

THE TRUSTEES OF TRINITY COLLEGE POLICY ON NONDISCRIMINATION

Trinity College Policy No. 7.2.1

Introduction

Trinity College prepares students to be bold, independent thinkers who lead transformative lives. Ours is a community that rewards intellectual curiosity, welcomes open debate and dialogue, and seeks to expand the boundaries of knowledge and compassion. By striving to eliminate discrimination and embracing diversity, equity, and inclusion, we foster an environment of trust and mutual respect where everyone who lives, studies, and works at Trinity can meaningfully engage, connect, and transform themselves and the world around them.

Policy on Nondiscrimination Statement

Trinity College prohibits discrimination on the basis of race, color, national origin, ancestry, religion or religious creed, gender or sex (including pregnancy), gender identity or expression, sexual orientation, disability, age, genetic information, marital status, veteran status, or any other characteristic protected by federal or state law.

Behaviors that violate this Policy on Nondiscrimination also may violate other College policies, including Trinity College's [Policy on Sexual Harassment](#).

Although certain actions, speech, and forms of expression by one community member may run contrary to the individual beliefs of another, many forms of such conduct are protected by law and are permissible under the principles of academic freedom. The College provides space for provocative and unpopular speech and expression so long as those actions do not violate the law and/or are not found to violate the College's Policy on Nondiscrimination.

Reason for the Policy

Discrimination is contrary to the College's mission and infringes upon a victim's dignity, often denying or limiting a victim's access to full participation in academic life and other aspects of the Trinity community. Discriminatory acts are among the most egregious in our community and can warrant the most serious penalties. The College is committed to responding to all reports of alleged discrimination and will use all reasonable means to prevent, confront, and eliminate such behavior. Some forms of discriminatory harassment as defined in this policy also may violate criminal law (e.g., assault, battery), and Complainants may choose to report the alleged conduct to law enforcement as well. Upon request, the College will assist individuals in filing such reports with law enforcement.

Scope of the Policy on Nondiscrimination

Trinity College's Policy on Nondiscrimination applies to all College community members, including all trustees, students, employees, alumni, visitors, and volunteers who participate in the College's programs and activities, whether the program or activity is on or off campus, including any study-away programs sponsored by the College. Any community member may make a report of alleged discrimination under this policy. Anyone who conducts business with the College or on College property, including vendors and independent contractors, also is

expected to comply with this policy. Complaints against such individuals will be handled as appropriate, in accordance with existing contracts and agreements. This Policy on Nondiscrimination is intended to comply with all relevant federal and state laws and may be revised from time to time, as appropriate, to ensure compliance with applicable laws. The College will take reasonable steps to collaborate with the Faculty Conference, the Student Government Association, and the Staff Councils prior to making any changes to this policy. This Policy on Nondiscrimination supersedes all other College policies pertaining to discrimination, with the exception of the Policy on Sexual Harassment. The College's other statements and policies on discrimination are to be interpreted consistently with this policy.

Maintaining our commitment to a campus climate where discrimination and retaliation are not tolerated must be a shared goal. By joining the Trinity College community, all Trinity community members accept that they too have an individual responsibility to help create an environment free of discrimination and retaliation. All members of the Trinity community should familiarize themselves with the College's Policy on Nondiscrimination, as found below; ignorance of the policy is not an excuse for discriminatory conduct.

Definitions

The following definitions apply to terms used in this policy and are not intended to replace full legal definitions.

Discrimination

Broadly speaking, discrimination under this policy means treating an individual or a group of individuals differently because of their membership in a legally protected class, with the purpose or effect of depriving such individuals of equal access to or opportunity in employment or education. Discrimination may occur between parties of equal or unequal authority, whether students, faculty, or staff.

Harassment

Harassment is a form of discrimination prohibited by this policy. It consists of unwelcome conduct based on a legally protected characteristic that is sufficiently severe or pervasive as to create a hostile, intimidating, or offensive working, living, or learning environment.

Harassment can take different forms and can consist of conduct of a nature that is verbal (things that are said or are heard), visual (things that are seen, such as pictures, drawings, social media posts, etc.), or physical (things that are done and that may or may not involve physical contact, such as gestures, leering, etc.).

Complaint Reporting and Investigation Procedures

Overview

The College encourages prompt reporting of any allegedly discriminatory behavior, and it expects the full cooperation of all community members in any College investigation or judicial process regarding allegations of discrimination.

