



OFFICE OF DIVERSITY AND EQUITY

UNIVERSITY POLICY IMPLEMENTATION ON NON-DISCRIMINATION

I. CONNECTICUT STATE COLLEGES AND UNIVERSITIES AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

As the statewide policy making authority for public higher education in Connecticut, the Connecticut State Colleges and Universities (“CSCU”) is committed to leading, by example, in the areas of equal employment opportunity and affirmative action. Additionally, the Connecticut State Colleges and Universities has been charged by state statutes to promote representative racial and ethnic diversity among the students, faculty administrators and staff at public institutions of higher education. The Connecticut State Colleges and Universities (“CSCU”) policies also advances compliance with Title IX requirements and the Americans with Disabilities Act (“ADA”) at all Connecticut State Colleges and Universities. Equal employment opportunity and affirmative action are essential to achieving higher education’s goals of academic excellence and equity.

The Connecticut State Colleges and Universities (“CSCU”) recognizes that affirmative action is positive action undertaken with diligence and conviction to:

1. Overcome any remaining effects of past practices, policies or barriers to equal employment opportunity, and;
2. Achieve the full and fair participation of all protected class members found to be underutilized in the workplace, or adversely impacted by policies or practices.

The Connecticut State Colleges and Universities (“CSCU”) deems equal employment opportunity to be the education or employment of individuals without consideration of race, color, age, sex, including pregnancy, sexual harassment and sexual assault, religious creed, marital status, national origin, ancestry, physical or mental disabilities (including learning disabilities, intellectual disabilities, past or present history of mental disability), gender identity or expression, sexual orientation, transgender status, workplace hazards to reproductive systems or other factors which cannot lawfully be the basis for employment actions, unless there is a bona fide occupational qualification. The Connecticut State Colleges and Universities (“CSCU”) will not request or require genetic information from job applicants or employees, or otherwise discriminate against any person in employment conditions on the basis of genetic information. Additionally, the Connecticut State Colleges and Universities (“CSCU”) will not unlawfully discriminate against persons with a prior criminal conviction. Equal employment opportunity is the purpose and goal of affirmative action.



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It is the policy of the Connecticut State Colleges and Universities (“CSCU”) to administer all personnel policies in manners that insure that there is no discrimination based upon race, color, age, sex, including pregnancy, sexual harassment and sexual assault, religious creed, marital status, national origin, ancestry, physical or mental disabilities (including learning disabilities, intellectual disabilities, past or present history of mental disability), gender identity or expression, genetic information, sexual orientation, transgender status, criminal record, workplace hazards to reproductive systems or other factors which cannot lawfully be the basis for employment actions.

CSCU recognizes the hiring difficulties experiences by persons with disabilities and by many older persons. If necessary, program goals shall be established with the Affirmative Action Plan for action eliminating hiring barriers and actively recruiting members from these groups, to overcome any remaining effects of past discrimination against these groups and to achieve full and fair participation of such persons in the workforce.

CSCU shall explore alternative approaches wherever personnel practices have a negative impact on protected classes and establish procedures for the extra effort deemed necessary to assure that the recruitment and hiring of protected group members reflect their availability in the job market. To this end, CSCU shall continuously review its personnel policies and procedures to ensure that barriers that unnecessarily exclude protected classes and practices that have a discriminatory impact are identified and eliminated. Recognizing that there are residual effects of past discrimination, the CSCU pledges not only to provide services in a fair and impartial manner, but also establish, through this policy, affirmative action and equal employment opportunity as immediate and necessary objectives throughout all of the Connecticut State Colleges and Universities.

Western Connecticut State University (“WCSU” or “University”) is committed to maintaining a work environment free from influence or prejudicial behavior and sexual harassment and a workplace in which all terms, conditions, privileges and benefits are administered in an equitable manner. WCSU has an internal discrimination complaint procedure and system to process and resolve grievances.

It is also the university’s policy to provide reasonable accommodations when appropriate to individuals with disabilities, individuals observing religious practices, employees who have pregnancy or childbirth-related medical conditions, or employees who are victims of domestic violence/stalking/sex offenses. This policy also prohibits retaliation for reporting or opposing discrimination, or cooperating with an investigation of a discrimination complaint.

