets and humiliating another person.

7. Violations of privacy, including, but not limited to, voyeurism and the use of web-based, electronic or other devices to make a photographic, audio or video record of any person without his or her express consent, when such a recording is intended or likely to cause injury or distress. This includes, but is not limited to: (i) surreptitiously taking pictures or videos of another person in spaces such as sleeping areas, bathrooms, gymnasiums, locker rooms, and changing areas; and (ii) sexually exploiting another person by electronically recording or permitting others to view or electronically record, consensual sexual activity without a partner's knowledge or permitting others to view or listen to such video or audio tapes without a partner's knowledge and consent. Publicizing or threatening to publicize such records will also be considered a violation of this Code.

8. Hazing, which is defined as an act which endangers the mental or physical health or safety of a Student, or which destroys, damages, or removes public or private property for the purpose of initiation or admission into, affiliation with or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense to an allegation of hazing. Consenting to the activity by remaining silent or not objecting in the presence of hazing is not a neutral act and is also a violation of this Student Code.

9. Stalking, which is defined as repeatedly contacting another person when:
 - a. The contacting person knows or should know that the contact is unwanted by the other person; and
 - b. The contact causes the other person reasonable apprehension of imminent physical harm or the contacting person knows or should know that the contact causes substantial impairment of the other person's ability to perform the activities of daily life.

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

10. Harassment, which is defined as conduct which is abusive or which interferes with a person's pursuit of his or her customary or usual affairs, including, but not limited to, such conduct when directed toward an individual or group because of race, ethnicity, ancestry, national origin, religion, gender, sexual orientation or expression, age, physical attribute, or physical or mental disability or disorder, including learning disabilities and mental retardation.
11. Conduct that is disorderly, lewd or indecent (including, but not limited to, public nudity and sexual activity in areas generally open to members of the campus community), breach of peace or aiding, abetting or procuring another person to breach the peace on CSCU premises or at functions sponsored by, or affiliated with the University or College.
12. Behavior or activity which endangers the health, safety, or well-being of oneself or others.
13. Offensive or disorderly conduct which causes interference, annoyance or alarm or recklessly creates a risk thereof at CSCU or CSCU premises, CSCU web or social media sites, at a CSCU-sponsored activity or in college or university courses, including cyber bullying. This offense does not apply to speech or other forms of constitutionally protected expression.
14. Unauthorized possession, duplication or use of keys (including, but not limited to, card access, card keys, fobs, etc.) to any CSCU premises or forcible and/or unauthorized entry on or into CSCU premises.
15. Starting fires, causing explosions, falsely reporting the presence of fire, bombs, incendiary or explosive devices, or falsely reporting an emergency.
16. Unauthorized or improper possession, use, removal, tampering or disabling of fire and/or safety equipment and warning devices, failure to follow standard fire and/or emergency safety procedures, or interference with firefighting or emergency response equipment or personnel.

17. Use, possession, purchase, sale or distribution of alcoholic beverages, except as expressly permitted by law and CSCU regulations. Alcoholic beverages may not, under any circumstances, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.
18. Use, possession, purchase, sale, distribution or manufacturing of narcotics, controlled substances and/or drugs, including, but not limited to, marijuana and heroin, or drug paraphernalia, except as expressly permitted by law.
19. Use, possession or distribution of firearms, ammunition for firearms, other weapons or dangerous instruments, facsimiles of weapons or firearms, fireworks, explosives or dangerous chemicals. A dangerous instrument is any instrument, article or substance that, under the circumstances in which it is being utilized, is capable of causing death or serious physical injury. The possession of a deadly weapon or dangerous instrument on campus is strictly prohibited, even if such item is legally owned.
20. Gambling, including, but not limited to, promoting, wagering, receiving monies for wagering or gambling for money or property on CSCU premises.
21. Disruption or obstruction of any College or University function, activity or event, whether it occurs on or off the campus, or of any non-University or College function, activity or event which is authorized by the institution to occur on its premises.
22. Intentional obstruction of the free flow of pedestrian or vehicular traffic on CSCU premises or at University or College-sponsored or supervised functions or interference with entry into or exit from CSCU premises or with the free movement of any person.
23. Failure to comply with the directions of CSCU officials or law enforcement officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
24. Conduct that violates published BOR/CSCU policies, rules, and regulations, including, but not limited to, residence hall rules and regulations.
25. Conduct prohibited by any federal, state, and/or local law, regulation or ordinance.
26. Unauthorized use of CSCU property or the property of members of the CSCU Community or of CSCU Affiliates.
27. Theft, unauthorized use, or abuse of University or College computers and/or peripheral systems and networks, including, but not limited to:
 - a. Unauthorized access to CSCU computer programs or files;
 - b. Unauthorized alteration, transfer or duplication of CSCU computer programs or files;
 - c. Unauthorized use of another individual's identification and/or password;

