



## STATE OF CONNECTICUT

SCR#75-58

BOARD OF TRUSTEES  
FOR THE STATE COLLEGES

P. O. Box 2008

NEW BRITAIN, CONNECTICUT 06050

TEL. NEW BRITAIN: 203-229-1607

TEL. HARTFORD: 203-566-7373

## RESOLUTION

concerning

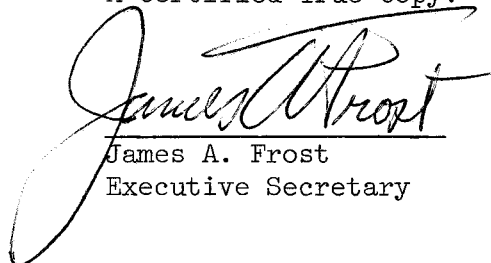
## CONNECTICUT STATE COLLEGE POLICY IN THE EVENT OF AN EMPLOYEE STRIKE

December 5, 1975

- WHEREAS, Circumstances have precipitated the possibility of a strike by Connecticut State employees, and
- WHEREAS, Such a strike would involve one or more of the Connecticut State Colleges, and
- WHEREAS, The Trustees desire effective management of the Colleges even under strike conditions,
- RESOLVED, That, in the event of a strike, it is the policy of the Board of Trustees for Connecticut State Colleges that the Colleges remain open and fully operational unless ordered to close (down operations) by the Governor, the Executive Secretary of the Board of Trustees, the College President, or, in his absence, the President's designee.
- RESOLVED, That the Executive Secretary be kept informed of developments on each campus so that he may keep the members of the Trustees' Executive Committee informed concerning strike developments and that he and the College Presidents shall be guided by the advice or orders of the Committee.
- RESOLVED, That the Board reaffirms the authority of each College President and his Executive staff to make all decisions and to take all actions, except as otherwise directed by the Governor, the Trustees, or the Executive Secretary and
- RESOLVED, That each College President and his Executive Staff immediately prepare a local plan by which to handle strike conditions on their respective campuses; such a plan to include, but not limited to, the following:
1. Identify and prepare the Executive Staff including lines of authority and communication link.

2. Identify procedures by which to keep the institution fully operational until, in the judgment of the President or his designee, danger to persons and/or property require closing down one or more or all phases of the campus operation.
3. Identify the notification sequence and action process by which, in the event of necessity, instruction is to be suspended, resident halls are to be emptied, buildings are to be closed and secured, and interrupted academic programs are to be completed.
4. Determine what essential services are to be maintained and how they are to be staffed (e.g. security, health, food, heating, etc.)
5. Determine how attendance is to be reported and recorded for classified and unclassified personnel who report to work.
6. Where a Laboratory School exists, develop contingency arrangements with the Superintendent of Schools.

A Certified True Copy:



James A. Frost  
Executive Secretary

AN ACT CONCERNING EXEMPTION OF HIGHER EDUCATION FROM CERTAIN PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) The provisions of chapter 54 of the general statutes shall not apply to the constituent units of the state system of higher education, provided the board of trustees for each such constituent unit shall (a) after providing a reasonable opportunity for interested persons to present their views, promulgate written statements of policy concerning personnel policies and student discipline, which shall be made available to members of the public, and (b) in cases of dismissal of tenured, unclassified employees, dismissal of non-tenured, unclassified employees prior to the end of their appointment, and dismissal or suspension of a student for disciplinary reasons, promulgate procedures which shall provide (1) written notice to affected persons of the reasons for the proposed action; (2) a statement that the affected person is entitled to a hearing if he so requests; and (3) a written decision following the hearing.

Sec. 2. Subsection (1) of section 4-166 of the general statutes is repealed and the following is substituted in lieu thereof:

(1) "Agency" means each state board, commission, department or officer, other than the legislature, courts, governor, lieutenant governor [or] attorney general[,] OR TOWN OR REGIONAL BOARDS OF EDUCATION authorized by law to make regulations or to determine contested cases.

Sec. 3. Section 4-180 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) EACH AGENCY SHALL PROCEED WITH REASONABLE DISPATCH TO CONCLUDE ANY MATTER PENDING BEFORE IT AND SHALL RENDER A FINAL DECISION IN ALL CONTESTED CASES WITHIN NINETY DAYS FOLLOWING THE CLOSE OF EVIDENCE AND FILING OF BRIEFS IN SUCH PROCEEDINGS.