Dr. John B. Clark, President of the Western Connecticut State University (“WCSU” or “University”) is committed to successfully implementing the Affirmative Action Plan and goals within timetables set forth. The President assures that all employees, especially managers and supervisors understand the policies and their responsibilities for implementing such and take



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positive steps to ensure compliance with the Affirmative Action Plan, AA/EEO policies, procedures and programs and also Americans with Disabilities Act (“ADA”) and Title IX requirements and mandates.

Effective July 7, 2017, Ms. Jesenia Minier has been appointed to serve as the Chief Diversity Officer/ADA and Title IX Coordinator and is responsible for overseeing the Office of Diversity and Equity and to monitor and execute the Affirmative Action and Equal Employment Opportunity programs at the University. Ms. Minier is the University’s full-time Affirmative Action Officer. To this end, the Chief Diversity Officer/ADA and Title IX Coordinator shall be concerned with equitable treatment to all in the University community. Ms. Minier is located at the Midtown Campus, University Hall, Room 202, 181 White Street, Danbury, Connecticut, 06810, and can be reached by telephone at (203) 837-8444 or by email at ode@wcsu.edu. Employees and others who wish to file a complaint of discrimination pertaining to Western Connecticut State University may do so by contacting Ms. Minier.

II. Definitions of Prohibited Conduct¹

Discrimination is treating an individual differently or less favorably because of his or her protected characteristics—such as race, color, religion, sex, gender, national origin, or any of the other bases prohibited by this Policy.

Harassment is a form of discrimination that consists of unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile or abusive work or academic environment. Such conduct can be spoken, written, visual, and/or physical. This policy covers prohibited harassment based on all protected characteristics other than sex.

Gender-based (sexual harassment) discrimination is covered by the University’s Sexual Misconduct Reporting, Supportive Services and Processes Policy linked at:

<http://www.ct.edu/files/pdfs/hr-policy-sexual-misconduct.pdf>.

Retaliation is adverse treatment of an individual because he or she made a discrimination complaint, opposed discrimination, or cooperated with an investigation of a discrimination complaint.

¹ As a public university system, WCSU adheres to federal and state laws and regulations regarding non- discrimination and affirmative action. Should any federal or state law or regulation be adopted that prohibits discrimination based on grounds or characteristics not included in this policy, discrimination on those additional bases will also be prohibited by this policy.



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III. Discrimination and Retaliation Complaints

WCSU is committed to addressing discrimination and retaliation complaints promptly, consistently and fairly. The Chief Diversity Officer (or an assigned designee) shall be responsible for, among other things, addressing discrimination and retaliation complaints under this Policy. There shall be procedures for making and investigating such complaints, which shall be applicable to the University.

IV. Academic Freedom

This Policy shall not be interpreted so as to constitute interference with academic freedom.

V. Responsibility for Compliance

The President will have ultimate responsibility for overseeing compliance with these policies at their respective units of the University. In addition, each vice president, dean, director, or other person with managerial responsibility, including department chairpersons and executive officers, must promptly consult with the Chief Diversity Officer at his or her school, department or unit if he or she becomes aware of conduct or allegations of conduct that may violate this Policy. All members of the University community are required to cooperate in any investigation of a discrimination or retaliation complaint.



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DISCRIMINATION COMPLAINT PROCEDURES

1. Reporting Discrimination and/or Retaliation

Western Connecticut State University (“WCSU” or “University”) is committed to addressing discrimination and/or retaliation complaints promptly, consistently and fairly. Members of the University community, as well as visitors, may promptly report any allegations of discrimination or retaliation to the individuals set forth below:

- a) Applicants, employees, visitors and students with discrimination or sexual misconduct complaints should raise their concerns with the Chief Diversity Officer/ADA and Title IX Coordinator (and/or an assigned designee²).
- b) Applicants, employees, visitors and students with complaints of sexual harassment or sexual violence, including sexual assault, stalking, domestic and intimate violence, should follow the process outlined in the University’s Sexual Misconduct Reporting, Supportive Services and Processes Policy linked at: XXXXX and the [CSCU Discrimination Complaint Policy and Procedures](#).
- c) There are separate procedures under which applicants, employees, visitors and students may request and seek review of a decision concerning reasonable accommodations for a disability, which are set forth in the procedures on Reasonable Accommodation. (must include drafted link upon approval)