- d. Deliberate disruption of the operation of CSCU computer systems and networks;
 - e. Use of the Institution's computing facilities and resources in violation of copyright laws (including unauthorized peer-to-peer file sharing of copyrighted material, including, but not limited to, copyrighted music, movies, and software);
 - f. Use of computing facilities and resources to send obscene messages (which are defined as messages which appeal mainly to a prurient, shameful or morbid interest in nudity, sex, excretion, sadism or masochism, go well beyond customary limits of candor in describing or representing such matters, and are utterly without redeeming social value); and
 - g. Violation of the BOR Policy Statement on Acceptable and responsible use of Information Technology resources and/or any applicable BOR computer use policy.
28. Abuse of the CSCU conduct and disciplinary system, including but not limited to:
- a. Failure to obey the notice from a Hearing Body or CSCU Official to appear for a meeting or hearing as part of the Student Conduct system;
 - b. Falsification, distortion, or intentional misrepresentation of information to a Disciplinary Officer or Conduct Administrator, or before a Hearing Body;
 - c. Initiation of a conduct or disciplinary proceeding knowingly without cause;
 - d. Disruption or interference with the orderly conduct of a disciplinary proceeding;
 - e. Attempting to discourage an individual's proper participation in, or use of, the disciplinary system;
 - f. Attempting to influence the impartiality of a Disciplinary Officer, Conduct Administrator or member of a Hearing Body prior to, and/or during the course of, the disciplinary proceeding;
 - g. Harassment (verbal or physical) and/or intimidation of a Disciplinary Officer, Conduct Administrator, or member of a Hearing Body prior to, and/or during the course of the disciplinary proceeding;
 - h. Failure to comply with the sanction(s) imposed under the Student Code; and
 - i. Influencing or attempting to influence another person to commit an abuse of the disciplinary system.

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

In addition to disciplinary procedures applicable to State University students in Section II, Community College students in Section III, or Charter Oak State College Students in Section IV, for any hearing

conducted involving allegations of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking and intimate partner violence the reported victim 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 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; (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"¹ 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.

¹The 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 protected from disclosure by FERPA, there are a number of exceptions to this rule. Students should be aware that a record concerning his/her behavior while a student at the College or University may be shared with other colleges or universities to which the student may subsequently wish to transfer or be admitted. Similarly, prospective employers may require a student to provide access to his/her education records as part of the employment application process. A record of having been sanctioned for conduct that violates Section I.D. of the Code may disqualify a student for admission to another college or university, and may interfere with his/her selection for employment.

PART G: INTERPRETATION AND REVISION

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

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

II. CONDUCT AND DISCIPLINARY PROCEDURES APPLICABLE TO COMMUNITY COLLEGE STUDENTS

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

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

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

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

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

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

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

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

PART B: DISCIPLINARY SANCTIONS

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

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

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

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

IV. Disciplinary Procedures and Due Process Protections

Throughout the College's student conduct process, due process protections are provided, as required by law. This procedure establishes a process for addressing charges of academic and nonacademic misconduct and dishonesty. It is the policy of Housatonic Community College that charges of misconduct and dishonesty are addressed with integrity while ensuring students have due process. All alleged student violations of The Code are referred to the Dean of Student Services Office. The Disciplinary process is initiated once a complaint is filed against a student by a member of the College community with the Dean of Student Services Office. Failure to cooperate with College's investigation of an alleged violation may result in the student forfeiting their rights to a hearing or appeal and may result in further disciplinary action.

- The Code details the College's expectations for student conduct
- Written notice of charges when students are accused of violating The Code
- A pre-hearing interview (as deemed necessary) during which charges, evidence, rights and options are discussed with students or student organizations accused of misconduct
- A hearing for a further exploration of the facts and circumstances of the case in the event that the accused student denies the charge
- An established standard of proof: preponderance of evidence
- The ability to have an advisor of choice
- The ability to appeal

Policy

1. Student are expected to abide by the Student Discipline Policy on Student Conduct as outlined in the BOR/CSCU Student Code of Conduct (Approved 3/13/2014; amended 6/16/2016) and Housatonic Community College's Code of Students Rights, Responsibilities, and Conduct as outlined in the Student Handbook 2018-2020. Copies are available in all Division of Student Affairs and Academic Affairs Offices.
2. The BOR/CSCU Student Code of Conduct (Approved 3/13/2014; amended 6/16/2016;7/26/2020-BR 20-104) is available online at <https://www.ct.edu>

3. Formal disciplinary concerns should be reported in writing to the Dean of Student Services on the [Safety&Security](#) tab on the Housatonic webpage. Emergency disciplinary concerns should be reported to Campus Safety.

