

**CONSOLIDATED  
SCHOOL DISTRICT  
— OF —  
NEW BRITAIN**

**NEW BRITAIN BOARD OF EDUCATION  
POLICY COMMITTEE MEETING**

**June 15, 2020 – 5:30 PM | VIRTUAL MEETING**



## NOTICE OF MEETING

TO: New Britain Board of Education Members  
Mayor Erin Stewart  
Mr. Mark H. Bernacki, Town and City Clerk  
New Britain Common Council Members

DATE: June 12, 2020

RE: New Britain Board of Education Committee Meetings

**The following Board of Education committee meetings will take place virtually due to current public health concerns and school closure related to COVID-19:**

- **The New Britain Board of Education Policy Committee** will hold a regular meeting on Monday, June 15, 2020 at 5:30 PM.

Members of the public may view a live broadcast of the meeting online via the livestream link:  
<https://video.csdnb.org/show?video=1319f802ff39>

The agenda and the board packet in its entirety can be found on the Board of Education website:  
<https://www.csdnb.org/BOE-Calendar-Documents.php>

- **The New Britain Board of Education Curriculum Committee** will hold a regular meeting on Monday, June 15, 2020 at 6:30 PM.

Members of the public may view a live broadcast of the meeting online via the livestream link:  
<https://video.csdnb.org/show?video=1319f802ff39>

The agenda and the board packet in its entirety can be found on the Board of Education website:  
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CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

## New Britain Board of Education | Policy Committee Regular Meeting

June 15, 2020 – 5:30 PM | Virtual Meeting

### 1. Call to Order and Opening

- A. Meeting Called to Order

### 2. Old Business

- A. Review Policy 6141.32 – Access to Internet  
Page 5
- B. Review Policy 4118.51 – Use of Social Media  
Page 18

### 3. New Business

- A. Review and Approve Minutes from Policy Committee Meeting on May 18, 2020  
Submitted by Ms. Kristin Salerni | Page 23
- B. Discuss School Uniforms  
Submitted by Ms. Nancy Sarra | No documents available in packet
- C. Review Policy 5132.10 – School Attire  
Page 25
- D. Review Policy 5145.11 – School Resource Officer  
Page 30
- E. Discuss Title IX Changes  
Page 43

### 4. Closing

- A. Other Business as Permitted by Law
- B. Adjournment

#### New Britain Board of Education

Merrill Gay – President | Nicholas Mercier – Vice President | Violet Jiménez Sims – Secretary

Monica Dawkins | Anthony Kane | Diane Leja | Annie S. Parker | Diana Reyes | Nancy Rodriguez | Gayle Sanders-Connolly



**CONSOLIDATED  
SCHOOL DISTRICT  
— OF —  
NEW BRITAIN**

**OLD BUSINESS**



## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

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### **Board Policy Statement**

#### **6141.32 - Access to Internet**

Approved on April 15, 2002

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The Board of Education supports the use of electronic information systems to improve learning, teaching and managing. These systems enhance student access to information, research, teacher training, collaboration and dissemination of successful educational practices, methods and materials. The school system's connection to the Internet provides access to local, national and international sources of information and collaboration vital to intellectual inquiry in a democracy.

Every electronic information systems user within this school system has the responsibility to respect and protect the rights of every other user in our school community and on the Internet. Each user must use these systems in a responsible, ethical and legal manner in accordance with this policy and administrative procedure, as well as state and federal law.

This policy and administrative procedure applies to supervised and independent uses of all forms of technology. It does not attempt to articulate all access scenarios and user behaviors. All users will be required to sign and comply with the District's Electronic Information Systems Use Agreement. Violation of this policy and administrative procedure will result in appropriate consequences, which may include disciplinary measures and legal action.

#### **Legal References/Citations**

Family Educational Rights and Privacy Act (FERPA) of 1974, 20 U.S.C. 1232g

Conn. Gen. Statute Section 31-48d

U.S. Department of Education Regulations, 34 C.F.R. Part 99

Children's Internet Protection Act of 2000, 20 U.S.C. 6801, et. seq.

Communications Act of 1934, as amended, 47 U.S.C. 254 (h) and (l)



## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

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### **Administrative Procedure**

#### **6141.32 - Access to Internet**

Approved on April 15, 2002

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#### **I. Purpose**

The purpose of these procedures is to establish guidelines for the proper use of the School District's Computer Networks and Electronic Information Systems, consistent with state and federal law.

#### **II. Definitions**

For purposes of these procedures, the following terminology will apply:

- A. Information system is any configuration of hardware and software that provides users access to information stored electronically. The configuration can be a single unit or multiple units networked together. It includes the E-mail system and the Internet.
- B. Networks include computer hardware, operating system software, application software, and stored text and data files, regardless of source and content.
- C. User includes any person who has authorization to utilize the School District's information systems or networks, including students and employees. It may also include other persons outside of these groups who have authorization to use District facilities and in the course of using District facilities require access to the systems.

