

NO. FBT-CV15-6054375-S

PAUL LIONETTI	:	SUPERIOR COURT
PLAINTIFF	:	
	:	JUDICIAL DISTRICT OF
v.	:	AT BRIDGEPORT
	:	
WESTERN CONNECTICUT	:	
STATE UNIVERSITY	:	
DEFENDANT	:	June 27, 2016

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

Defendant, Western Connecticut State University ("Defendant" or "University"), hereby responds to Paul Lionetti's ("Plaintiff") complaint dated November 17, 2015 as follows:

ANSWER

PARTIES AND FACTS

1. Admitted.
2. Admitted to the extent that the University is a public state university. The University is accredited by the New England Association of Schools and Colleges, Inc., through its Commission on Institutions of Higher Education. In addition the University is accredited by the Connecticut Board of Regents for Higher Education. The University does receive public funds.
3. The University denies that Plaintiff was "wrongfully found in violation of the University's Student Code of Conduct." The University admits that after the September 9, 2015 hearing the University Discipline Board found Plaintiff in violation of the University's Student Code of Conduct. Plaintiff, prior to the hearing, withdrew from the University. At the hearing Plaintiff stated that he did not want to return to the University. The University's initial punishment banned

- him from University property until August 20, 2016. If Plaintiff decided to return to the University on August 20, 2016, he would be banned from residing in and visiting the residence halls and he would only be permitted to attend academic activities, the libraries, and student centers. Plaintiff was also directed not to have contact with his ex-girlfriend by any means (i.e., technology, other friends, etc.).
4. The University admits that the notice sent to Plaintiff listed the following charges: "Actual or threatened physical assault or abuse, threatening behavior, intimidation, or coercion" (Reg. 4); Intimate partner violence defined as any physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from domestic violence; Physical abuse, which can include but is not limited to, slapping, pulling hair or punching, threat of abuse, which can include, but is not limited to, threatening to hit, harm or use a weapon on another (whether victim or acquaintance, friend or family member of the victim) or other forms of verbal threat; emotional abuse, which can include but is not limited to, damage to one's property, driving recklessly to scare someone, name calling, threatening to hurt one's family members or pets and humiliating another person (Reg. 6); Behavior or activity which endangers the health, safety, or well-being of oneself or others. (Reg. 12).
 5. The University lacks sufficient knowledge or information and thus leaves Plaintiff to his proof. Plaintiff was present at the hearing and made a statement on his behalf.
 6. It is admitted that the charges stemmed from allegations of Plaintiff's ex-girlfriend who was also a student at the University.

7. Admitted.
8. The University lacks sufficient knowledge or information and thus leaves Plaintiff to his proof. The University admits only the relationship ended and that the ex-girlfriend made a complaint to the University.
9. The University admits that the complaint (ex-girlfriend) alleged that Plaintiff, inter alia, slapped her across the face. The University lacks sufficient knowledge of the date.
10. The University admits that on August 26, 2015 Plaintiff's ex-girlfriend submitted a written incident report to the University.
11. The University admits that Plaintiff was provided with notice of the hearing, the allegations against him, his right to face his accusers, call witnesses on his behalf, cross-examine witnesses, and, in general, present a defense on his behalf; and, inter alia, his ability to make a written request to the hearing officer to obtain the incident report(s) on which the charges against him were based. The University admits that the hearing was to take place on September 9, 2015.
12. The University admits that the notice contained the information that Plaintiff asserts, but it also contained more information than Plaintiff alleges.
13. Denied.
14. Denied. Plaintiff met with the Director of Judicial Affairs on September 1, 2015. The Director of Judicial Affairs went over the incident reports with Plaintiff and Plaintiff was told that redacted copies would be made available to him. The redacted copies were ready for Plaintiff on September 2, 2015, but Plaintiff

- withdrew from the University and Plaintiff did not come in to pick up the redacted reports.
15. Denied. The file documents were made available to Plaintiff on September 2, 2015, but Plaintiff withdrew from the University and failed to pick them up prior to the hearing. The University admits that the Plaintiff reviewed the documents prior to the hearing.
 16. Admitted.
 17. Plaintiff requested a continuance on the eve of the hearing. The request was denied. The Director of Judicial Affairs told Plaintiff that, "[A]s I told your parents on the phone, this is not a court of law. The hearing will still take place tomorrow and there will be no continuance. I made a copy of all reports for you when you requested, but you then withdrew from the university. Please come early tomorrow and I will give you those copies. Please let me know what time you will be arriving." The University denies all other allegations.
 18. Denied.
 19. The University lacks sufficient knowledge or information as to the truth of these allegations and thus leaves Plaintiff to his proof.
 20. The University admits that the Assistant Dean of Student Affairs reviewed Plaintiff's appeal and decided to conditionally modify the sanctions that the University Disciplinary Committee initially imposed. The September 28, 2015 appeal decision letter speaks for itself and provides that the initial sanctions were modified as alleged by Plaintiff.

21. The University lacks sufficient knowledge or information to respond to this allegation. The University admits that the Plaintiff has repeatedly stated that he does not want to return to the University.
22. Denied.
23. Denied. The findings of the judicial board do not preclude Plaintiff from attending any other institution of higher education. Plaintiff may apply to attend any other institution of higher education. Plaintiff could also return to the University, if he so desired, as long as he met the conditions in the September 28, 2015 appeal decision letter. A disciplinary action does not bar a student from being admitted to another institution of higher education. The University may only disclose student information, including disciplinary records, to the extent allowed by the Family Educational Rights and Privacy Act ("FERPA").
24. Denied.
25. Denied.

COUNT ONE (VIOLATION OF DUE PROCESS)

1. The University incorporates by reference all responses contained in the preceding paragraphs 1-25.
26. Plaintiff is alleging a legal conclusion and thus no response is necessary. It is admitted only that due process generally requires some notice and opportunity to be heard, which varies depending on the factual circumstances, when a constitutionally recognized property interest is at stake. The University denies that it has violated Plaintiff's due process rights.
27. Denied.

28. Denied.

COUNT TWO (VIOLATION OF CONNECTICUT CONSTITUTION)

1. The University incorporates by reference all responses contained in the preceding paragraphs 1-28.

29. Paragraph 29 is omitted in complaint.

30. Denied.

PRAYER FOR RELIEF

The remainder of the Complaint contains Plaintiff's request for relief to which no response is required; to the extent a response is deemed necessary, the University denies that Plaintiff is entitled to the relief requested, or to any relief whatsoever.

WESTERN CONNECTICUT
STATE UNIVERSITY

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ATTORNEY GENERAL

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CERTIFICATION

I hereby certify that a copy of the foregoing was mailed, first class postage prepaid, this 27th day of June, 2016 to:

Paul M. Cramer
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/s/Walter Menjivar
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