2. Preliminary Review of Employee, Student, or Visitor Concerns

Individuals who believe they have experienced discrimination and/or retaliation should promptly contact the Chief Diversity Officer/ADA and Title IX Coordinator (and/or an assigned designee³) to discuss their concerns, with or without filing a complaint. Following the discussion, the Chief Diversity Officer/ADA and Title IX Coordinator (and/or an assigned designee⁴) will inform the complainant of the options available. These include seeking informal resolution of the issues the Complainant has encountered or the university conducting a full investigation. Based on the facts of the complaint, the Chief Diversity Officer/ADA and Title IX Coordinator (and/or an assigned

² An assigned designee is identified as the University’s Deputy Title IX Coordinator, the Chief Human Resources Officer and/or a member of the University’s Campus Response and Resource Team.

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designee⁵) may also advise the Complainant that the situation is more suitable for an alternate resolution.

3. Filing a Complaint

Following the discussion with the Chief Diversity Officer/ADA and Title IX Coordinator (and/or an assigned designee⁶), individuals who wish to pursue a complaint of discrimination and/or retaliation should be provided with a copy of the newly revised discrimination complaint form. Complaints should be made in writing whenever possible, including in cases where the Complainant is seeking an informal resolution. The Complainant will be asked to write out (in chronological order) the event(s) and/or incident(s) to describe in their own words the allegation(s) set forth in the filed complaint. During this time, the Complainant may have assistance from a representative/advocate of their choice at any time during this process.

4. Informal Resolution

Individuals who believe they have been discriminated or retaliated against may choose to resolve their complaints informally. Informal resolution is a process whereby parties can participate in a search for fair and workable solutions. The parties may agree upon a variety of resolutions, including but not limited to modification of work assignment, training for a department, or an apology. The Chief Diversity Officer/ADA and Title IX Coordinator will determine if an informal resolution is appropriate in light of the nature of the complaint. Informal resolution requires the consent of both the complainant and the respondent and suspends the complaint process for up to thirty (30) calendar days, which can be extended upon consent of both parties, at the discretion of the Chief Diversity Officer/ADA and Title IX Coordinator.

Resolutions should be agreed upon, signed by, and provided to both parties. Once both parties reach an informal agreement, it is final. Because informal resolution is voluntary, sanctions may be imposed against the parties only for a breach of the executed voluntary agreement.

The Chief Diversity Officer/ADA and Title IX Coordinator or either party may at any time, prior to the expiration of thirty (30) calendar days, declare that attempts at informal resolution have failed. Upon such notice, the Chief Diversity Officer/ADA and Title IX Coordinator may commence a full investigation. If no informal resolution of a complaint is reached, the Complainant may request that the Chief Diversity Officer/ADA and Title IX Coordinator conduct a full investigation of the complaint.

⁵ An assigned designee is identified as the University's Deputy Title IX Coordinator, the Chief Human Resources Officer and/or a member of the University's Campus Response and Resource Team.

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5. Investigation

A full investigation of the filed complaint may commence when it is warranted after a review and determination by the Chief Diversity Officer/ADA and Title IX Coordinator (and/or an assigned designee⁷) that the complaint has merit for investigation, or after informal resolution has failed. It is recommended that the intake and investigation include the following, to the extent feasible:

a) Formal intake for the Complainant

An intake designee (i.e., WCSU Deputy Title IX Coordinator) will review the information obtained from the Complainant (including the names of any possible witnesses), and explain to the Complainant (if the basis is merited) that an investigation will commence by the Chief Diversity Officer/ADA and Title IX Coordinator.

b) Formal interview(s) of the Complainant and other parties

The Chief Diversity Officer/ADA and Title IX Coordinator will schedule and conduct interview(s) needed with the Complainant, arrange the scheduled interviews with all involved parties (i.e., Complainant – as follow up, identified witnesses and the Accused/Respondent) and possibly other people will be contacted, and that the President will determine what action, if any, to take after the investigation is completed.