#### **III. Ownership/Electronic Monitoring**

The information systems and networks are the property of the Board of Education and are provided for the purpose of carrying out the educational and operational needs of the School District.

Use of the School District's information systems and networks is not guaranteed to be private, and users do not have an expectation of privacy in their use of these systems.

The School District reserves the right to monitor the use of such systems, including but not limited to, E-mail in order to ensure compliance with its guidelines by, for example, bypassing passwords. Users consent to allowing the school system to access and review all materials users create, store, send or receive on the computer system or through the Internet or any other computer network or information systems.

## **IV. Acceptable/Unacceptable Uses; Reporting**

### **A. Acceptable uses**

The School District's information systems and networks may be used (1) to further the Board of Education's goals; (2) to support education and research; (3) for school-related communications; or (4) other legitimate school business.

### **B. Unacceptable uses**

The following actions and activities are prohibited on any of the School District's information systems and networks:

- a. Engaging in any illegal activity, including violation of software licenses, contracts, or transmitting any material in violation of federal or state law.
- b. Unauthorized downloading of software, regardless of whether it is copyrighted or devised.
- c. Downloading copyrighted material for other than personal use.
- d. Using the network or information systems for private, financial, or commercial gain.
- e. Wastefully using resources, such as file space.
- f. Hacking or gaining unauthorized access to files, resources, or entities.
- g. Invading the privacy of individuals, which includes the unauthorized access to, or dissemination of, information about anyone that is of a highly personal nature.
- h. Using another user's account or password.
- i. Posting material authorized or created by another without his/her consent.
- j. Posting anonymous messages.
- k. Accessing, submitting, posting, publishing, or displaying any defamatory, fraudulent, abusive, obscene, profane, sexually explicit, intimidating, threatening, racially offensive, harassing, or illegal material.
- l. Accessing or disclosing confidential information about a student or from a student's school records without proper authorization. (See Board Policy 3-9).
- m. Unauthorized bypassing of filtering software or knowingly visiting inappropriate websites.
- n. Unauthorized bypassing of security software.
- o. Altering the attribution-of-origin information in E-mail communications.
- p. Providing copies of School District software to individuals outside the School District without proper authorization.

- q. Installing, removing, revising, or adapting software without proper authorization.
- r. Using the networks or information systems in a manner that conflicts or interferes with an employee's job duties, work performance, professional responsibilities.
- s. Using the networks or information systems in a manner that violates any Board of Education policies.
- t. Student action and activities in violation of Guidelines for Social Media and Cyber Bullying (see Part IV – Section D)

Note: The above list is not all inclusive of each and every use that may be deemed unacceptable.

### **C. Reporting**

Any individual who receives any inappropriate material on the School District's networks or information systems should immediately report the incident to a teacher or administrator as appropriate. Any individual who becomes aware of any use of the networks or information systems in violation of this policy should immediately report the incident to a teacher or administrator as appropriate.

### **D. Guidelines for Social Media and Cyber Bullying**

The Board of Education acknowledges the First Amendment rights of citizens to speak out on matters of public concern through any form of media, including social media. The term "social media" refers to online social interaction or other public display of personal information via electronic means (current examples of social media include social networking sites such as Facebook, Twitter, LinkedIn, MySpace, as well as video and photo sharing sites such as YouTube, Flickr, etc.). The Board of Education also recognizes that inappropriate content created by students can be disruptive to the educational environment, and can violate the rights of other students and their right to privacy. Therefore, Board of Education employees may be subject to disciplinary action (up to and including loss of all computer privileges) when their personal use of social media does any of the following:

- a. Disrupts the operations of the school district;
- b. Interferes with the educational process;
- c. Breaches the confidentiality rights of students or employees;
- d. Harasses co-workers or other members of the school communities;
- e. Creates a discriminatory or hostile working or learning environment;
- f. Endangers or otherwise puts students at risk or harm;
- g. Violates the law or any of the Board's policies or regulations.

## **V. Internet Safety/Filters**

### **A. General warning/Individual responsibility**

The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an E-mail address on the Internet may lead to receipt of unsolicited E-mail containing offensive content. Users accessing the Internet do so at their own risk. The School District is not responsible for material viewed or downloaded by users from the Internet.



The Internet changes rapidly making it impossible to filter all objectionable sites. Therefore, the teaching staff must supervise and monitor student access to the Internet. In addition, each individual has the responsibility to monitor his/her own navigation on the Internet to avoid undesirable sites.

In order for the School District to be able to continue to make its computer network and Internet access available, all students must take responsibility for appropriate and lawful use of this access. Students must understand that one student's misuse of the network and Internet access may jeopardize the ability of all students to enjoy such access. While the school's teachers and other staff will make reasonable efforts to supervise student use of network and Internet access, they must have student cooperation in exercising and promoting responsible use of this access.

