



**Eastern Connecticut State University
Title IX External Review and Audit**

August 2022

President Núñez:

In Spring 2021, Eastern Connecticut State University (“Eastern”) learned of community concerns regarding the University’s response to reports of sexual assault and sexual misconduct. During that semester, you retained TNG to conduct an external review of Title IX compliance at Eastern, and to provide you with our recommendations for improvement.

In Spring 2022, you invited TNG to engage in an external review and audit to evaluate Eastern’s progress to date. TNG is pleased to provide you with this report to summarize the findings of our audit of Eastern’s Title IX system for the 2021-22 academic year. As you will find below, this report is lengthy because the University has achieved much in a short time and there is substantial progress to report.

Methodology for the 2022 External Review and Audit

In its follow-up review and audit, TNG thoroughly reviewed all information made available by Eastern. The scope of this follow-up external review and audit involved both an on-site visit to campus on May 2, 2022, as well as a subsequent review of written materials.

On-site Visit

Kim Pacelli, Partner at TNG, visited campus on May 2, 2022, to meet with the following stakeholders:

- Starsheemar Byrum, University Victim Advocate
- Dwayne Cameron, Director of Student Conduct
- LaMar Coleman, Vice President for Equity and Diversity
- Michelle Delaney, Interim Vice President of Student Affairs
- Sara Madera, Title IX Coordinator
- Elsa Núñez, President
- Lori Runksmeier, Athletic Director/Former Deputy Title IX Coordinator
- Kemesha Wilmot, Interim Dean of Students

TNG also met with several groups during the May 2nd visit:

- TNG Recommendation Oversight Committee
- Open Forum with Faculty/Staff (virtual)
- Housing/Residential Life professional staff
- Student leaders

Following the May 2nd visit, Dr. Coleman and TNG decided to hold a subsequent virtual open session for faculty/staff on May 11, 2022, to ensure that all interested individuals were able to participate.

Off-site Review

TNG reviewed case files, websites, training materials, and other relevant written materials provided by Eastern. Case files comprised reports made to the Office of Diversity & Equity/Title IX during the Fall 2021 semester and Spring 2022 up to the May 2nd on-site visit, including subsequent follow-up done by University staff. The scope of the external review and audit focused upon “student-facing” reports, meaning reports of discrimination or harassment where a student was identified as the complainant or respondent. Other information and materials provided and reviewed included:

- Recordkeeping and responses to reports that were made by students in Fall 2021 and Spring 2022 (up to and inclusive of May 2, 2022)
- Materials related to the TNG Recommendation Oversight Committee, including subcommittee/working group appointments and updates sent to campus
- Vice President of Equity and Diversity Appointment Announcement (July 6, 2021)
- Interim Title IX Coordinator Appointment Announcement (July 7, 2021)
- Town Hall: TNG Report Announcement (July 21, 2021)
- Materials associated with search for a permanent Title IX Coordinator
- Title IX Coordinator Appointment Announcement (April 26, 2022)
- Office of Equity & Diversity Initial Goals for Equity & Diversity (including around Title IX)
- Office of Equity & Diversity 90-day plan (including around Title IX)
- What is Title IX? The Five Guarantees from the Equity and Diversity/Title IX Office
- Office of Equity & Diversity Title IX Operating Plan – Planning Document
- Templates and Resources used by the Office of Equity & Diversity in Title IX Grievance Process
- Your Rights & Resources: A Guide for students who experience sexual misconduct, sexual assault, sexual harassment, intimate partner violence and/or stalking
- Office of Housing and Residential Life Sexual Assault and Interpersonal Violence Response Team (SAIV-RT) Protocol
- Training Materials: Overview of Title IX Regulations
- Training Materials: Campus Security Authority (CSA) & the Clery Act
- Training Materials and Announcements regarding information sessions on faculty/staff Title IX reporting
- Title IX Incident Reporting Procedures for Faculty/Staff

- Training Materials: Title IX Incident Reporting Procedures for Eastern Connecticut State University Faculty and Staff
- Training Materials: Title IX Reporting: How to Have the Conversation
- Announcement regarding Title IX/Sexual Harassment Prevention & Response Training for Faculty and Staff
- Brochure on Becoming a Title IX Support Advisor
- Training Materials: Title IX Process for Support Advisors
- Advisor Resource Guide for Title IX Investigations and Hearings (Sept. 2021) (authored by Student Conduct Institute)
- Advertisement for Office of Equity & Diversity and Student Government Association joint Title IX Town Hall (Oct. 4, 2021)
- Advertisement for Title IX Meet and Greets in Residence Halls (February/March 2022)
- Advertisement for “We Are Listening” Q&A Session on the Title IX Process (March 23, and April 20, 2022)
- Advertisement and Announcement for “The ‘C’ Word” (April 21, 2022)
- Various presentation materials by Title IX Coordinator in academic courses
- List of programming conducted by the Women’s Center Fall 2021 – Spring 2022, including advertisements and flyers
- List of programming for April 2022 Sexual Assault Awareness month
- Materials associated with climate survey (launched May 2022)
- Title IX Grievance Process Feedback Form
- Title IX Disclosure/Support Measures Feedback Form
- Title IX Marketing & Awareness Materials
- TNG Report Recommendations Progress (dated 4/28/22)
- Exhaustive review of the University’s website