Procedures

- All significant disciplinary problems shall be reported to the Dean of Student Services. In an emergency, disciplinary problems shall be reported to Campus Safety.
- Student disciplinary concerns may be formal or informal depending on the nature of the occurrence. The Dean of Student Services is available for consultation or to review alternative actions.

Informal Disciplinary Action

1. Faculty/Staff members should contact the Dean of Student Services.
2. The Dean of Student Services shall meet with and consult with the faculty/staff member.
3. Disciplinary Process

- The Faculty/Staff member shall clearly state, verbally their personal expectations and standards for behavior. All faculty/staff shall distribute written expectations to students.
- When an incident occurs, a verbal warning shall be issued to the student who exhibits behavior that impairs the college-related activity.
- If the problem is not resolved and the behavior persists, the faculty/staff member may initiate a formal disciplinary referral.
- If the behavior stems from academic dishonesty, as outlined in The Code, the faculty member may employ restorative action by allowing the student to retake or resubmit the assignment or initiate a formal disciplinary referral.

Formal Disciplinary Referrals

1. Should the behavior persist after the verbal warning or restorative action, the faculty/staff member shall submit a written statement of the incident to the Dean of Student Services using the Advocate System in the Safety and Security tab on the Housatonic webpage. The form will go directly to the appropriate party.
2. This form is available online in the Safety and Security tab on the webpage. If you are unable to retrieve the forms, please e-mail the Dean of Student Services
3. Upon receipt of the faculty/staff member's written statement the Dean of Student Services will initiate an investigation including written notice to the student. The notice to the student will explain the student's rights. The Dean of Student Services will keep open lines of communication with the faculty/staff member.
4. A preliminary response and/or action taken will be communicated to the faculty/staff member within a reasonable time frame. Subsequent action taken will be communicated to the

faculty/staff member within the context of the Family Educational Rights and Privacy Act, within fourteen business days.

Emergency Disciplinary Problems

An emergency disciplinary problem is a situation in which the faculty/staff member/student feels seriously threatened or endangered.

1. The faculty/staff should contact Campus Safety immediately.
2. Campus Safety shall issue a direct warning and/or remove the student from the area.
3. If the student is removed, the student will be escorted to Campus Safety or off campus grounds.
4. Within **30 calendar days** the faculty/staff member shall complete a Student Conduct Referral Form. The Dean of Student Services.
5. Campus Safety will file a separate report.
6. A preliminary response and/or action taken will be communicated to the faculty/staff member within **10 calendar days**.
7. The student may be allowed to return to the class subject to the conditions set forth in the Conditions of Return Letter issued by the Dean of Student Services. A copy of the letter will be sent to the faculty/staff for record. Subsequent action taken will be communicated to the faculty/staff member within the context of the Family Educational Rights and Privacy Act, within **10 calendar days**.

V. Investigation

The Dean of Student Services will meet with the accused student and begin an investigation of the alleged violation, as deemed necessary.

1. If the student admits guilt, the investigation will cease and an administrative conference will be held. During the administrative conference a sanction will be implemented in accordance with the Disciplinary Sanctions outlined below.
 - Administrative Conference: The Dean of Student Services shall give the student reasonable notice of the time and place of the conference. During the conference, students shall have an opportunity to present information for consideration.

2. If during the Administrative Conference the student admits guilt, The Dean of Student Services will impose a Sanction in accordance with the sanctions outlined in section VI. The Dean of Student Services Conduct shall provide the student with a written explanation of the determination within **10 calendar days** from the date the investigation concluded.
3. Per the BOR/CSCU Student Code of Conduct procedures, the decision shall be final.
4. If the student does not admit guilt, a full investigation will commence. The Dean of Student Services will speak to all appropriate parties. If the results of the investigation substantiate the allegations, the Dean of Student Services shall notify the student or make a reasonable attempt to notify the student in writing to schedule an Administrative Conference. The procedures outlined in 1 shall apply.
5. If after the investigation, the Dean of Student Services finds insufficient reason to believe the student has committed a violation the case shall be dismissed. If after the investigation, The Dean of Student Services finds sufficient reason to believe the student has violated the student code of conduct a sanction will be imposed.
6. If after the investigation, The Dean of Student Services finds the violations may warrant suspension, expulsion, or a system-wide hold, The Dean of Student Services shall conduct an investigation and hold an Administrative Conference with the student. If the Dean of Student Services determines that there is reason to believe the student has committed a violation that warrants, suspension, expulsion, or system-wide hold,
7. Per the BOR/CSCU Student Code of Conduct procedures, if during the Administrative Conference the student requests a hearing, the student shall submit a written request by **5:00pm on the following business day** to the Dean of Student Services Office. The request shall be e-mailed to The Dean of Student Services. Upon receipt of the request, in accordance with BOR policy, a hearing with the Student Conduct Review Board shall be scheduled within **5 calendar days**. The hearing shall be implemented in accordance with the procedures outlined in section IX.