c) Interviewing the Accused/Respondent

The Chief Diversity Officer/ADA and Title IX Coordinator will notify and provide a written notice of the filed complaint to the Accused/Respondent unless circumstances warrant otherwise. Additionally, the Accused/Respondent is informed that an investigation will commence and that the Accused/Respondent is entitled to a choice of representation, which can be:

- A collective bargaining/union representative;
- A support person who is unaffiliated with your employer (i.e., family member, friend, counselor, etc.);
- A retained legal advisor and/or counsel; or
- An assigned WCSU representative

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The Accused/Respondent will be provided with a list of their rights and interim support measures during the investigation for the use and discretion of the Accused/Respondent.

An Accused/Respondent employee who is covered by a collective bargaining agreement may consult with, and have, a union representative present at any time of the investigation.

The Accused/Respondent must be informed that retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited under this policy and federal, state, and city laws. The Accused/Respondent should be informed that if retaliatory behavior is engaged by either the Accused/Respondent or anyone acting on his/her behalf, the Accused/Respondent may be subject to disciplinary charges, which, if sustained, may result in penalties up to and including termination of employment, or permanent dismissal from the university if the Accused/Respondent is a student.

d) Reviewing other evidence

The Chief Diversity Officer/ADA and Title IX Coordinator should determine if, in addition to the Complainant, the accused/respondent, and those persons named by them, there are others who may have relevant information regarding the events in question, and speak with them. The Chief Diversity Officer/ADA and Title IX Coordinator should also review documentary evidence that may be relevant to the complaint.

6. Withdrawing a Complaint

A complaint of discrimination may be withdrawn at any time during the informal resolution or investigation process. Only the Complainant may withdraw a complaint. Requests for withdrawals must be submitted in writing to the Chief Diversity Officer/ADA and Title IX Coordinator (and/or an assigned designee⁸). The university reserves the right to continue with an investigation if it is warranted. In a case where the university decides to continue with an investigation, it will inform the complainant.

In either event, the Accused/Respondent must be notified in writing that the Complainant has withdrawn the complaint and whether university officials have determined that continuation of the investigation is warranted for corrective purposes.

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7. Timeframe

While some complaints may require extensive investigation, whenever possible, the investigation of a complaint should be completed within a ninety (90) calendar days of the receipt of the complaint unless there are mitigating circumstances where more time is needed. In the event of a Title IX Complaint, please review the timeframe per the *Title IX investigation procedures* as timeframe varies in these circumstances.

8. Action Following Investigation of a Complaint

- a) Promptly following the completion of the investigation, the Chief Diversity Officer/ADA and Title IX Coordinator will report and document the investigation findings in an investigative report to the President. In the event that the Accused/Respondent or Complainant are student(s), the Chief Diversity Officer/ADA and Title IX Coordinator will also report the investigative findings to the Chief Student Affairs Officer and the Office of Judicial Affairs (if action is needed).
- b) Following such report, the President will review the investigation report and, when warranted by the facts, authorize such action as deemed necessary to properly correct the effects of or to prevent further harm to an affected party or others similarly situated. This can include commencing action to discipline the Accused/Respondent under applicable university by-laws and/or collective bargaining agreements.
- c) The Complainant and the Accused/Respondent should be apprised in writing of the outcome and action, if any, taken as a result of the filed complaint.
- d) The President will sign the investigative report that will go into an investigation file, stating what, if any, action will be taken pursuant to the investigation.
- e) If the President is the Accused/Respondent, the CSCU System Office will appoint an Investigator who will report the investigation findings to the CSCU President. The CSCU President will determine what action will be taken, and such decision will be final.

9. Immediate Preventive Action

The President may take whatever action is appropriate to protect the university community in accordance with applicable university by-laws and collective bargaining agreements.



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10. False and Malicious Accusations

Members of the university community who make false and/or malicious complaints of discrimination, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to immediate, corrective action.

11. Anonymous Complaints

All complaints will be taken seriously, including anonymous complaints. In the event that a complaint is anonymous, the complaint should be investigated as thoroughly as possible under the circumstances.