The College protects the rights and privacy of individuals reporting acts of alleged

discrimination, individuals accused of discrimination, and individuals who participate in the College's investigation of, or efforts to address, alleged discrimination.

Retaliation

Trinity College strictly prohibits all forms of retaliation as defined in this policy. Retaliation occurs when an individual is subjected to a materially adverse action because the individual has opposed conduct reasonably believed to violate this policy, filed a discrimination complaint, or participated in good faith in the reporting, investigation, and/or resolution of a discrimination complaint filed under this policy, any other College policy, or any other local, state, or federal law. Individuals found to have engaged in prohibited retaliation will be subject to appropriate disciplinary action, up to and including termination, removal, and/or expulsion.

This anti-retaliation protection exists even if a complaint is eventually dismissed or is deemed to lack merit. Persons who assist others in raising a complaint of prohibited discrimination by offering advice and moral support or by giving testimony or documentary evidence in support of a complaint, are similarly protected from retaliation. Instances of retaliation should be promptly reported using the same means as are available for lodging a discrimination complaint.

Complaint Investigation and Adjudication Process

The College recognizes the interests of all persons involved to have the complaint investigation and adjudication process completed in the most expeditious manner possible; however, the College must balance this interest with the need to ensure that a thorough investigation, full participation, and adequate response time is afforded all parties. The information in the sections below, except as noted, applies to Trinity College employees (faculty and staff) and students, as well as third parties who wish to file a formal complaint of alleged discrimination involving the conduct of a Trinity employee or student.

The College's procedures for handling complaints of alleged discrimination will be prompt, fair, and impartial from the initial investigation to the final result in that they will be:

1. Completed within reasonably prompt time frames as designated in this policy;
2. Conducted in a manner that is as transparent as possible to the Complainant and the Respondent; and
3. Conducted by officials who are trained annually in issues relating to unlawful discrimination and related retaliation and who do not have a conflict of interest or bias for or against the Complainant or the Respondent.

The College will comply with valid requests by law enforcement for cooperation in a criminal investigation related to the complaint but may proceed with its investigation even if an external process (whether criminal or otherwise) has not concluded. The College also may take appropriate supportive measures to promote the safety and well-being of the Complainant or the Respondent and the school community while evidence is being gathered.

Seeking Information and Guidance on the Complaint Process

Anyone may seek advice, information, or counseling on matters related to potential discrimination and harassment without having to report or file a complaint. The Assistant Vice President for Diversity,

Equity, and Inclusion and Compliance (AVP for DEI and Compliance) is responsible for the administration of this policy. Nonetheless, individuals who believe they have been discriminated against (including harassment), who are uncertain as to whether what they experienced is discrimination, or who simply desire information as to the options in dealing with potential discrimination and retaliation are encouraged to contact the following offices:

For Students: Office of Student and Community Life
860-297-2156

For Faculty and Staff: Office of the AVP for DEI and Compliance (Interim)
860-297-2340

Office of Human Resources
860-297-2272

Office of the Dean of the Faculty
860-297-2144

Other parties: Office of Human Resources
860-297-2272

The Appropriate College Officials in these offices have received training regarding this policy and state and federal nondiscrimination laws, and they are ready to assist individuals in assessing an incident and/or to explain the options and resources available.

Making a Complaint

A report of alleged discriminatory conduct may be made verbally or in writing. If made verbally, the report will be recorded in written form by the College official to whom the report is made to initiate the complaint process. To make a complaint, a person should contact the AVP for DEI and Compliance or designee, or an Appropriate College Official in another of the offices listed above.

Upon receiving a complaint, the Appropriate College Official will promptly notify the AVP for DEI and Compliance, who will determine the appropriate course of action.

