

Investigative Report
Regarding Allegation of Inappropriate Statements
Conducted By Southern Connecticut State University

Report Prepared By:

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May 15, 2018

I. Introduction

On January 31, 2018, the Office of Diversity and Equity Programs (“ODE”) at Southern Connecticut State University (“SCSU”) was notified about an incident that occurred on December 16, 2017, involving adjunct faculty member Dr. David Chevan. According to the report, at an off-campus event with students, Dr. Chevan told an inappropriate sexual joke. The report was made by Dr. Craig Hlavac, Interim Associate Dean of the School of Arts and Sciences, who learned of the incident from a student who was present during the incident.

An investigation was conducted by Paula Rice, Director, Office of Diversity and Equity Programs, along with Attorneys Jarad M. Lucan and Christopher E. Engler of Shipman & Goodwin LLP. Dr. Chevan was notified of the investigation via letter on April 20, 2018. Attorneys Lucan and Engler worked with ODE to complete the investigation, assist in analyzing the evidence collected, and prepare a written report. During the course of the investigation, Ms. Rice interviewed three students who were present for the incident. Ms. Rice and Attorneys Lucan and Engler jointly interviewed Dr. Chevan in the presence of his Union representative, Sue Clerc. The investigation focused on (1) clarifying the allegedly concerning statements set forth in the report to ODE; (2) determining whether the statements could be substantiated; and (3) if so, determining whether the statements as alleged were inconsistent with SCSU’s nondiscrimination policies. The results of this investigation follow.

II. Factual Findings

The report alleged that during a discussion with students at an off-campus event, Dr. Chevan told the following joke: “How does a French woman hold her liquor? By the ears.”

It is undisputed that the incident took place at Fornarelli’s Ristorante in New Haven, Connecticut. By invitation of the owner, Dr. Chevan plays jazz at this restaurant approximately once per month. Dr. Chevan typically invites students from his classes to join him. At his investigatory interview, Dr. Chevan was notably inconsistent when asked about the process by which students are invited to participate: he alternatively said that he only directly asked the “better students,” that he publicized the opportunities to all of his students, and that he maintained an email list of students whom he notified regarding opportunities to join him at Fornarelli’s. Regarding the latter option, it was unclear how students are chosen for Dr. Chevan’s email list.

On December 16, 2017, a number of students attended Dr. Chevan’s “gig.” The students were afforded opportunities to accompany Dr. Chevan and his pianist on stage throughout the event. After the musical set ended, Dr. Chevan joined three students at a table in the restaurant for dinner. During the course of the conversation, Dr. Chevan asked one student about her sexuality. He also told the aforementioned joke. Two of the three students who were present at the time stated during the interview that they had heard Dr. Chevan make this joke. The third student did not recall hearing any such joke. In any

event, during his investigatory interview, Dr. Chevan admitted to telling the joke in the presence of the students. It is therefore confirmed that Dr. Chevan did in fact tell the joke as alleged.

Dr. Chevan stated during his investigatory interview that one of the students reacted with a groaning noise. Another student stated that the student instead told Dr. Chevan that he should not have said the joke. In any event, it is clear that the student was bothered by Dr. Chevan's telling of the joke. Dr. Chevan stated that after the student's reaction it "clicked" with him that the joke had been inappropriate. He also stated that he thought "oh my god, I'm going to lose my job over this." Nevertheless, Dr. Chevan does not recall apologizing to the students at the time, and none of the students reported receiving an apology.

III. Analysis

SCSU has promulgated a Policy and Procedures Governing Sexual Harassment, which states in part that "Sexual harassment is reprehensible and subverts the mission of the university and will not be tolerated at Southern Connecticut State University." The policy also states that "All members of the University community shall conduct themselves in an appropriate manner with concern, dignity and respect for others." SCSU has also promulgated a Policy Statement on Pluralism forbidding acts of harassment reflecting bias or intolerance based on an individual's protected characteristic, including gender and sexual orientation. This Policy Statement states in part that "Every person within the University community should be treated with dignity and assured security and equality."

There is no question that Dr. Chevan's conduct was inappropriate. Dr. Chevan told a highly sexual joke in the presence of three students.¹ While the incident did not occur at a university-sponsored event, Dr. Chevan had invited the students to the event in his capacity as a faculty member. During his investigatory interview, Dr. Chevan acknowledged that his statement was wrong and inappropriate. However, he also stated that he considered the joke to be on the "mild side." He claimed that the joke was unrelated to his discussion about a student's sexuality and expressed surprise and concern when he realized during the interview that a connection could have been drawn between the two statements. Despite recognizing that at least one student thought the joke to be inappropriate and despite understanding in the moment that his actions were problematic, Dr. Chevan apparently did not apologize to the students or take any actions to remedy the situation. These failures undermine Dr. Chevan's claims of remorse at telling the joke.

IV. Conclusions

The evidence collected during the course of the investigation does not support a finding of discrimination under SCSU's policies or state or federal law, as Dr. Chevan's statement was not targeted at anyone in particular and as no one suffered an adverse action as a result of his conduct. The evidence also does not support a finding of harassment under the legal standards created by state and federal antidiscrimination law. The students

¹ The joke's reference to a "French" woman suggests that the joke also has an element of disparagement based on national origin.

reported that they had never heard Dr. Chevan make a similar sexual joke prior to the incident in question. Accordingly, as a one-time incident, Dr. Chevan's conduct was not pervasive. Moreover, although highly sexual, the joke was not severe enough to rise to the level of harassment, as his conduct was not hostile or abusive and as neither of the students who heard the joke were subjectively offended. SCSU's policies do not indicate that they utilize a broader meaning of "harassment" than is used under state and federal law.

Although the evidence does not support findings of discrimination or harassment, Dr. Chevan's statement was undeniably inappropriate and unacceptable. The evidence supports a finding that Dr. Chevan violated the University's Policy Statement on Pluralism. By telling a sexual joke with a group of students, Dr. Chevan deliberately engaged in behavior that he should have known could cause offense and make the students uncomfortable. In doing so, he failed to treat his students with dignity. Dr. Chevan also violated the University's Policy and Procedures Governing Sexual Harassment for the same reasons. As noted in the excerpt quoted above, this policy is not limited to prohibiting sexual harassment, as that term is defined under state and federal law, and prohibits additional types of misconduct such as failing to ensure respect for and the dignity of others. Dr. Chevan also failed to ensure his students' feelings of security and equality. His attempts to downplay the seriousness of the joke by calling it "mild" were also concerning. In addition, Dr. Chevan's actions reflect poor professional judgment.