Like in the 2021 review, the 2022 follow-up external review and audit did not encompass an exhaustive review of policies, which remain the province of the system office. However, the mere exercise of conducting a Title IX audit necessitates reviewing the policies and procedures that apply and that inform and dictate a campus’s responses. The policies reviewed in 2022 include:

- Board of Regents Policy 4.11 Statement of Title IX Policy (dated July 29, 2020)
- Board of Regents Policy 5.2 Sexual Misconduct Reporting, Supportive Measures and Processes Policy (20-103) (dated July 29, 2020)
- Board of Regents/CSCU Student Code of Conduct (July 29, 2020, version)
- Title IX Grievance Procedures (updated August 29, 2021)

- Title IX Grievance Procedures (updated September 17, 2021)

July 2022 Observations Responsive to each element of the June 2021 TNG Recommendations:

Each element of TNG’s June 2021 Title IX Review report and recommendations appears below in italics. Responsive observations and remarks follow each 2021 recommendation reflecting information gathered by TNG during the 2022 on-site visit and external review and audit.

- *Identify new leadership for Title IX, including beginning an immediate search for a full-time Title IX Coordinator, recognizing that it may take several months to engage in a thorough and participatory hiring process. The search for a new Title IX Coordinator should prioritize trust-building on the part of students both in process and outcome.*

Following our June 2021 recommendations, Eastern acted swiftly, under Dr. Núñez’s leadership, to identify a new leader to provide oversight and management for Title IX. Dr. LaMar Coleman was appointed Vice President for Equity and Diversity effective July 1, 2021. Dr. Coleman came from prior senior leadership roles in student affairs at Eastern. Dr. Coleman possessed both the familiarity with Eastern, including the Title IX system he was inheriting, and the professional credentials to dive into his new responsibilities immediately. He crafted a 90-Day Plan to guide the office’s immediate work and created a broad oversight group, dubbed the TNG Recommendation Oversight Committee, comprising key stakeholders from around campus. This group was very much a *working* committee, with members contributing to specific tasks around researching other institutions’ policies and staffing models, reviewing policies, and helping to develop and review many of the new or refreshed resource materials. The combination of Dr. Coleman hitting the ground running, as well as the considerable and impressive investment by the Eastern community at large absolutely put Title IX well on its way to a coherent system by the beginning of the Fall 2021 semester.

Participation and trust-building has been at the center of the Office of Equity & Diversity’s work during the 2021-22 academic year, including in the process used to identify a permanent Title IX Coordinator. By late July, Dr. Coleman had developed the search process timeline for a full national search, chaired by Dr. Maureen McDonnell, to include a diverse and representative group of search committee members from across campus. Students also participated in the search process through the open forums to meet candidates. Eastern was fortunate to have an excellent internal person, Sara Madera, to be appointed by August 2021 as interim Title IX Coordinator. As described in full detail below, Dr. Coleman and Ms. Madera worked exhaustively and successfully in

the Fall 2021 semester to remake the Title IX office and systems, including the critical and less tangible work of restoring trust with students, including their trust in the Title IX office and its systems and procedures. Lastly, the Office of Equity & Diversity was fortunate to add Dr. Indira Petoskey as Assistant Dean of Equity and Diversity; Dr. Petoskey is also available in a supportive role for Title IX matters.

Trust-building has been the centerpiece of the team's work during the 2021-22 academic year, including but not limited to during the hiring process for the permanent Title IX Coordinator position. For example, early in the fall semester the office published its "Title IX Guarantees to Students," a pamphlet/social media piece that has been circulated as part of the widespread relationship-building work done by members of the Title IX team. During the May 2nd on-site visit, TNG heard repeatedly about the success of these trust-building efforts. Both Dr. Coleman and Ms. Madera worked visibly to build relationships with students (and faculty and staff) and to [as one observer noted] "reshape their relationship with the student community." Their presence in the community was notable and noted by many, as well as their concrete efforts to make connections and be visible in places like residence halls, the Women's Center, Pride Center, and other smaller communities within Eastern.