IV. Disciplinary Levels and Appropriate Sanctions

The intent of the College is to impose sanctions in a restorative and progressive manner. However, depending on the nature and severity of a student's violation the College reserves the right to impose any of the referenced sanctions at any time.

Informal Disciplinary Problems <i>Restorative Sanctions</i>	Formal Disciplinary Problems <i>Level I Sanctions</i>	Emergency Disciplinary Problems <i>Level II Sanctions</i>
Informal Disciplinary Behaviors include but are not limited to:	Behaviors include but are not limited to:	Behaviors include but are not limited to:
<ul style="list-style-type: none"> • Incivility & Behavioral Misconduct • Use of profanity • Academic Misconduct 	<ul style="list-style-type: none"> • Continued violation of Conduct policies • Verbal altercations • Theft, destruction of property • Threatening behavior 	<ul style="list-style-type: none"> • Physical Altercation • Continued violation of Conduct policies • Threatening Behavior
Sanctions may include but are not limited to:	Sanctions may include but are not limited to:	Sanctions may include but are not limited to:
<ol style="list-style-type: none"> 1. Removal from a class, area, or event 2. A restorative sanction of an academic nature (i.e. re-take test, re-submit assignment, assigned a reading or additional assignment) 3. Change of grade on the item/assignment in question 4. Lower grade for the course 5. Verbal Warning 	<ol style="list-style-type: none"> 1. "Written Warning" <ol style="list-style-type: none"> i. A restorative sanction of an academic nature 2. "Probation" <ol style="list-style-type: none"> i. suspension from participation in specific campus activities ii. restrictions on the entry and use of campus facilities 3. "Community Restitution" <ol style="list-style-type: none"> i. perform hours of service on campus or in the community at large ii. Reimbursement iii. Issue an apology 4. "Removal of College Privileges" <ol style="list-style-type: none"> i. suspension from participation in specific campus activities ii. restrictions on the entry and use of campus facilities 	<ol style="list-style-type: none"> 1. "Suspension" 2. "Expulsion" 3. "System Hold"
<ul style="list-style-type: none"> • To be imposed by the faculty, Dean of Student Services and/or designee • First offenses 	<ul style="list-style-type: none"> • To be imposed by the Dean of Student Services and/or designee • Recurring Conduct violations 	<ul style="list-style-type: none"> • To be imposed by the Dean of Student Services

V. Appeals

The Accused student can only appeal Suspension or Expulsion sanctions imposed by the Dean of Student Services. Per the BOR policy, the request for a hearing must be received by the Dean of Student Services Office by 5:00 p.m. on the following business day of the Accused Student receiving a sanction of Suspension or Expulsion.

1. If the Student requests a hearing, he/she is entitled to be heard, within **5 days** by the Student Conduct Review Board
2. The Student Conduct Review Board shall issue a written decision after the hearing with the student. The Student Conduct Review Board may accept, reject, or modify the Dean of Student Service decision or sanction.
3. A written request for review of the decision by the Student Conduct Review Board must be received by the President within three (3) calendar days after the student is notified of the decision by the Student Conduct Review Board and must clearly identify the grounds for review.

* Refer to the Student Code of Conduct for details and additional information.

Student Conduct Review Board

Per the BOR policy, the Student Conduct Review Board shall be impartial. It shall not consist of anyone party to the incident.

The Housatonic Community College Student Conduct Review Board shall be comprised of:

2- Faculty Members

3- Staff Members

- 1- Counselor or Advisor
- 1- Student Services/Student Success Coach
- 1- Director of Student Life/Conduct

1- Student Representative

The faculty and staff Student Conduct Review Board members shall be identified by the respective Academic and Student Services Divisions. The student representative shall be identified by the Student Senate. Faculty and staff Student Conduct Review Board members shall serve for one-academic year beginning in August. Student representatives will serve one-academic semester and may be reappointed. Appointment to the Board will occur in April.