All users and their parents/guardians are advised that access to the electronic network may include the potential for access to materials inappropriate for school-aged students.

In recognizing the importance of public education and outreach in regards to internet safety and cyber bullying, the Board of Education will hold a public informational forum on the internet safety and cyber bullying to the public on a yearly basis.

#### **B. Filters**

The School District will utilize filtering software or other technologies to prevent students from accessing visual depictions that are (1) obscene, (2) child pornographic, or (3) harmful or inappropriate for minors as determined by the superintendent or his/her designee(s). The school will also monitor the online activities of students, through direct observation and/or technological means, to ensure that students are not accessing such depictions or any other material, which is inappropriate for minors.

Filters will be used with District schools to (1) block pre-selected sites; (2) block by word; (3) block entire categories like chat and newsgroups; and (4) through a pre-selected list of approved sites.

Filtering should only be viewed as one of a number of techniques used to manage student's access to the Internet and encourage acceptable usage. It should not be viewed as a foolproof approach to preventing access to material considered inappropriate or harmful to minors.

#### **C. Disabling blocking/filtering devices**

An administrator, teacher or supervisor may submit a request to the Superintendent or his/her designee to have an Internet filtering system be disabled or a site unblocked, as necessary, for purposes of bona fide research or other educational projects being conducted by students age 18 or older.

### **VI. Authorization for Access to the Electronic Networks and Information Systems**

Authorized access to the information systems and networks shall be given only to those individuals who agree to use these systems in a responsible manner and agree to comply with Board policies and procedures. Use of computer resources is a privilege that may be revoked if it is misused or abused.

- A. Use of computer networks and information systems shall be restricted to individuals who have signed the "Acceptable Use and Internet Access Agreement" (Appendix A)
- B. Student network accounts will only receive internet and cloud based account access upon completion of internet safety and cyber bullying training.

**APPENDIX A**  
**ELECTRONIC INFORMATION SYSTEMS USE AND INTERNET ACCESS AGREEMENT**

Students, parent(s)/guardian(s), and staff members need only sign this agreement once while enrolled or employed by the School District.

I have read, understand, and agree to abide by the terms of Board Policy 6141.32 and Administrative Procedures. Should I commit any violation or in any way misuse my access to the School District's computer networks or information systems, I understand and agree that my access privilege may be revoked and disciplinary action may be taken against me.

In consideration for using the School District's electronic networks and information systems, I hereby release the School District and its employees, acting in the scope of their employment, from any claims and damages arising from my use of the Internet or E-mail.

User's name (print clearly) \_\_\_\_\_

User's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Status: Student \_\_\_\_\_ Employee \_\_\_\_\_

I am 18 or older \_\_\_\_\_ I am under 18 \_\_\_\_\_

If I am signing this policy when I am under 18, I understand that when I turn 18 this policy will continue to be in full force and effect and agree to abide by this policy.

Parent/Guardian: (If applicant is under 18 years of age, a parent or guardian must also read and sign this agreement). As the parent or legal guardian of the above student, I have read, understand and agree that my child or ward shall comply with the terms of the School District's Acceptable Use and Internet Safety policy and procedures for the student's access to the School District's computer networks and information systems. I understand that access is being provided to the students for educational purposes only.

However, I also understand that it is impossible for the school to restrict access to all offensive and controversial materials and understand my child's or ward's responsibility for abiding by this policy. I am, therefore, signing this policy and agree to indemnify and hold harmless the school, the School District, and its employees acting in the scope of their employment against all claims, damages, losses, and costs, of whatever kind that may result from my child's or ward's use of his/her access to such networks or his/her violation of the foregoing policy.

Further, I accept full responsibility for supervision of my child's or ward's use of his/her access account if and when such access is not in the school setting. I hereby give permission for my child or ward to access the School District's computer networks and the Internet.

Parent/Guardian (please print): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

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### **Board Policy Statement**

#### **6141.32 - Access to Internet**

Approved on April 15, 2002

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The Board of Education supports the use of electronic information systems to improve learning, teaching and managing. These systems enhance student access to information, research, teacher training, collaboration and dissemination of successful educational practices, methods and materials. The school system's connection to the Internet provides access to local, national and international sources of information and collaboration vital to intellectual inquiry in a democracy.

Every electronic information systems user within this school system has the responsibility to respect and protect the rights of every other user in our school community and on the Internet. Each user must use these systems in a responsible, ethical and legal manner in accordance with this policy and administrative procedure, as well as state and federal law.

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The School District reserves the right to monitor the use of such systems, including but not limited to, E-mail in order to ensure compliance with its guidelines by, for example, bypassing passwords. Users consent to allowing the school system to access and review all materials users create, store, send or receive on the computer system or through the Internet or any other computer network or information systems.