Prior to initiating an investigation or adjudication, the AVP for DEI and Compliance will consider any request by a Complainant for confidentiality, and, thereafter, will proceed as follows:

1. The AVP for DEI and Compliance or designee will:
 - Provide both the Complainant and the Respondent a description of the investigation and adjudication process and any applicable requirements of confidentiality;
 - Invite the Respondent to respond in writing to the complaint;
 - If necessary, arrange reasonable and appropriate accommodations to increase the ability of the parties to coexist safely on campus and to protect the Complainant;
 - Remind all parties involved that retaliation is absolutely prohibited; and
 - Notify the College official below who has oversight of the Respondent:
 - Faculty: Associate Dean for Faculty Development
 - Staff: AVP for Human Resources
 - Students and Student Workers: Dean of Community Life and Standards

- Other parties: AVP for DEI and Compliance
- 2. At the appropriate time(s), the AVP for DEI and Compliance or designee will consult with subject matter experts (e.g., legal counsel, Faculty Academic Freedom Committee, governmental agencies), as necessary, and ensure compliance with applicable laws, policies, and procedures.
- 3. At any point during the investigation and adjudication process, the AVP for DEI and Compliance or designee may determine that a complaint of discrimination or related retaliation also contains allegations that, if proven, could constitute violations of other College policies. If so, the AVP for DEI and Compliance or designee will consult with an Appropriate College Official to determine whether and how the other allegations may be investigated and adjudicated. In all cases, the parties will receive written notification of any additional allegations that will be investigated or adjudicated.
- 4. In cases where the AVP for DEI and Compliance or designee believes that the allegations, if proven, would *not* constitute a violation of this policy, the Complainant will be advised of other options, as appropriate, and no further investigation will be pursued under this policy.

Administrative Resolution

In cases in which the allegations of the complaint are admitted or uncontested, with the consent of the Complainant and the Respondent, the AVP for DEI and Compliance or designee may refer the complaint to the College official below who has oversight of the Respondent for administrative resolution of the complaint:

- Faculty: Associate Dean for Faculty Development
- Staff: AVP for Human Resources
- Students and Student Workers: Dean of Community Life and Standards

In determining whether the admitted or uncontested allegations of the complaint constitute a violation of this policy, the Appropriate College Official will:

- Read and consider the complaint, along with any additional available information, including responses from the Complainant and the Respondent;
- Consult with subject matter experts (e.g., AVP for DEI and Compliance, legal counsel, etc.), as necessary, to understand the applicable standards and potential sanctions; and
- Reach a finding based on the preponderance of the evidence standard, i.e., whether it is more likely than not that the policy was violated.

If in the judgment of the Appropriate College Official the Respondent violated this policy, the official will:

- Coordinate with the Respondent's supervisor, if applicable, and in consultation with the AVP for DEI and Compliance or designee, issue an appropriate sanction. In doing so, the official will:
 - Consult the *Faculty Manual* for guidelines regarding sanctions for faculty.
 - Consult the *Employee Handbook* and/or applicable collective bargaining agreement(s) for guidelines regarding sanctions for staff.
 - Consult the *Student Handbook* for guidelines regarding sanctions for students.
- Communicate both the findings and the sanction in writing to the Complainant, the Respondent, and the AVP for DEI and Compliance or designee, who, as appropriate, shall notify others with a need to know.

If in the judgment of the Appropriate College Official the Respondent did not violate this policy, the official will communicate the findings in writing to the Complainant, the Respondent, and the AVP for DEI and Compliance or designee, who, as appropriate, shall notify others with a need to know.

Administrative resolutions may be appealed according to the appellate procedure set forth below.

Investigation and Adjudication Process

If the AVP for DEI and Compliance or designee determines that an investigation should proceed under this policy, the AVP for DEI and Compliance or designee will assign one or more investigators to the case. At the discretion of the AVP for DEI and Compliance or designee, the assigned investigator may be an employee of the College and/or may be an external investigator hired by the College. The investigator also may be an attorney or someone with legal training but need not be. The investigator will have appropriate training in investigating alleged discrimination, consistent with federal and state regulations.

Investigation

1. The investigator is authorized to contact any and all individuals with potentially relevant information and may interview such individuals on more than one occasion if the investigator deems it necessary. The manner and scope of the investigation is within the discretion of the investigator.
2. The AVP for DEI and Compliance or designee may at any time take appropriate steps, which could include, but are not limited to, no-contact orders and/or no-trespass notices, temporary changes in assignment of duties or housing, recommended changes in class schedules or class requirements, transportation accommodations, or other temporary accommodations, if requested and reasonably available, to protect participants in cases arising under this policy. Such measures are not dependent upon whether the person who may be afforded such protection pursues a complaint under this policy.
3. The Complainant and the Respondent are encouraged to identify all relevant information they would like the investigator to review, as well as witnesses they believe would have relevant information for the investigator to consider. Witnesses will be interviewed at the investigator's discretion.
4. All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information and by signing statements if asked. They are expected to keep all aspects of the complaint adjudication and investigation process confidential. An individual who fails to cooperate fully with the investigator may be subject to disciplinary action or dismissal of a complaint, as applicable.
5. The investigation and adjudication process is not intended to replicate formal judicial or administrative proceedings. Formal rules of evidence that apply in court cases do not apply in the investigation and adjudication process, which is intended to be a venue to adjudicate grievances involving employees and students of the College. The AVP for DEI and Compliance or designee ultimately is responsible for deciding evidentiary or procedural questions that arise during the course of the investigation and adjudication process.
6. The investigator will compile the results of the fact-finding process in a written report and provide this report to the AVP for DEI and Compliance or designee. The report will include all relevant investigation materials, the investigator's finding as to whether the allegations of the Complainant are substantiated, and support for the investigator's rationale, including relevant