VI. Hearing Process

Students' Rights

In accordance with the BOR policy, students are entitled to:

1. Be heard with **5 days** by the impartial Student Conduct Review Board (as outlined in Section VIII).
2. Appear in person and to have an advisor who shall not attend as a representative of the student. However, if at the time of the hearing, there is a pending 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.
3. hear and question the information presented
4. Present information, to present witnesses, and to make a statement on his or her behalf
5. Challenge the appointment of an impartial party or Student Conduct Review Board member on the ground that the person(s) is/are not impartial. The challenge shall be made to the Dean of Student Services at kmcginnis@housatonic.edu. The decision of the Dean of Students shall be final.
6. Due process
7. Receive a written decision following the hearing

The Dean of Student Services and the Student Conduct Review Board Responsibilities:

1. To ensure that the hearing occurs in an orderly fashion.
2. To ensure, to the extent possible, that all questions asked and information provided are relevant. Questions related to the appropriateness of sanctions should be included.
3. To ensure the student and faculty/staff member have a right to hear and question the information provided, to testify, to present evidence and witnesses.
4. To ensure that evidence or information not presented during the hearing is excluded from the decision making process.
5. To ensure, to the extent possible, that Student Conduct Review Board decision is based solely upon the evidence provided.

Hearing Process

The Dean of Student Services shall serve as the hearing officer and be responsible for coordinating and scheduling the hearing. The Dean of Student Services shall preside over the hearing and shall be responsible for maintaining proper decorum and order, and ruling on admissibility of evidence. The Dean of Student Services shall have the authority to exclude any person who impedes or threatens to impede a fair and orderly hearing or who has no legitimate interest in the hearing. Subject to applicable laws, the

hearing shall be closed to all persons not directly involved in the process, however the student and faculty/staff member may each have a nonparticipating observer present.

The hearing will commence as follows:

1. At the start of the hearing, the Dean of Student Services shall:
 - a. explain the hearing process and the manner in which the proceeding will occur
 - b. introduce the individuals present
 - c. explain the charges
2. Statement by the student and witnesses
3. Statement by the faculty/staff and witnesses
4. Questions by Student Conduct Review Board members
 - a. Questions may be addressed to the student, faculty/staff, or witnesses
5. Hearing participants will be excused for closed deliberations and Student Conduct Review Board voting.
 - a. The hearing officer - Dean of Student Services shall abstain from voting except to break a tie. Per the BOR policy, sanctions imposed by The Student Conduct Review Board are effective immediately.
 - b. The student shall be verbally notified of the outcome of the deliberation the same day.
 - c. The student shall receive written notification via their college issued e-mail with **3 calendar days**.
 - i. The student has the right to request for a review of the decision. The request for review must be submitted to the President, in writing within **3 calendar days** of receipt of the written sanction notification.
 - ii. Per the BOR policy, the President may for good cause, suspend imposition of the sanctions imposed to allow the student time to prepare a written request for review. If a written request is received, the President may continue to suspend the imposition of the sanctions until he/she has reviewed and acted on the student's request. The review by the President is limited to:
 1. The record of the hearing
 2. The written request
 3. Any supporting documentation submitted with the request by the student
 - iii. The decision of the Student Conduct Review Board shall be upheld unless the President finds that:
 1. A violation of the procedures set forth herein significantly prejudiced the student; and/or the information presented to the impartial party or panel was not substantial enough to justify the decision; and/or, the sanction(s) imposed was/were disproportionate to the seriousness of the violation.

Student's Written Appeal

The written appeal must contain either:

1. A description of the specific violations upon which the appeal is based or an explanation of why the sanction imposed is perceived to be too severe.

VII. Overview of Student Grievance Procedure

Grievances Against a Student

Student submits a written complaint using the advocate system at <https://www.housatonic.edu/safety> within 30 days of alleged violation



Dean of Student Services investigates grievance and within 30 days provides an outcome letter, recommendation, or imposes a sanction and on the outcome



Outcomes

1. Sanction imposed in accordance with the Student Conduct Procedures outlined in Section XII.
2. Referral to the Dean of Student Services

Grievances Against a Faculty or Staff

For Faculty Grievances:
Student must follow the Academic Complaint Process at <https://www.housatonic.edu/safety> within 30 days of alleged violation

For Staff Grievances: Student submits a written complaint to the Dean of Student Services within 30 days of alleged violation



Dean of Academic Affairs or Dean of Student Services investigates grievance and within 30 days notifies students of the outcome.

Grievances Against a Dean

Student submits a written complaint/grievance to the Campus CEO's Office within 30 days of alleged violation



Campus CEO directs further investigation as they deem appropriate. Campus CEO notifies student of the final disposition of grievance within 30 days of receiving

VIII. 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:*

For grievances against another student: A grievance is to be submitted in writing to the Dean of Student Services by e-mailing HC-StudentConduct@hcc.comnet.edu, 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.

For grievances against a faculty member: A grievance is to be submitted in writing to the Dean of Academic Affairs by e-mailing ravant@hcc.comnet.edu, 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.

For grievances against a staff member: A grievance is to be submitted in writing to the Dean of Student Services by e-mailing kmcginnis@hcc.comnet.edu, 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.