#### **IV. Acceptable/Unacceptable Uses; Reporting**

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- f. Hacking or gaining unauthorized access to files, resources, or entities.
- g. Invading the privacy of individuals, which includes the unauthorized access to, or dissemination of, information about anyone that is of a highly personal nature.
- h. Using another user's account or password.
- i. Posting material authorized or created by another without his/her consent.
- j. Posting anonymous messages.
- k. Accessing, submitting, posting, publishing, or displaying any defamatory, fraudulent, abusive, obscene, profane, sexually explicit, intimidating, threatening, racially offensive, harassing, or illegal material.
- l. Accessing or disclosing confidential information about a student or from a student's school records without proper authorization. (See Board Policy 3-9).
- m. Unauthorized bypassing of filtering software or knowingly visiting inappropriate websites.
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- o. Altering the attribution-of-origin information in E-mail communications.
- p. Providing copies of School District software to individuals outside the School District without proper authorization.

- q. Installing, removing, revising, or adapting software without proper authorization.
- r. Using the networks or information systems in a manner that conflicts or interferes with an employee's job duties, work performance, professional responsibilities.
- s. Using the networks or information systems in a manner that violates any Board of Education policies.
- t. Student action and activities in violation of Guidelines for Social Media and Cyber Bullying (see Part IV – Section D)

Note: The above list is not all inclusive of each and every use that may be deemed unacceptable.

### C. Reporting

Any individual who receives any inappropriate material on the School District's networks or information systems should immediately report the incident to a teacher or administrator as appropriate. Any individual who becomes aware of any use of the networks or information systems in violation of this policy should immediately report the incident to a teacher or administrator as appropriate.

#### —Guidelines for Social Media and Cyber Bullying

The Board of Education also recognizes that inappropriate content created by employees can be disruptive to the educational environment, violate the Board's responsibilities regarding confidential information and compromise the goodwill and reputation of the school district.

Therefore, Board of Education employees may be subject to disciplinary action (up to and including termination) when their personal use of social media does any of the following:

- Disrupts the operations of the school district
- Interferes with the educational process
- Breaches the confidentiality rights of students or employees
- Harasses co-workers or other members of the school community
- Creates a discriminatory or hostile working or learning environment
- Endangers or otherwise puts students at risk of harm
- Harms the goodwill and reputation of the school district in the community
- Violates the law, board policies, or other school rules and regulations.

The term "social media" refers to online social interaction or other public display of personal information via electronic means. Current examples of social media include, but is not limited to, Facebook, Twitter, LinkedIn, Snapchat, TikTok, YouTube, and other media platforms. The term "Board of Education" includes all names, logos, buildings, images, and entities under the authority of the New Britain Board of Education.

The Board of Education also recognizes that inappropriate content created by students can be disruptive to the educational environment, and can violate the rights of other students and their right to privacy. Therefore, Board of Education ~~student~~employees may be subject to disciplinary action (up to and including loss of all computer privileges) when their personal use of social media does any of the following:

- a. Disrupts the operations of the school district;
- b. Interferes with the educational process;

- c. Breaches the confidentiality rights of students or employees;
- d. Harasses classmates, co-workers, or other members of the school communities;
- e. Creates a discriminatory or hostile working or learning environment;
- f. Harms the goodwill and reputation of the school district in the community
- g. Endangers or otherwise puts students at risk or harm;
- h. Violates the law or any of the Board's policies or regulations.

## V. Internet Safety/Filters

### A. General warning/Individual responsibility

The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an E-mail address on the Internet may lead to receipt of unsolicited E-mail containing offensive content. Users accessing the Internet do so at their own risk. The School District is not responsible for material viewed or downloaded by users from the Internet.

The Internet changes rapidly making it impossible to filter all objectionable sites. Therefore, the teaching staff must supervise and monitor student access to the Internet. In addition, each individual has the responsibility to monitor his/her own navigation on the Internet to avoid undesirable sites.

In order for the School District to be able to continue to make its computer network and Internet access available, all students must take responsibility for appropriate and lawful use of this access. Students must understand that one student's misuse of the network and Internet access may jeopardize the ability of all students to enjoy such access. While the school's teachers and other staff will make reasonable efforts to supervise student use of network and Internet access, they must have student cooperation in exercising and promoting responsible use of this access.

All users and their parents/guardians are advised that access to the electronic network may include the potential for access to materials inappropriate for school-aged students.

In recognizing the importance of public education and outreach in regards to internet safety and cyber bullying, the Board of Education will hold a public informational forum on the internet safety and cyber bullying to the public on a yearly basis.

### B. Filters

The School District will utilize filtering software or other technologies to prevent students from accessing visual depictions that are (1) obscene, (2) child pornographic, or (3) harmful or inappropriate for minors as determined by the superintendent or his/her designee(s). The school will also monitor the online activities of students, through direct observation and/or technological means, to ensure that students are not accessing such depictions or any other material, which is inappropriate for minors.