- *Appoint an interim Title IX Coordinator to begin implementing some of these key recommendations in time for the start of the 2021-22 academic year, such as the critical tasks of centralizing and overseeing the assessment of all incoming reports, and beginning the process of revising websites, case tracking, and recordkeeping.*

Ms. Madera was well-poised to "hit the ground running" in her interim role based on her prior training in Title IX matters. She had been trained as both a Level-1 Certified Title IX Coordinator and a Level-1 Certified Investigator, both with ATIXA. She also had significant additional training with other organizations, including having been certified as a Victim Advocate.

Importantly, Ms. Madera's interim appointment was a full-time one, allowing her to dedicate her energy to revisiting Eastern's Title IX process from start to finish and top to bottom. Many of the initial goals described above were accomplished; specific details are articulated below.

- *Assess where the new Title IX Coordinator best fits within its administrative structure. A Title IX Coordinator must have sufficient independence and authority in order to achieve Title IX's equity mandate.*

Eastern's decision to appoint a full-time Title IX Coordinator within the Office of Equity & Diversity has certainly afforded the institution with the resources it needs to provide the kind of leadership required for an effective Title IX program. During the on-site visit, members of the Eastern community described the discernable benefit of dedicated staff and leadership for Title IX and expressed a generalized desire that Eastern sustain effective staffing levels for Title IX work on an ongoing basis. The Title IX Coordinator is a senior-level administrative position who reports to the VP of Equity & Diversity, who, in turn, reports directly to the President. This staffing structure is consistent with current common practices in Title IX staffing.

- *Both the Interim Title IX Coordinator and the permanent Title IX Coordinator must be visible and active leaders on campus, commanding a substantial presence.*

There is ample evidence to demonstrate that the staff from the Office of Equity & Diversity approached this recommendation with genuine gusto and have significantly improved the visibility of their office and roles on campus. As referenced above, a substantial number of campus stakeholders consistently remarked during TNG's on-site visit about the clear and intentional efforts made to build relationships and therefore trust across campus, and that the efforts were well received and appreciated by students, faculty, and staff. Clear and frequent communication by the Title IX team provided a sense of access and availability accomplishing the goals of this recommendation.

Specifically, both the VP for Equity & Diversity and the Title IX Coordinator were visible and active contributors to programming on campus. For example, monthly forums and tabling events afforded visibility and presence in the student center. The high degree of collaboration with the Women's Center in support of programming and prevention work also provided for a high degree of engagement with students who are active in the Women's Center and the other programs of the Unity Wing. Lastly, the Title IX Coordinator was available to and did, in fact, present about Title IX when opportunities arose, such as during classes.

Regained trust was earned in other ways beyond Dr. Coleman's and Ms. Madera's efforts. Over the 2021-22 academic year, Eastern has invested resources into communication methods on campus, including social media. The University brought on a Social Media Coordinator, and the Office of Equity & Diversity engaged substantially in effort, due to the specific efforts of a graduate intern, and as a result, many stakeholders remarked about how Title IX has used social media wisely to help to build

and sustain connections with the campus community, explain and bring visibility to its renewed efforts to clarify reporting channels and response tools, and to support the prevention and education efforts underway in conjunction with the Unity Wing, Women's Center, and SAIV-RT.

- *The Title IX Coordinator should chair and oversee Eastern's SAIV-RT and refresh the mission, membership, and strategy of this group to consistently and effectively coordinate the systems, processes, and procedures that must work in a coordinated fashion. The committee can continue to assess what supportive resources and prevention programming are needed and make recommendations to the Title IX Coordinator.*

Also in July 2021, Dr. Coleman recommended experimenting with a shared governance model for the SAIV-RT, whereby Ms. Madera co-chaired the group along with Starsheemar Byrum, Director of the Women's Center and the University's Victim Advocate. Ms. Madera has been leading the team's work with respect to campus response, including disclosure reporting methods, communication with parties, and interface with the University's campus police and student conduct where appropriate. Ms. Byrum has led the committee's focus on resources, education, and programming. This shared governance structure appears to have worked well for this academic year, allowing each area to focus on their respective areas of expertise and effectiveness, but with a high degree of partnership and coordination, both with prevention programming and efforts as well as well-coordinated support where appropriate to individual students. SAIV-RT's work this year was thoughtful, intentional, and well-integrated into the Title IX program overall.

Eastern has demonstrated a high degree of effectiveness that the Title IX Coordinator is providing effective direction and leadership over the systems, processes, and procedures that must work together effectively to provide effective response to reports. TNG understands that SAIV-RT, which now falls more clearly under the umbrella of the Office of Equity & Diversity, will continue to refine roles and responsibilities, and that those ongoing conversations into the 2022-23 academic year will continue to shape the way in which this resource team can continue to evolve in support of continual improvement. Additionally, the results of the climate survey underway can also help to inform conversations about sustainable structure over time.

