

Copies sent to all parties
OFFICE OF THE CLERK
SUPERIOR COURT
on 11-17-2016 S. Petraske, AC
2016 NOV 17 PM 4 19

JUDICIAL DISTRICT OF
NEW BRITAIN

DOCKET NO. CV 16 6032526

AUSTIN HAUGHWOUT : SUPERIOR COURT
v. : JUDICIAL DISTRICT OF NEW BRITAIN
LAURA TORDENTI ET AL. : NOVEMBER 17, 2016

MEMORANDUM OF DECISION

Austin Haughwout was expelled from Central Connecticut State University (Central) effective October 19, 2015. By way of this lawsuit he seeks reinstatement. His claims are essentially four in number. First, the disciplinary procedures employed by Central deprived him of his right to due process of law under the state and federal Constitutions. Second, those same procedures failed to conform to Central's Student Code of Conduct and Statement of Disciplinary Procedures (code). Third, in violating Mr. Haughwout's constitutional rights and his rights under the code Central breached a contract that existed between it and Mr. Haughwout by virtue of his status as a tuition-paying student. Finally, the charges that led to Mr. Haughwout's expulsion punished the exercise of his right of free speech, thereby violating Article I of the Connecticut Constitution.

The amended complaint is in five counts and seeks a permanent injunction and/or a writ of mandamus restoring Mr. Haughwout to

his status as a full-time student at Central,¹ a declaratory ruling that the defendants' conduct in expelling him was unconstitutional, and attorney's fees, pursuant to Title 42 U.S.C. §§ 1983 & 1998, for the defendants' alleged violations of his constitutional rights.

I

The original complaint was returned to court on March 7, 2016. Initial skirmishes ensued over the court's jurisdiction over counts four and five and Mr. Haughwout's request for a temporary injunction or writ of mandamus restoring him as a student at Central pending a final resolution of the case. The court heard argument on these issues on May 24, 2016.

The defendants moved to dismiss counts four and five, which alleged Central's breach of an implied contract between it and Mr. Haughwout and a breach of the covenant of good faith and fair dealing implicit in every contract. As originally drafted, those counts sought monetary damages from the defendants, all of them state officials, and, thus, from the state. Because consent to sue the state had not been obtained from the claims commissioner,

¹ Plaintiff also seeks to expunge the allegations of misconduct in his record at Central and a refund of "tuition payments and other costs wrongfully retained." See Amended Complaint, Claims for Relief, docket entry # 115 (June 23, 2016).

those monetary claims had to be and were dismissed. See Docket entry # 104.01. The court found, however, that, insofar as they sought equitable relief, those counts were not subject to dismissal. By incorporating from counts one and three allegations that Mr. Haughwout's constitutional rights had been violated, counts four and five "clearly demonstrated an incursion upon constitutionally protected interests. *Barde v. Board of Trustees*, 207 Conn. 59, 64 (1988)." Id.

The court denied Mr. Haughwout's request for a temporary injunction or writ of mandamus. It concluded that, while his claims were not frivolous, it could not say that there was a "reasonable probability" that he would ultimately be successful, the recognized test for the issuance of a temporary injunction. See Docket entry # 101.01.

In their memorandum in opposition to the plaintiff's motion for a temporary injunction (objection) the defendants presented their arguments against not only the temporary relief sought by Mr. Haughwout but also against any relief at all on any of the counts in his complaint. See Docket entry # 108. They appended:

1. an affidavit from defendant Christopher Dukes, the director of Central's office of student conduct, setting forth his

actions in investigating and pursuing charges of violating the code against Mr. Haughwout;

2. a copy of the "notice of charges and disciplinary hearing" (written notice) provided to Mr. Haughwout by Mr. Dukes;

3. a complete transcript of the disciplinary hearing held on October 14, 2015;

4. copies of two "case/incident reports" prepared by Central's police department (campus police) relating to the charges against Mr. Haughwout, in which the names of the students interviewed were redacted;

5. a copy of Mr. Dukes' letter to Mr. Haughwout informing him of the outcome of the disciplinary hearing;

6. copies of letters from and to Mr. Haughwout during his appeal from the decision of the disciplinary panel, including a letter from defendant Ramon Hernandez, Central's associate dean for student affairs, informing Mr. Haughwout that, as the person designated to consider his appeal, Mr. Hernandez had upheld the decision of the disciplinary panel (panel) and the sanction of expulsion that followed upon that decision.

In response to the defendants' objection Mr. Haughwout, too, rehearsed all the arguments in favor of his claims for permanent

injunctive relief and/or a writ of mandamus restoring him as a full-time student at Central. See Docket entry # 111.

An amended complaint was filed on June 23, 2016. The defendants filed an answer and special defenses on July 14. The pleadings were closed as of July 21, when a reply to the special defenses was filed. On that date the plaintiff also filed a claim for a trial to the court.

On August 8, 2016, having reviewed the parties' filings on the legal and factual issues raised by the plaintiff's claims and the defendants' objection, the court conducted an evidentiary hearing. The hearing was directed at three factual issues that had not been adequately addressed in the parties' respective filings:

1. the specific content of a "brief, but detailed telephone conversation" between Mr. Dukes and Mr. Haughwout prior to the disciplinary hearing, referred to in Mr. Dukes' affidavit, in which Mr. Dukes claimed he had orally explained to Mr. Haughwout the basis of the disciplinary charges against him and sought his response;

2. whether, prior to the hearing, Mr. Haughwout had obtained copies of the police reports relating to the investigation and

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.