Filters will be used with District schools to (1) block pre-selected sites; (2) block by word; (3) block entire categories like chat and newsgroups; and (4) through a pre-selected list of approved sites.

Filtering should only be viewed as one of a number of techniques used to manage student's access to the Internet and encourage acceptable usage. It should not be viewed as a foolproof approach to preventing access to material considered inappropriate or harmful to minors.

**C. Disabling blocking/filtering devices**

An administrator, teacher or supervisor may submit a request to the Superintendent or his/her designee to have an Internet filtering system be disabled or a site unblocked, as necessary, for purposes of bona fide research or other educational projects being conducted by students age 18 or older.

**VI. Authorization for Access to the Electronic Networks and Information Systems**

Authorized access to the information systems and networks shall be given only to those individuals who agree to use these systems in a responsible manner and agree to comply with Board policies and procedures. Use of computer resources is a privilege that may be revoked if it is misused or abused.

- A. Use of computer networks and information systems shall be restricted to individuals who have signed the "Acceptable Use and Internet Access Agreement" (Appendix A)
- B. Student network accounts will only receive internet and cloud based account access upon completion of internet safety and cyber bullying training.

**APPENDIX A  
ELECTRONIC INFORMATION SYSTEMS USE AND INTERNET ACCESS AGREEMENT**

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I have read, understand, and agree to abide by the terms of Board Policy 6141.32 and Administrative Procedures. Should I commit any violation or in any way misuse my access to the School District's computer networks or information systems, I understand and agree that my access privilege may be revoked and disciplinary action may be taken against me.

In consideration for using the School District's electronic networks and information systems, I hereby release the School District and its employees, acting in the scope of their employment, from any claims and damages arising from my use of the Internet or E-mail.

User's name (print clearly) \_\_\_\_\_

User's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Status: Student \_\_\_\_\_ Employee \_\_\_\_\_

I am 18 or older \_\_\_\_\_ I am under 18 \_\_\_\_\_

If I am signing this policy when I am under 18, I understand that when I turn 18 this policy will continue to be in full force and effect and agree to abide by this policy.



Parent/Guardian: (If applicant is under 18 years of age, a parent or guardian must also read and sign this agreement). As the parent or legal guardian of the above student, I have read, understand and agree that my child or ward shall comply with the terms of the School District's Acceptable Use and Internet Safety policy and procedures for the student's access to the School District's computer networks and information systems. I understand that access is being provided to the students for educational purposes only.

However, I also understand that it is impossible for the school to restrict access to all offensive and controversial materials and understand my child's or ward's responsibility for abiding by this policy. I am, therefore, signing this policy and agree to indemnify and hold harmless the school, the School District, and its employees acting in the scope of their employment against all claims, damages, losses, and costs, of whatever kind that may result from my child's or ward's use of his/her access to such networks or his/her violation of the foregoing policy.

Further, I accept full responsibility for supervision of my child's or ward's use of his/her access account if and when such access is not in the school setting. I hereby give permission for my child or ward to access the School District's computer networks and the Internet.

Parent/Guardian (please print): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

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### **Board Policy Statement**

#### **4118.51 - Use of Social Media**

Approved on May 19, 2014

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#### **I. Overview**

The Board of Education Acknowledges the First Amendment rights of its employees to speak out on matters of public concern through any form of media, including social media. The term “social media” refers to online social interaction or other public display of personal information via electronic means (current examples of social media include social networking sites such as Facebook, Twitter, LinkedIn, MySpace, as well as video and photo sharing sites such as YouTube, Flickr, etc.).

The Board of Education also recognizes that inappropriate content created by employees can be disruptive to the educational environment, violate the Board’s responsibilities regarding confidential information and compromise the goodwill and reputation of the school district. Therefore, Board of Education employees may be subject to disciplinary action (up to and including termination) when their personal use of social media does any of the following:

- Disrupts the operations of the school district
- Interferes with the educational process
- Breaches the confidentiality rights of students or employees
- Harasses co-workers or other members of the school community
- Creates a discriminatory or hostile working or learning environment
- Endangers or otherwise puts students at risk of harm
- Violates the law or any of the Board’s policies or regulations

#### **II. Communications With Students via Social Media**

School personnel are prohibited from socializing with students outside of school on social networking websites. The use of social networking websites for educational/instructional reasons may only be initiated with the prior written authorization of the Principal or his/her designee.

#### **III. Confidential Information of Students**

The posting of any personally identifiable information from the education records of students is strictly prohibited. Merely refraining from using student names is insufficient. Employees are prohibited from disclosing information that is linkable to a specific student that would allow a reasonable person in the school community to identify the student with reasonable certainty.