credibility assessments of all witnesses. The investigator's findings will be based upon a "preponderance of the evidence" standard, i.e., whether it is more likely than not that an allegation of the complaint is proven.

7. The AVP for DEI and Compliance or designee will provide the report to both parties. Each party may submit a written response to the report to the AVP for DEI and Compliance or designee within five (5) business days of receiving the report. The AVP for DEI and Compliance or designee may extend this deadline upon request based on extenuating circumstances, and both Complainant and Respondent will be provided the same duration of time in which to submit a written response. These written responses, at the discretion of the AVP for DEI and Compliance or designee, may be shared with the other party. The AVP for DEI and Compliance or designee may, based on the parties' written responses or other relevant information, determine that further investigation is required.
8. The AVP for DEI and Compliance or designee may terminate the investigation at any time if the investigator finds that the facts alleged are not substantiated by a preponderance of the evidence.

Adjudication

1. If the investigator finds that the allegations of the complaint are substantiated in whole or in part, the AVP for DEI and Compliance or designee will refer the case to the College official below who has oversight of the Respondent, for adjudication of the complaint:
 - Faculty: Associate Dean for Faculty Development
 - Staff: AVP for Human Resources
 - Students and Student Workers: Dean of Community Life and Standards
2. In determining whether the Respondent, based on the findings in the final report, violated this policy, the Appropriate College Official listed above will make the decision as follows:
 - Read and consider the complaint, the investigator's report, along with any additional available information, including responses from the Complainant and the Respondent;
 - Consult with subject matter experts (e.g., AVP for DEI and Compliance, legal counsel, etc.), as necessary, to understand the applicable standards and potential sanctions; and
 - Reach a finding based on the "preponderance of the evidence" standard, i.e., whether it is more likely than not that the policy was violated.
3. If in the judgment of an Appropriate College Official the Respondent violated this policy, the official will:
 - Coordinate with the Respondent's supervisor, if applicable, and, in consultation with the AVP for DEI and Compliance or designee, issue an appropriate sanction. In doing so, the officer will:
 - Consult the *Faculty Manual* for guidelines regarding sanctions for faculty.
 - Consult the *Employee Handbook* and/or applicable collective bargaining agreements for guidelines regarding sanctions for staff.
 - Consult the *Student Handbook* for guidelines regarding sanctions for students.
 - Communicate both the findings and the sanction in writing to the Complainant, the Respondent, and the AVP for DEI and Compliance or designee, who, as appropriate, shall notify others with a need to know.
4. If in the judgment of the Appropriate College Official the Respondent did not violate this policy, the official will communicate the findings in writing to the Complainant, the Respondent, and the AVP for DEI and Compliance or designee, who will notify others with a need to know.

Sanctions

Faculty

Pursuant to the guidelines in the *Faculty Manual*, disciplinary action for faculty employees may include the following actions, to the extent such actions are consistent with current state and federal law:

1. Treatment: Medical or psychological treatment may be indicated. The matter may be considered closed when the faculty member is authorized by a competent professional to be able to resume working, or this action may be coupled with admonition, censure, or suspension.
2. Admonition: A letter of admonition will be sent to the Respondent by the Dean [of the Faculty]. In addition, a copy of the letter of admonition will be placed in the Respondent's official personnel file.
3. Censure: A letter of admonition will be sent to the Respondent by the Dean [of the Faculty]. In addition, the fact of the admonition will be published in the Faculty Minutes, and a copy of the letter of admonition will be placed in the Respondent's personnel file.
4. Suspension: This penalty is a temporary separation from the College for a duration to be determined by the Appropriate College Official in their sole discretion. The conditions for the return of the faculty member to the College will be stipulated as part of the sanction. Notice of this penalty will be placed in the Respondent's personnel file.
5. Dismissal: This sanction is a permanent separation from the College. Notice of this sanction will be placed in the Respondent's personnel file.