- *Consider effective mechanisms to gather student input into prevention and programming needs, including informal or formal opportunities for students to inform the work and planning of the SAIV-RT.*

The Office of Equity & Diversity/Title IX has invested considerable effort to gather input, including from students, regarding effective prevention programming. These efforts have ranged from very formal efforts, such as the establishment of a subcommittee within the TNG Recommendation Oversight Committee, to completely organic ones with groups of student leaders (including the dinnertime conversation during TNG's May 2nd on-site visit). Significantly, a Student Advisory Board provided a structured mechanism to gather feedback directly from students, as well as the consistent close partnership with the Women's Center staff, student workers, and peer advisors. The results are significant, with dozens of programs available and substantial efforts for passive programming to raise visibility about issues of sexual misconduct on campus and available resources both on- and off-campus.

- *Regularly measure climate and effectiveness with regular commitment to climate surveying, at least every three years.*

In the Spring 2022 semester, Eastern conducted a climate survey, titled "Speak Out, We're Listening" and is currently in the process of evaluating the data in collaboration with Professor Sarah Nightingale, who also serves on the TNG Oversight Committee. Dr. Nightingale is an Assistant Professor in the Department of Sociology, Anthropology, Criminology, and Social Work, and is an expert whose research focuses on sexual assault in higher education communities.

The confidential and anonymous survey solicited input from students regarding perceptions of Eastern's campus climate surrounding sexual misconduct, sexual harassment, bystander attitudes, and Eastern's response to Title IX issues. The survey also sought to gather information regarding the prevalence of stalking, dating violence, sexual assault, and engagement (or not) with Eastern resources. Open-ended prompts at the end of the survey allowed for feedback on the survey instrument itself, as well as other suggestions for Eastern as to how to improve efforts to respond to or prevent stalking, dating violence, domestic violence, or sexual assault.

Eastern's response to this first climate survey was strong. A total of 730 people completed the climate, training, and victimization questions, and 719 fully completed the survey. At the time of this report, Dr. Nightingale is completing her analysis of the survey results to inform programming and other efforts for the upcoming 2022-23 academic year. TNG understands that the survey results will be made public to the Eastern community this Fall.

- *Establish deadlines for enacting the recommendations in this report to promote clear, transparent, and measurable accountability, and provide regular updates to the community about implementation milestones.*

Eastern has demonstrated an action-oriented approach to achieving TNG’s June 2021 recommendations and has prioritized transparency and regular updates to the Eastern community. The creation of a TNG Recommendation Oversight Committee allowed a representative group of stakeholders to observe and participate firsthand in efforts to implement these recommendations. This allowed for real-time input, monitoring, and oversight of the university’s efforts, as well as deeper and sustained engagement with key stakeholders in an effort at continuous improvement.

Dr. Coleman’s initial 90-day plan prioritized enacting the key elements needed to launch the academic year with a renewed Title IX office, such as reviewing then-existing Title IX processes, overhauling the Title IX website, and developing many of the plans that have now been completed, or are nearing completion, in the first year of the new Title IX office. TNG reviewed all planning documents that identified an action step/task, target date, and staff lead, and can confirm Eastern’s achievement of a structured planning endeavor to ensure clear steps and accountability to achieve the recommendations quickly. The Title IX office used its website to publish (and provide updates) to its “TNG Report Recommendations Task List” as a way to provide regular updates to the community about the progress at various points.

- *Create a specific, prominent, and thorough web presence that allows students, faculty, staff, and other individuals to make a report that gets delivered directly to the Title IX Coordinator or a Deputy Title IX Coordinator for intake and initial assessment. The website must make clear that the purpose of using the self-reporting mechanisms (web form, email, in person, telephone) would be to get connected with the Title IX Coordinator (or designee) who will explain the availability and kinds of supportive measures, the difference between making a report and filing a formal complaint, and what will result from doing so. As required by Title IX, this would include that such supports are available to both complainants and respondents. The website should clearly include any designated confidential resources (on- and off-campus).*

Eastern remade its web presence in the Fall of 2021 and in doing so, has provided substantial clarity to its community – including both internal and external stakeholders – about the purpose of Title IX, and the policies, procedures, and supports that are

available to students at Eastern. Eastern has adopted the common “best practice” of using a Maxient reporting form to facilitate reporting by members of the Eastern community and tracking and response by the Title IX team.¹ The reporting form, which is now unique to Title IX, is readily available and featured in many places on Eastern’s website, such as on the Title IX webpage, the Equity & Diversity Office’s webpage, the SAIV-RT’s webpage, and has been included in various mailings and is often a tagline in appropriate flyers and programming promotional materials. Eastern now provides information regarding resources in response to a person’s submission of a report. This happens both immediately at the time of submission, as well as during subsequent follow-up by members of the Title IX office.