#### **IV. Board Owned Data**

School personnel who participate in social networking websites shall not post any school district records, documents, photographs, logos, or other Board owned or created information on any website without the prior written authorization of an administrator.

Nothing in this policy is intended to obligate the Board of Education to monitor the online activities of school personnel.



## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

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### Board Policy Statement

#### 4118.51 - Use of Social Media

Approved on May 19, 2014

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#### I. Overview

The New Britain Board of Education recognizes the importance of social media for its employees and acknowledges that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. However, the Board will regulate the use of social media by employees, including employees' personal use of social media, when such use:

The Board of Education also recognizes that inappropriate content created by employees can be disruptive to the educational environment, violate the Board's responsibilities regarding confidential information and compromise the goodwill and reputation of the school district.

Therefore, Board of Education employees may be subject to disciplinary action (up to and including termination) when their personal use of social media does any of the following:

- Disrupts the operations of the school district
- Interferes with the educational process
- Breaches the confidentiality rights of students or employees
- Harasses co-workers or other members of the school community
- Creates a discriminatory or hostile working or learning environment
- Endangers or otherwise puts students at risk of harm
- Harms the goodwill and reputation of the school district in the community
- Violates the law, board policies, or other school rules and regulations.

~~Acknowledges the First Amendment rights of its employees to speak out on matters of public concern through any form of media, including social media.~~

#### II. Definitions

The term "social media" refers to online social interaction or other public display of personal information via electronic means. Current examples of social media include, but is not limited to, Facebook, Twitter, LinkedIn, Snapchat, TikTok, YouTube, and other media platforms. ~~(current examples of social media include social networking sites such as Facebook, Twitter, LinkedIn, MySpace, as well as video and photo sharing sites such as YouTube, Flickr, etc.)~~ The term "Board of Education" includes all names, logos, buildings, images, and entities under the authority of the New Britain Board of Education.

### **III. Rules Concerning Personal Social Media Activity**

1. Employees must refrain from mentioning other Board of Education employees or other members of the school community (e.g., parents or others) on personal social networking sites, without such individuals' express consent unless the employee is addressing an issue of public concern and the employee's speech falls under applicable constitutional protections pertaining to the same.

2. Employees are required to maintain appropriate professional boundaries with students, parents, and colleagues.

3. It is not appropriate for an employee to "friend" or communicate with a student or otherwise establish special relationships with selected students through personal social media. It is not appropriate for an employee to give students access to personal postings unrelated to school.

4. Employee email communications with students should be through a district-approved email system not through personal email accounts.

5. Employees are required to use appropriately respectful speech in their personal social media posts; and to refrain from harassing, defamatory, abusive, discriminatory, threatening or other inappropriate communications. Such posts reflect poorly on the school district's reputation, can affect the educational process and may substantially and materially interfere with an employee's ability to fulfill their professional responsibilities.

6. Employees are individually responsible for their personal posts on social media websites. Employees may be sued by other employees, parents or others, and any individual that views an employee's social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. Such activities are outside the scope of employment. Employees may be held personally liable for such claims.

7. All posts on personal social media must comply with the Board of Education's policies concerning confidentiality, including the confidentiality of student information. If an employee is unsure about the confidential nature of information the employee is considering posting, the employee shall consult with their supervisor prior to making the post.

8. Employees are required to comply with all Board of Education policies and regulations with respect to the acceptable use of computer equipment, networks, and electronic devices when accessing the Internet. Use of technology must not interfere with an employee's duties at work.

9. The Board of Education reserves the right to monitor all employee use of district computers and other electronic devices. An employee should have no expectation of personal privacy in any communication or post on any web site while using district computers, cellular telephones or other electronic devices.

10. All Board of Education policies regulating off-duty conduct apply to social media activity including, but not limited to, policies related to public trust, illegal harassment, code of conduct, and protecting confidential information.

### **IV. Rules Concerning District-Sponsored Social Media Activity**

An employee who seeks to use social media sites and related interactive technologies as an educational tool or in relation to extracurricular activities or programs of the school district may do so provided that the procedures

below are followed and that the employee obtains the permission of the Superintendent prior to setting up the site. The Superintendent (or designee) will also be provided access to any site that is established.

1. Use will be limited to specific academic and/or school-related purposes. Site activity must be moderated, monitored and supervised by the employee(s) who set(s) up the site.

2. Any employee using a social media platform that is affiliated with the school district in any way must set up 2-Factor Authentication on the account that is used to access that platform.

2. Employees are required to use appropriately respectful speech on district-sponsored sites; and to refrain from harassing, defamatory, abusive, discriminatory, threatening or other inappropriate communications. Proper professional boundaries must be recognized at all times and all content and communication should be related to the educational purposes for which the site was established. Communication that is sensitive or personal in nature is to be avoided. Employees must supervise student speech to ensure that it complies with the criteria above.