For grievances against a Dean: A grievance is to be submitted in writing to the Campus CEO by e-mailing dsmith@hcc.comnet.edu, 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:* An investigation of the grievance shall occur and within thirty days from the time the grievance was submitted either a resolution or 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 and/or designee 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 and/or designee shall consult with the college's Title IX Coordinator and/or Affirmative Action Officer during the course of the investigation.

c. In the case of a grievance against a dean, the grievance shall be filed with the Campus CEO. The Campus CEO may accept or reject the recommendation, or direct such further investigation as he or she deems appropriate. The Campus CEO 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.

4. *Advisory Committee:* The Campus CEO 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 Campus CEO. The Campus CEO may appoint and remove members of the committee. If an advisory committee is appointed, the Campus CEO shall establish a reasonable time frame within which the committee must make recommendations.

IX. Overview of Student Conduct Procedure

Step 1

Complaint of incivility or misconduct filed against student using the Advocate System

<https://www.housatonic.edu/safety>



Step 2

Dean of Student Services and/or designee meet with the accused student



Step 3

Dean of Student Services and/or designee conducts investigation and determines the conduct violation



Step 4

Sanction(s) issued for students found responsible



For Incivility & Misconduct Offenses

Dean of Student Services and/or designee imposes restorative sanction

1. Removal from a class, area, or event
2. A restorative sanction of an academic nature (i.e. re-take test, re-submit assignment, assigned a reading or additional assignment)
3. Change of grade on the item/assignment in question
4. Lower grade for the course
5. Verbal Warning

For Low Level - Level I Offenses

Dean of Student Services and/or designee imposes

1. "Written Warning"
2. "Probation"
3. "Community Restitution"
4. "Removal of College Privileges"

For Level II - Serious Offenses

Dean of Student Services may recommend

1. "Suspension"
2. "Expulsion"
3. "System Hold"

This is subject to a review before the Student Conduct Review Board. The Student Conduct Review Board may accept, reject or modify the decision made by the Dean of Student Services.



**Title IX Grievance Procedures
for Addressing Formal Complaints of Sexual Harassment
September 23, 2020**

1. Introduction

What is the purpose of the Title IX Grievance Procedures?

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>

Based on the Final Rule, the Connecticut State Colleges and Universities ("CSCU") will implement the following Title IX Grievance Procedures (referenced herein as "policy" or "grievance procedure"), effective August 14, 2020.

How does the Title IX Grievance Procedures impact other campus disciplinary policies?

In recent years, "Title IX" cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, CSCU must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. Incidents falling within the Final Rule's definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Procedures defined below.

CSCU and Housatonic Community College remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our institutions have a

- **Student Code of Conduct** (“Code of Conduct”) that defines certain behavior as a violation of campus policy, and a
- **Sexual Misconduct Reporting, Supportive Measures and Processes Policy** (“Sexual Misconduct Policy”) that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses.

To the extent that alleged misconduct falls outside the Title IX Grievance Procedures, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Code of Conduct and Sexual Misconduct Policy through a separate grievance proceeding.

<https://www.ct.edu/files/policies/5.2%20Sexual%20misconduct%20reporting%20support%20and%20processes.pdf> (need link to latest). Sanctions applicable to both Title IX and Sexual Misconduct violations are found in the Student Code of Conduct or through the applicable employee agreement.

the elements established in the Title IX Grievance Procedures under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Procedure. This Grievance Procedure does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other or process.

How does the Title IX Grievance Procedures impact the handling of complaints?

Our existing Title IX office and reporting structure remains in place. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full throughout Section 2.

2. The Title IX Grievance Procedures

Table of Contents

General Rules of Application

Effective Date

This Title IX Grievance Procedures will become effective on August 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after August 14, 2020. Complaints brought prior to August 14, 2020 will be investigated and adjudicated according to the Title IX Grievance Procedures if a case is not complete by that date.

Revocation by Operation of Law

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this grievance procedures or the invalidated elements of Title IX policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Procedures be revoked in this manner, any conduct covered under the Title IX Grievance Procedures shall be investigated and adjudicated under the existing Code of Conduct/ Sexual Misconduct Policy.

Non-Discrimination in Application

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

Definitions

Covered Sexual Harassment

For the purposes of this Title IX Grievance Procedures, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a

spouse or intimate partner, by a person similarly situated to a spouse of the victim under Connecticut domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Connecticut.

6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Sexual Misconduct Policy.

Consent

For the purposes of this Title IX Grievance Procedures, “consent” refers to “affirmative consent”. Affirmative consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

Education Program or Activity

For the purposes of this Title IX Grievance Procedures, a Housatonic Community College “education program or activity” includes:

- Any on-campus premises
- Any off-campus premises that Housatonic Community College has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the Housatonic Community College’s programs and activities over which Housatonic Community College has substantial control.