In addition, all staff are named with contact information clearly available. The website’s three-part construct: Get Assistance, Support & Resources, and Educate Yourself allows for individuals to access information about reporting options (both on- and off-campus), where to find and how to reach confidential resources, how to access supportive measures such as help with living arrangements or academic support, explanation of key policy terms and definitions, and a description of how the various elements at Eastern (such as the SAIV-RT) fit together. Importantly, the web presence is thorough, without overwhelming the reader, and prioritizes clear explanations. Additionally, the website provides information geared toward both complainants and respondents, including an explanation of what happens after a report is made.

Lastly, the results of the case audit suggest to TNG that Eastern’s efforts in this regard are having a beneficial impact. Overall, the number of reports has increased, which is usually an indicator of effective communication about reporting channels and confidence and trust in the response mechanisms following a report. Reports are being made by a variety of reporters, including some anonymous reports, which indicates strong stakeholder engagement from faculty, staff, and others in the community.

- *Arrange for “first responder” training to all key offices about process, roles, and responsibilities under Title IX to support this improved reporting structure. Training should provide role clarity, a clear understanding of the Title IX grievance process, and encourage empathetic listening/response.*

Eastern has engaged in an exhaustive training effort of *all* faculty and staff stakeholders that not only achieves the original call of this recommendation but also exceeds it.

¹ Maxient is the case tracking software used in the Title IX office and is described in more detail below.

Under the Title IX office's leadership all faculty and staff have been trained in their roles as reporters and to ensure that all known reports of possible incidents under Title IX are routed to the Title IX Coordinator for initial assessment and appropriate follow-up. Eastern achieved a universal completion rate of its online training, which is remarkable and an accomplishment in and of itself. However, the Title IX team impressively did not rely solely on the online training, but also invested significantly in various methods to ensure that faculty and staff – including those who may be in “first responder” roles – are well-informed about how and why to report to Title IX, have a baseline understanding of the Title IX process, and have the confidence in the Title IX team to make those reports. Examples include several all-campus mailings, training sessions aimed specifically at faculty and staff, as well as targeted trainings for key offices. The Title IX team also carries a dedicated cell phone for after-hours access, which is appropriate given that Eastern is a residential campus.

TNG's 2022 observations indicate that this investment has paid off. The audit of this year's reports certainly suggests that reports are being routed to the Title IX Coordinator from mandated reporters around campus (to allow for appropriate outreach and initial assessment as described below). TNG's interactions with faculty and staff during its on-site visit suggest a high degree of awareness and engagement in the training done this year and a desire to do more – with high stakeholder engagement in other kinds of training opportunities about how to master the “soft skills” required at the moment of a disclosure. Lastly, the audit indicated good reporting trends from the Residential Life office and campus police, as well as very strong coordination among key offices to provide support to individuals at the time that the report was made. Such coordination requires continuing investment and training as staffing often changes from year to year.

- *Gather reports into a centralized database so that the University's efforts to appropriately respond promptly, thoroughly, and effectively are tracked and documented. Maxient is one common technology that is used by higher education to support such efforts and is currently used by Eastern for conduct cases. Centralized reporting and tracking will allow Eastern to identify trends, patterns, and systemic concerns. Proper initial assessment will allow the identification of multiple reports made about a single respondent or when other patterns of behavior are alleged that might require specific consideration and/or response under Title IX. Tracking will allow the Title IX Coordinator to provide status updates when needed to participants.*

During the 2021-22 academic year, the Office of Diversity & Equity has set about substantially embracing technology to track reports of sexual misconduct and to

document its prompt response to reports. TNG's review of reports received during the 2021-22 academic year indicates a complete adoption of the use of technology in support of effective response to reports of sexual misconduct. Because Eastern was already utilizing the case management software Maxient for student conduct, it was able to deploy Maxient in its Title IX process almost immediately. Maxient is an excellent tool for higher education institutions to effectively track and document institutional response.

During the 2022 audit, TNG reviewed all reports and complaints of sexual misconduct that have been received by the Title IX office.² This audit provides an opportunity for TNG to evaluate the effectiveness of Eastern's efforts to respond promptly, thoroughly, and effectively to known incidents of sexual harassment and other forms of sexual misconduct. The audit compares Eastern's responses against the commonplace best practices for a Title IX office: when a report is made directly to or routed to a Title IX Coordinator, the Coordinator must conduct an initial assessment to determine what kinds of supports are needed, discern any immediate safety issues, and determine appropriate next procedural steps. This involves immediate outreach to the affected individual, even when the report comes from a third party, to make sure that individual understands about procedures available both on- and off-campus (such as formal or informal resolution options, reporting to law enforcement, etc.) as well as supportive resources available on- and off-campus. Though unusual, a proper initial assessment also necessitates a Title IX Coordinator to evaluate whether there are specific safety concerns present that may necessitate that the Title IX Coordinator needs to sign a formal complaint to trigger a formal investigation, notwithstanding an individual's wishes.