3. Employees are required to comply with all Board of Education policies and procedures including applicable laws with respect to the acceptable use of computer equipment, networks or devices when accessing district-sponsored sites. Employees must also supervise students use to ensure compliance.

4. The Board of Education reserves the right to monitor all employee and student use of district technology. An employee should have no expectation of personal privacy in any communication or post while using district computers, cellular telephones, or other data devices.

5. All content and posts on district-sponsored sites must comply with the Board of Education's policies pertaining to confidentiality including the confidentiality of student information. If an employee is unsure about the confidential nature of information being considered for posting by him/her or by students, the employee shall consult with their supervisor prior to making the post.

7. An employee may not use district-sponsored sites for private financial gain, political, commercial, advertisement, proselytizing, or solicitation purpose. They must also supervise student use to ensure that it complies.

8. An employee may not use district-sponsored sites in a manner that misrepresents personal views as those of the Board of Education, individual school or school district, or in a manner that could be construed as such. They must also supervise student use to ensure that it complies.

#### V. Disciplinary Consequences

Violation of this policy may lead to discipline up to and including the termination of employment consistent with state and federal law.

~~II. Communications With Students via Social Media~~

~~IV. Board Owned Data~~



**CONSOLIDATED  
SCHOOL DISTRICT  
— OF —  
NEW BRITAIN**

**NEW BUSINESS**



## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

# New Britain Board of Education Policy Subcommittee Meeting

May 18, 2020 – 5:30 PM | Virtual Meeting

### Call to Order and Opening

Mr. Nicholas Mercier, Policy Subcommittee Chair, called the meeting to order at 5:34 PM.

### Committee Members Present

Ms. Diane Leja, Mr. Nicholas Mercier, Ms. Diana Reyes, Ms. Nancy Rodriguez, Dr. Violet Jiménez Sims

### CSDNB Staff Present

Ms. Ann Alfano, Mr. Michael Foran, Ms. Kristin Salerni, Ms. Nancy Sarra, Mr. Mark Spalding

### New Business

#### Review and Approve Minutes from the Policy Subcommittee Meeting on April 20, 2020

There were no recommended changes to the minutes from the Policy Subcommittee Meeting on April 20, 2020.

*Dr. Jiménez Sims motioned to approve the minutes from the Policy Subcommittee Meeting on April 20, 2020 as presented, seconded by Ms. Reyes. Motion carried unanimously.*

#### Review Policy 3324.00 – Bids, Quotations and Purchase Orders

Ms. Ann Alfano, Accounting Manager, recommended review and revision of this policy due to a change in federal guidelines regarding purchases directly charged to a federal award. Ms. Alfano shared the explicit language that must be included in our current policy regarding the procurement process when utilizing federal funds. Ms. Alfano recommended adding this extensive and specific language at the end of our current policy in an additional section under the heading “III. Purchases Directly Charged to a Federal Award.”

Ms. Leja expressed concern that the language of subsection C “Contracting with Small and Minority Businesses and Women’s Business Enterprises,” may not be alignment with our other board policies which are not gender specific and may be perceived as discriminatory by non-gender conforming individuals. Mr. Mercier recommended that Ms. Leja forward a draft of any additional language she would like added to the policy to himself and Board Clerk Ms. Salerni. This proposed amendment could then be reviewed by Ms. Alfano and possibly legal counsel before consideration by the full board.

*Dr. Jiménez Sims motioned that the Board approve revised Policy 3324.00 – Bids, Quotations and Purchase Orders at the next regular meeting, seconded by Ms. Leja. Motion carried unanimously.*

#### Addition to Agenda

*Dr. Jiménez Sims motioned to add discussion of graduation regalia and related policies to the agenda, seconded by Ms. Reyes. All were in favor with the exception of Ms. Rodriguez. Motion carried by 4-1 vote.*

### New Britain Board of Education

**Merrill Gay – President | Nicholas Mercier – Vice President | Violet Jiménez Sims – Secretary**

Monica Dawkins | Anthony Kane | Diane Leja | Annie S. Parker | Diana Reyes | Nancy Rodriguez | Gayle Sanders-Connolly

## **Discuss Graduation Regalia and Related Policies**

Dr. Jiménez Sims expressed concern that New Britain High School still lists students on the graduation program by male/female and separates the groups by gown color at the ceremony. Dr. Sims is requesting that this practice be reconsidered as many other schools are now moving away from this format due in part to Title IX federal law limiting the separation of individuals by gender. Dr. Sims stated that she brought up this issue last year and wanted to make sure that it wasn't overlooked moving forward. She would like to see a plan be put in place to make sure this issue will be addressed in a timely manner with student input. Mr. Mercier stated that it was important that the whole student body is involved and decisions be made freely with attention given to how the topic is brought before the students. Mr. Michael Foran, Assistant Superintendent, agreed to put together a plan with NBHS Principal Damon Pearce outlining a process and timeline ensuring that a variety of students will be involved with the decision making process.