Formal Complaint

For the purposes of this Title IX Grievance Procedures, “formal complaint” means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Housatonic Community College’s education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Procedures to investigate the allegation of sexual harassment.

Complainant

For the purposes of this Title IX Grievance Procedures, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual

harassment as defined under this policy.

Relevant evidence and questions

“Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

“Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior unless:
 - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
- Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

Respondent

For the purposes of this Title IX Grievance Procedures, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

School Calendar Days

For the purposes of this Title IX Grievance Procedures, “school calendar days” means the weekdays (Mondays through Fridays) when Housatonic Community College classes are in session.

Privacy vs. Confidentiality

Consistent with the Sexual Misconduct Policy, references made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean Housatonic Community College offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to

investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Housatonic Community College will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Disability Accommodations

This Grievance Procedure does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Making a Report Regarding Covered Sexual Harassment to the Institution

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Name: Dr. Kim McGinnis

Title: Dean of Student Services

Office Address: 900 Lafayette Blvd, Bridgeport CT 06604

Email Address: kmcginnis@hcc.commnet.edu

Telephone Number: 203-332-5183

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Confidential Reporting

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator or designee

Non-Investigatory Measures Available Under the Title IX Grievance Procedures

Supportive Measures

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from Housatonic Community College regardless of whether they desire to file a complaint.

As appropriate, supportive measures may include, but not be limited to:

- Counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

Supportive measures are non-disciplinary and non-punitive.

Emergency Removal

Housatonic Community College retains the authority to remove a respondent from Housatonic Community College's program or activity on an emergency basis, where Housatonic Community College (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Housatonic Community College determines such removal is necessary, the respondent will be provided notice and an opportunity pursuant to the Code of Conduct to challenge the decision immediately following the removal.

Administrative Leave

Housatonic Community College retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with collective bargaining agreements and human resource policies.

The Title IX Grievance Process

Filing a Formal Complaint

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) school calendar days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is

described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Grievance Procedure if they are currently participating in, or attempting to participate in, the education programs or activities of Housatonic Community College, including as an employee. For complainants who do not meet this criteria, the College will utilize existing policy in the Code of Conduct

<https://www.ct.edu/files/policies/5.1%20StudentCodeofConduct.pdf>

and/or Sexual Misconduct Policy

<https://www.ct.edu/files/policies/5.2%20Ssexual%20misconduct%20reporting%20support%20and%20processes.pdf> .

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. Housatonic Community College will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Grievance Procedure.

Nothing in the Title IX Grievance Policy or Code of Conduct prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Informal Resolution

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the Institution's Informal Resolution Process. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent. Information about this Process is available here: *[LINK]*

Multi-Party Situations

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

Determining Jurisdiction

The Title IX Coordinator will determine if the instant Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in Housatonic Community College's education program or activity; and

4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Housatonic Community College will investigate the allegations according to the Grievance Process.

Allegations Potentially Falling Under Two Policies:

If the alleged conduct would constitute a Title IX sexual harassment policy violation as well as a violation of the Sexual Misconduct Policy, the Title IX Grievance Process will be applied to investigation and adjudication for the conduct. However, any conduct that is unrelated to the Title IX Policy or Sexual Misconduct Policy within the allegation or discovered during a Title IX investigation, will be adjudicated in accordance with the Student Code of Conduct or employee agreement, as applicable

Mandatory Dismissal

If any one of these elements are not met, the Title IX Coordinator will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Procedures. Each party may appeal this dismissal using the procedure outlined in “Appeals,” below.

Discretionary Dismissal

The Title IX Coordinator may dismiss a Formal Complaint brought under the Title IX Grievance Procedures, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by {the institution}; or,
- If specific circumstances prevent {the institution} from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

Notice of Dismissal

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

Notice of Removal

Upon dismissal for the purposes of Title IX, Housatonic Community College retains discretion to utilize the Code of Conduct and/or the Sexual Misconduct Policy to determine if a violation of

the Code of Conduct and/or the Sexual Misconduct Policy} has occurred. If so, Housatonic Community College will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the conduct process.

Notice of Allegations

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

Contents of Notice

The Notice of Allegations will include the following:

- Notice of the institution's Title IX Grievance Process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment and the policy violated; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);

- A statement that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Ongoing Notice

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Grievance Procedures, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

Advisor of Choice and Participation of Advisor of Choice

Housatonic Community College will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

The Housatonic Community College has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of Housatonic Community College.

Housatonic Community College will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

Housatonic Community College's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Grievance Procedure, and Housatonic Community College cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. Housatonic Community College will not be obligated to delay a meeting or hearing under this process more than five (5) school calendar days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by Housatonic Community College.

Notice of Meetings and Interviews

Housatonic Community College will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings,

investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

Delays

Each party may request a one-time delay in the Grievance Process of up to five (5) school calendar days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Student Conduct, or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator or designee shall have sole judgment to grant further pauses in the Process.