In the 2022 audit, the TNG team reviewed all reports made to the Title IX Coordinator and assessed Eastern's response in terms of compliance with Title IX's requirements and best practices for Title IX practitioners. TNG's review suggests overall excellent response to reports made to the Title IX office. In all cases reviewed, when reports were made, outreach and supportive resources were provided to the affected individual, to ensure that the individual was well-informed about the availability of resources and response options both through Eastern but also through local law enforcement. In some cases, information is provided, and the affected student may opt not to engage directly with

² Eastern staff typically use the term "disclosure" to describe reports made to the Title IX office. This nomenclature is completely appropriate and may help to provide common language to describe "reports" of incidents made to the Title IX Coordinator from "formal complaint" where a complainant wishes to move forward with the formal investigation and hearing process.

members of the Title IX team. However, across the board, the current Title IX team demonstrated specific exceptional focus on this initial reporting and assessment phase, which was a significant challenge for Eastern previously. Proper tracking has allowed for identification of any allegations of pattern behavior, and Eastern's ability to observe and respond to systemic concerns or trends will obviously increase as the passage of time allows for the observation of any discernable trends. Where appropriate, reports that came to Title IX that did not implicate Eastern's sexual misconduct policy were also handled appropriately. For example, in some cases, incidents outside of Eastern's jurisdiction, such as incidents that occurred before a student attended Eastern, or cases that involved an off-campus individual, were addressed appropriately with the provision of supportive resources only. Where incidents were reported that technically fell outside of Title IX jurisdiction, Title IX staff appropriately referred the report to the traditional student conduct system.

The audit also affirmed that Eastern staff are offering and providing appropriate supportive measures to parties involved. For example, various supportive measures included instituting no contact orders, referral to counseling (CAPS), the University Victim Advocate, the Pride Center, or other appropriate on-campus resources, support with housing assignments or academic matters, and support connecting with law enforcement where desired. Educational conversations were also seemingly beneficial when appropriate to the circumstances. The Title IX staff demonstrated a strong ability to discern cases that could be handled informally from those that necessitated a more formal response.

- *Provide a clear mechanism for members of the community to raise concerns and share feedback about the experience of making a report and participating in the Title IX process.*

The Title IX office developed two anonymous assessment tools to gather feedback from participants in its processes. The first assessment tool is to provide feedback to individuals who have reported incidents related to their experience in making a report. The second form is for individuals who did not proceed with a Title IX process but who received supportive measures. Additionally, the Spring 2022 survey provided an additional mechanism by which individuals can report on experiences making a report and accessing support.

At the May 2022 on-site visit, TNG observed a high degree of openness by Title IX office staff to receiving feedback and engaging with students about their experiences with the

Title IX process and observations about the campus climate. Open forums were not well-attended in the Spring 2022, and TNG would encourage the Office of Equity & Diversity to continue hosting a variety of opportunities – in writing, in person, or anonymously – for individuals to continue to share experiences and raise concerns, if any.

- *Consider creating a “dashboard” to reflect the numbers of reports, categories of reports, type of resolutions (informal or formal), and generalized information regarding status of current cases, which will be compiled by the Title IX Coordinator, reviewed by the President twice per year, and then published on the University’s website.*

Eastern’s successful recordkeeping for the 2021-22 academic year provides concrete data regarding the numbers and categories of reports, resolutions, and other key metrics. This data has been effectively compiled by the Title IX Coordinator and is now regularly reviewed by the President. The 2022 external review and audit confirmed that Eastern is in the process of finalizing its plans for publishing a dashboard for the 2022-23 academic year. As an interim step, and prior to the readiness of the online dashboard tool, Eastern plans to report out to the community regarding the data from the 2021-22 academic year. Lastly, the Title IX team works very closely to contribute data and statistics as needed for Eastern’s annual Clery report.

- *Moving forward, and only on an initial basis, Eastern should consider an audit of how reports are handled, including those reports that are responded to with supportive measures only, as well as formal complaints that proceed to investigation and hearing. One common mechanism for building confidence is to appoint an external compliance monitor to provide neutral oversight for an initial period of time, such as reviewing all reports made during the 2021-22 academic year.*

First, it bears mention that Eastern has developed significant internal controls to ensure that the response to incoming reports is consistently monitored with proper oversight. This is true for both initial reports where provision of supportive measures is all that is desired and appropriate, as well as formal complaints that proceed to a full investigation and hearing. Proper case tracking allows for substantial and effective monitoring and oversight by the VP of Equity & Diversity.