(b) IF ANY AGENCY FAILS TO COMPLY WITH THE PROVISIONS OF SUBSECTION (a) OF THIS SECTION IN ANY CONTESTED CASE, ANY PARTY THERETO OR ANY INTERESTED PERSON MAY APPLY TO THE COURT OF COMMON PLEAS FOR HARTFORD COUNTY FOR AN ORDER REQUIRING THE AGENCY TO RENDER A DECISION FORTHWITH, AFTER HEARING, THE COURT SHALL ISSUE SUCH ORDER UNLESS

Substitute House Bill No. 7689

THE AGENCY ESTABLISHES TO THE SATISFACTION OF THE COURT REASONABLE CAUSE FOR SUCH FAILURE.

(c) A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. Parties shall be notified either personally or by mail of any decision or order. Upon request a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record.

Sec. 4. This act shall take effect from its passage.

Certified as correct by

\_\_\_\_\_  
Legislative Commissioner

\_\_\_\_\_  
Clerk of the Senate

\_\_\_\_\_  
Clerk of the House

Approved 7/1 \_\_\_\_\_ 1975.

\_\_\_\_\_  
Governor

effective date 7/1

**AN ACT CONCERNING EXEMPTION OF  
HIGHER EDUCATION FROM CERTAIN**

**PROVISIONS OF THE ADMINISTRATIVE  
PROCEDURE ACT**

**SUMMARY:** This act does two things. It requires state agencies to make final decisions in all contested cases within 90 days after the close of evidence, and it exempts state institutions of higher learning from the Administrative Procedures Act. **EFFECTIVE DATE:** Upon passage

**CONTENT & OPERATION:**

**State Agencies**

The act requires each state agency to make a final decision in all contested cases within 90 days after the close of evidence and filing of briefs. Upon an agency's failure to do so any party to the case or any interested person may apply to the Court of Common Pleas for Hartford county for an order requiring the agency to act immediately. After hearing, the court must issue the order unless the agency establishes to the court reasonable cause for its failure.

**Higher Education**

The act exempts the constituent units of the state system of higher education from provisions of the Administrative Procedure Act (APA). This exemption is dependent upon the board of trustees for each constituent unit: 1) promulgating written policy statements concerning personnel policies and student discipline, and 2) promulgating certain procedures for: a) the dismissal of tenured, unclassified employees; b) the dismissal of non-tenured, unclassified employees prior to the end of their appointment; and c) the dismissal or suspension of a student for disciplinary reasons.

These procedures concerning dismissal must include written notice to the affected persons of the reasons for the proposed action, a statement that the affected person is entitled to a hearing if he requests one, and a written decision following the hearing.

The act also exempts town or regional boards of education from the provisions of the APA.

**COMMENT:** The Uniform Administrative Procedure Act (Chapter 54, Connecticut General Statutes) prescribes procedures for state agencies for the promulgation, amendment, or repeal of agency regulations. It sets forth procedures for the adoption of administrative regulations, for the judicial view of those regulations, and for administrative hearings on those regulations. Under previous and current Connecticut law, the legislature, courts, governor, lieutenant governor, and attorney general are exempt from its provisions.

Also, the Department of Correction is exempted from some of the APA's provisions.



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### RESOLUTION

concerning

CONNECTICUT STATE COLLEGE

POLICY ON SUSPENSION OR DISMISSAL OF STUDENTS

FOR DISCIPLINARY REASONS

December 5, 1975

- WHEREAS, The Trustees hold that each student of the Connecticut State Colleges shares with the faculty and the administration responsibility for maintaining standards of behavior essential to maintenance of an environment conducive to education, personal safety, and the orderly conduct of these educational institutions, and
- WHEREAS, Disciplinary action, including suspension or dismissal, may be necessary when personal conduct interferes with the effort of the Connecticut State Colleges to afford its members an opportunity to achieve their respective educational objectives, therefore be it
- RESOLVED, That in disciplinary cases which could result in suspension or dismissal from any of the Connecticut State Colleges, the Trustees require that the accused person shall be guaranteed procedural safeguards including, but not limited to: "(1) written notice to affected person of the reasons for the proposed action; (2) a statement that the affected person is entitled to a hearing if he so requests; and (3) a written decision following the hearing." (P.A. 75-529), and be it further
- RESOLVED, That on each campus specific provisions be made for the required procedural safeguards and that a copy of the provision for each campus be submitted for verification and attachment to this resolution as corroborating evidence of the effective implementation of the Trustees' policy covering suspension or dismissal of students for disciplinary reasons.

A Certified True Copy:

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James A. Frost  
Executive Secretary