Staff

Disciplinary action for staff employees is governed by existing guidelines in the *Employee Handbook* and/or collective bargaining agreements, as applicable, and may include verbal warnings, written warnings, written reprimands, suspension, termination of employment, or other action as deemed appropriate under the circumstances.

Students

Pursuant to the guidelines in the *Student Handbook*, disciplinary action for students may include admonition; lottery penalty; confiscation of property; censure; pensums; educational sanctions; referral for alcohol/drug education, assessment, or counseling; restitution; fines; residential reassignment; restriction; prohibition against participation; suspension or expulsion from any or all College program(s) and activities in which the student is enrolled or participating (including club or intercollegiate athletics); or any combination of these sanctions or those listed in the *Student Handbook*. It also may include other action as deemed appropriate under the circumstances (e.g., remedies applied to the Respondent to address the needs of the Complainant, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of no-contact orders to favor the Complainant, and other action to preserve the rights of the Complainant to a safe environment).

Appeals

The Complainant and/or Respondent may appeal the outcome to the senior administrative employee in the applicable division, as follows:

- Faculty: Dean of the Faculty and Vice President for Academic Affairs
- Students and Student Workers: Vice President for Student Success and Enrollment
- Staff: Vice President of Finance and Chief Financial Officer

The AVP for DEI and Compliance or designee will provide written notification to the Complainant and the Respondent of any applicable appeal procedures at the time the Complainant and Respondent receive notice of the outcome decision.

Grounds

To prevail on an appeal, the appellant must satisfy one or more of the following bases for appeal:

1. Discovery of new factual information that was not known or available at the time of the adjudication and the presentation of which would have affected the original outcome; omission of factual information that was known and available to the appealing party is not a valid ground for an appeal;
2. Material procedural error that rendered the adjudication fundamentally unfair;
3. Abuse of discretion in the issuance of a sanction, meaning that the Appropriate College Official imposed a sanction that was significantly disproportionate to the offense; or
4. Evidence of bias in the adjudication.

The right of appeal is available only to a Respondent or Complainant.

Procedures

An appeal must be made in writing and submitted to the AVP for DEI and Compliance.

The AVP for DEI and Compliance may assign the appeal to a designee of the senior administrative employee in the applicable division, so long as that person is appropriately trained and does not have a conflict of interest.

Appeals must be made within five (5) business days of receipt of the determination or within five (5) calendar days of receipt of the decision regarding sanctions and/or other actions, whichever is later, and must include the grounds for appeal and an outline of any supporting evidence. Appeals transmitted via email will be considered to be “in writing” for the purposes of this section.

The appeal will be denied without further procedures if it does not state at least one of the four grounds for appeal described above. In cases in which one or more of the appeal grounds has or have been stated, the substance of the appeal will be weighed carefully. The administrative appellate official or designee will consider the stated ground(s) for appeal and the outline of supporting evidence and will determine in their sole discretion whether to affirm, overturn, or modify the prior decision or sanction and whether to remand the case for further process. The administrative appellate official or designee may consult with subject-matter experts (legal counsel, etc.) in connection with deciding an appeal.

Absent extenuating circumstances, the appeal will be decided, and the Complainant, the Respondent, and the AVP for DEI and Compliance or designee will be notified of the decision (i.e., whether the

grounds for appeal have been adequately established) in writing within ten (10) business days after the appeal was received. The decision of the appellate official or designee is final.

Complaints to External Authorities

Persons who believe they are the victims of unlawful discrimination have the right to pursue complaints outside of Trinity College’s disciplinary processes and are encouraged to consult local, state, or federal law enforcement agencies, including the local police or the State of Connecticut Commission on Human Rights and Opportunities, regardless of whether they file a complaint with the College.

Key Offices to Contact Regarding the Policy and Its Implementation

The Responsible Officer for this policy is the Vice President for Diversity, Equity, and Inclusion.

Date: March 15, 2021

President Joanne Berger-Sweeney

A handwritten signature in cursive script that reads "Joanne Berger-Sweeney". The signature is written in black ink and is positioned below the printed name.