The audit summary provided here is intentionally very high-level so as to protect the anonymity of any specific individuals or situations. TNG’s observed that:

- During this time period, Eastern received nearly fifty reports, which is consistent for a campus of this size, and further highlights the effectiveness of the office's efforts to rebuild trust with students and to better communicate how to facilitate reports getting to the Title IX Coordinator. TNG notes that several reports described incidents that occurred prior to a student's time at Eastern and/or involved a party who is not affiliated with Eastern.
- All responses to reports were appropriate to the circumstances and consistent with Title IX regulatory requirements and best practices for responses to different kinds of reports. By way of example, some reports involve an incident that occurred prior to enrollment or employment at Eastern and/or by a respondent who has no connection to Eastern. Nevertheless, information regarding resources and support was provided, consistent with Title IX and other federal and state laws, and best practices.
- In many cases, reports were made to the Title IX Coordinator by "concerned others" such as friends, faculty, or staff, including mandated reporters. Here, the Title IX office rightly provided outreach and information about resources. In some cases, individuals decided to accept the Title IX Coordinator's invitation to meet to make a personal connection and to decide whether and how to proceed.
- Much good coordination occurs among key stakeholder offices, such as Student Affairs, Student Conduct, the Victim Advocate, Residential Life, Counseling, Campus Police, and others. Where appropriate, the Title IX Coordinator interacted with counterparts off-campus, as appropriate and indicated under the circumstances.
- TNG also commends the Title IX team for its thoughtful approach to "dividing and conquering" within its office, and particularly because the Title IX Coordinator is already serving the dual roles of Coordinator and Investigator. Therefore, the team has strategically looked to Dr. Coleman to provide and oversee interim and supportive measures during the early phase of an initial assessment. This approach can serve as a benefit later in the process when the Title IX Coordinator may need to sign a Title IX complaint or may need to serve as investigator. TNG also noted that this strategy was wisely not rigidly adhered to when an individual expressed a preference to meet with the Title IX Coordinator directly.

- TNG lauds Eastern for its excellent work to ensure that responses during the 2021-22 academic year were prompt. Outreach following a report was made very quickly, including appropriate follow-ups to ensure students knew they were invited to meet with the Title IX Coordinator, if desired. Eastern was also prompt when individuals elected to move forward with a formal investigation and hearing process. As many Title IX practitioners have observed, the due process and procedural requirements under the federal 2020 Title IX regulations are substantial and have caused colleges and universities to struggle with the requirements that investigations be both thorough and prompt. It unfortunately has become commonplace for Title IX investigations and hearings to stretch for several months from start to finish. Eastern has similarly faced these pressures but dedicated substantial staff resources (in the form of the Title IX Coordinator, Ms. Madera) to ensure that even complicated investigations with multiple witnesses were able to be investigated promptly and were able to hold final hearings without any undue delay.
- *Engage in a full policy/procedure audit, in tandem with the system office, to discern what policies currently apply and should be prominently posted on the Eastern website. The Title IX Coordinator should develop a mechanism to archive policies year-to-year.*

The early and thorough work on Eastern’s Title IX (and related) websites addressed the prior problems of old legacy policies remaining on the Eastern website and causing confusion for members of the Eastern community. The websites include the up-to-date versions of the key system policies. The Title IX Coordinator now keeps an archived copy from year-to-year about the applicable policies for each academic year.

- *Eastern may wish to request that the system office consider an update to the existing policy structure to more clearly centralize information related to investigations and hearings in one coherent place for students to find.*

Eastern staff did interface with staff in the system office throughout the year to discuss possible changes or modifications to the applicable policies to make them more user-friendly for students as well as for the various staff members who need to implement them. Notably, a small – but important – change was made in September 2021 to the hearing procedures following the *Cardona* court decision, which modified the 2020 Title IX regulations regarding the ability of a decision-maker to consider evidence gathered in an investigation, even if a party or witness does not attend the hearing or attends the hearing but refuses to submit to cross-examination.

Other stakeholders at Eastern also contributed to this work. The TNG Recommendation Oversight Committee included a specific subcommittee to review and provide feedback on system and campus policies. Additionally, SAIV-RT plans to undertake a more comprehensive review regarding the existing policies and protocols.

Overall, however, Eastern still faces challenges from the inherent confusion that results from having the CSCU System having multiple policies involved, including: a Statement of Title IX Policy, a Sexual Misconduct Reporting, Supportive Measures and Processes Policy, the Student Code of Conduct, and separate Title IX Grievance Procedures. Although it is not uncommon for universities to have multiple policies implicated by Title IX, it's important that the policies fit together clearly in an understandable way. It's also not uncommon to have overlapping federal and state laws that must be integrated into a coherent policy, as is true in Connecticut. During the May 2nd on-site visit, staff who are closest to the Title IX process described many of the challenges presented by the current set of policies. For example:

- Policies use legal citation to list possible offenses rather than plain language definitions students and others can understand.³
- Confusion regarding the slightly different formulations of definitions of types of sexual harassment. Some use language derived from the Title IX regulations (as in 4.11), while others use different formulations in other policies (as in the Student Code of Conduct).
- A definition of domestic and/or dating violence that is limited to forms of physical or sexual harm (as in 5.2).
- Procedural pathways that can bounce back and forth between the Grievance Procedures and the Code of Conduct, depending on the circumstances.