Investigation

General Rules of Investigations

An investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

Housatonic Community College and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of Title IX has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from Housatonic Community College and does not indicate responsibility.

Housatonic Community College cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. Housatonic Community College will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and

review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review through an electronic format or a hard copy. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) school calendar days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report.

REQUESTS TO EXTEND INSPECTION AND REVIEW

The institution may provide the parties five (5) school calendar days after the initial inspection and review of evidence, and before the investigator completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and then provide the parties five (5) school calendar days to inspect, review, and respond to the party's additional evidence through a written response to the investigator. Those written responses may be disclosed to the parties.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors agree not to photograph or otherwise copy the evidence and must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process.

Inclusion of Evidence Not Directly Related to the Allegations:

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that

is kept from disclosure or appropriately redacted will be documented in a “privilege log” that may be reviewed by the parties and their advisors, if any.

Investigative Report

The investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence, and will provide that Report to the parties at least ten (10) school calendar days prior the hearing in an electronic format or a hard copy for each party’s review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

Hearing

General Rules of Hearings

Housatonic Community College will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through an informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at Housatonic Community College discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through remote video conferencing. This technology will enable participants simultaneously to see and hear each other. At its discretion, Housatonic Community College may delay or adjourn a hearing based on technological errors not within a party’s control.

All proceedings will be recorded through either an audio recording, audiovisual recording or transcript. That recording or transcript will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn.

Continuances or Granting Extensions

Housatonic Community College may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, Housatonic Community College will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

Newly-discovered Evidence

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Hearing Official/Panel will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the Hearing Official/Panel answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

Participants in the live hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent (The Parties)

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party.
 - For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a "prior statement" that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint.
- Housatonic Community College will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation.
- If a party does not submit to cross-examination, the hearing body cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may

reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.

- The hearing body cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross examination or other questions.

The Hearing Body

- The hearing body will consist of 3a panel of 3 decision-makers.
- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision-maker’s actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Advisor of choice

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party’s advisor may appear and conduct cross-examination on their behalf.
- If neither a party nor their advisor appear at the hearing, Housatonic Community College will provide an advisor to appear on behalf of the non-appearing party.

Witnesses

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation

- If a witness does not submit to cross-examination, as described below, the hearing body cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing. 85 Fed. Reg. 30026, 30347 (May 19, 2020).

Hearing Procedures

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- The hearing body will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- The hearing body will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the hearing body conducts its initial round of questioning; During the Parties' cross-examination, the hearing body will have the authority to pause cross-examination at any time for the purposes of asking the hearing body's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the hearing body. A Party's waiver of cross-examination does not eliminate the ability of the hearing body to use statements made by the Party.

Live Cross-Examination Procedure

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the hearing body will determine if the question is relevant. See Relevance Procedures. Cross-examination questions that are duplicative of those already asked, including by the hearing body may be deemed irrelevant if they have been asked and answered.

Review of Transcript/Recording

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

Determination Regarding Responsibility

Standard of Proof

Housatonic Community College uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Grievance Procedure. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Grievance Procedure occurred.

General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Hearing Body.

The hearing body shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that the hearing body allow parties to call "expert witnesses" for direct and cross examination. Housatonic Community College does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that Housatonic Community College allow parties to call character witnesses to testify. Housatonic Community College does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that Housatonic Community College admit and allow testimony regarding polygraph tests (“lie detector tests”) and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness’ conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the hearing body may draw an adverse inference as to that party or witness’ credibility.

Components of the Determination Regarding Responsibility

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of the Title IX/ Sexual Misconduct Policy/Code of Conduct, if any, the respondent has or has not violated.
5. For each allegation:
 - a. A statement of, and rationale for, a determination regarding responsibility;
 - b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
 - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient’s education program or activity will be provided by the recipient to the complainant; and
6. The recipient’s procedures and the permitted reasons for the complainant and respondent to appeal (described below in “Appeal”).

Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by Housatonic Community College within ten (10) school calendar days of the completion of the hearing.

Finality

The determination regarding responsibility becomes final either on the date that the institution

provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

Appeals

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) school calendar days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution’s own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter;
- The severity of sanctions.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12 point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by an Appeals Officer, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision maker in the same matter.

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

Retaliation

Housatonic Community College will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has

made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Procedures, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Procedures.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Procedures.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Complaints alleging retaliation may be filed according to the Board of Regents Title IX Statement of Policy and Board of Regents Sexual Misconduct Reporting, Supportive Measures and Processes Policy.

Sanctions

See the applicable employee policy/agreement or the Student Code of Conduct for applicable sanctions.