³ By way of example, Board of Regents (BOR) Policy 4.11 uses the actual language from the Title IX regulations to define *sexual assault*, "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v) and then also includes the following cross-reference from the actual federal statute "means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation." Most students, obviously, are not familiar with what this actually means. In contrast, many institutions have instead chosen to go a step further and actually use the words referenced by the FBI definition, which are: "Any sexual act directed against a Complainant, without their consent, or instances in which the Complainant is incapable of giving consent." This phenomenon occurs in the Student Code of Conduct, as well, with references to state statute. Other versions of BOR policies do include more plain language versions of the offenses.

TNG continues to recommend that Eastern urge the system office to engage in a review of the existing policy structure in order to simplify and streamline information related to formal and informal resolution processes. As Eastern is aware, on June 23, 2022, the U.S. Department of Education's Office for Civil Rights announced a notice of proposed rulemaking intending to modify the Title IX regulations, likely in Summer 2023, and in anticipation of the 2023-24 academic year. This affords the system an opportunity to thoroughly review the way that it achieves both federal and state requirements for campus sexual misconduct policies in a more integrated manner that will be more user-friendly for students and others in the Eastern community.

- *When investigations are done by on-campus professionals, consider assigning investigators to work in pairs. Team-based investigations can enhance key elements of investigation practice, such as investigation strategy and questioning skills and techniques, including how to effectively interview regarding sensitive subjects.*

Eastern has invested substantially in its investigations during the past academic year. The Title IX Coordinator, Ms. Madera, has ably conducted several investigations in a solo model. Eastern has now trained additional staff members to serve as a second investigator beginning in Fall 2022.

- *Consider adopting an increasingly common practice of recording investigation interviews, with the consent of the interviewee, which enhances recordkeeping and can facilitate the sharing of evidence with parties as required under the 2020 Title IX regulations.*

TNG's external audit confirmed that Eastern has begun to record investigation interviews, with participant consent, to great benefit. This protocol is being well-managed, provides interviewees the opportunity to review and ratify their interview transcripts and summaries, and facilitates the requirements of evidence-sharing and review required under the 2020 Title IX regulations.

- *Gauge the feasibility of using a panel for the decision-making role, rather than a single hearing officer.*

Eastern has invested substantially in its hearings during the past academic year, including training the new Director of Student Conduct to serve as the sole decision-maker/hearing officer. Eastern has specifically developed plans for the Fall 2022 semester to continue to assess the feasibility, benefits, and challenges of using a hearing

panel, including gauging whether there is sufficient engagement from members of the Eastern community to staff such panels. Since TNG's on-site visit in May 2022, the U.S. Department of Education's Office for Civil Rights has proposed its revised Title IX regulations, which if finalized in their current form, may obviate the need for Eastern to hold Title IX hearings beginning in the Fall 2023 semester. Eastern should continue to closely watch how the Title IX regulatory process unfolds – in tandem with the system office – to determine what method and model of decision-making best balances the need for prompt and effective response to harassment while providing due process protections for all parties.

- *As is customary in effective Title IX practice, continue to invest in training for individuals involved in specific roles in Title IX, including ensuring that each person receives targeted training specific to their role.*

Eastern has engaged in substantial training for the individuals who are serving as Title IX Coordinator, investigator, decision-maker, and appeals decision-maker, in addition to Dr. Coleman's role overseeing the entire system. Involved staff have completed several trainings with ATIXA, the SUNY Conduct Institute Title IX Compliance Training, and the ASCA Gehring Summer Institute for Sexual Misconduct.

Overall, TNG observes that Eastern has made incredible advancement in its Title IX system during the last academic year. The new leadership has demonstrated truly exceptional efforts to rebuild Title IX compliance from the ground up and bring clarity, coherence, and purpose to the University's commitment to stop, prevent, and remedy sexual misconduct. The efforts have regained substantial trust with students, faculty, and staff, which will continue to deepen and strengthen with sustained engagement over time.

Thank you for providing TNG the opportunity to continue to support Eastern's efforts to effectuate best practices in addressing sex and gender discrimination, harassment, and sexual misconduct. We would be happy to discuss any of our observations with you.

Sincerely,



Partner

TNG Consulting