The Policy Subcommittee recommended that policies regarding student privacy, student data, and virtual instruction be considered for review when the need arises.

## **Closing and Adjournment**

Dr. Jiménez Sims motioned to adjourn at 6:12 PM, seconded by Ms. Leja. Motion carried unanimously.





## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

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### **Board Policy Statement**

#### **5132.10 - School Attire**

Approved on December 1, 2014

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#### **I. Statement of Policy**

The New Britain Board of Education has determined that uniforms will be mandatory for students in grades K-8 and these students shall abstain from wearing or possessing specified items during the school day.

#### **II. Statement of Purpose**

The New Britain Board of Education has determined that reasonable regulation of school attire can further important educational interests by reducing distraction, minimizing disruption, enhancing school community and pride in the school. Additionally, the implementation of uniforms ensures that schools provide a solution for some social disparities, provide an equal opportunity within the educational setting and maintains the focus of academic achievement. The Board has approved a universal uniform that is accepted in every neighborhood school zone within New Britain school district, consisting of a white, collared polo top, and khaki or navy blue dress slacks, skirts, shorts, or skort bottoms. Each school has an optional shirt color(s) that may be worn, in addition to the universal uniform requirement, specific to that building.

#### **III. School Uniform for Students Grades K-8.**

Uniforms have been implemented within the New Britain school district and it is the responsibility of parents/guardians to ensure that their child/children dress in conformity with the requirements of this policy. Non-compliance with the uniform policy may result in disciplinary consequences for the child/children out of uniform. Only the universal uniform is accepted in each neighborhood school zone with the New Britain school district. Parents or guardians are welcome to purchase the optional shirt color; however shirt color(s) outside of the universal uniform may not be accepted in another neighborhood school zone. Please refer to the attached chart to verify colors accepted in your neighborhood school zone. Shorts and skorts may be worn beginning the first day of school through October 1<sup>st</sup>, and then again May 1<sup>st</sup> through the end of the school year.

#### **IV. Staff Responsibility.**

School personnel, including substitutes, should serve as role models for proper attire in the educational setting. School personnel should ensure that all students adhere to the School Attire Policy as outlined within this policy and further detailed in the student/parent handbook issued at the start of each academic year.

#### **V. Voluntary School Uniform for High School Students, Grades 9-12.**

A school principal may institute a school uniform for high school students, grades 9-12, provided that parents and staff are surveyed and indicate support for a school uniform, and further provided that the principal request and obtains approval for school uniform policy from the Board of Education. However, once school uniforms are adopted at a school, all students will be required to adhere to the required attire.

#### **VI. Clothing Assistance.**

It is the policy of the Board of Education that no student will be denied an education due to bona fide financial inability to obtain clothing that complies with the Board's Attire Policy.



## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

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### **Administrative Procedure**

#### **5132.10 - School Attire**

Approved on December 1, 2014

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#### **I. Parental Responsibility**

It is the recommendation of professional school personnel that parents/guardians hold their children to the highest standard in regards to school attire. Parents/guardians should support the Board's efforts to create a level playing field for all students in New Britain and reduce many existing distractions, disruptions and safety concerns relating to student attire. Parents/guardians should further support the Board's efforts to create a more serious educational environment that is conducive to learning and which helps to prepare New Britain's students for future success in the professional workplace.

#### **II. Clothing and Items Prohibited for all Grades, Pre-K through 12**

- A. In order to maintain an environment that is safe and conducive to the educational process, the Board of Education prohibits the wearing of the following for all grades in the New Britain Public School System during regular school hours:
  - B. Attire or accessories that contain messages or images that would tend to be offensive or disruptive to the educational process, including racist messages or images; sexist messages, or images; messages or images promoting the use of drugs, alcohol, or tobacco; profane or pornographic messages or images; messages that incite violence or constitute "fighting words"; or attire or accessories that promote or signify gang affiliation.
  - C. See-through clothing, clothing revealing bare midriffs, tank tops, halter tops, tube tops, undershirts or underpants worn as outer garments, clothing with plunging necklines (front or back), sleeveless shirts, exposed clothing made of spandex material, or clothing worn in such a manner as to expose undergarments.
  - D. Bare feet, bedroom slippers, shower style flip-flops, roller blades, roller-skates, or footwear that mars floors, causes excessive noise, or creates a safety hazard.
  - E. Head covering of any kind, including but not limited to scarves, bandanas, curlers, masks, visors, kerchiefs, athletic sweatbands, hats, caps, earmuffs, or hoods. Head coverings shall not be worn, carried, hung on belts or around the neck or kept in the classroom during regular school hours. However, approved coverings worn as part of a student's religious beliefs shall not be prohibited under this policy.

- F. Spiked or studded bracelets, oversized or multi-finger rings, belts or chains or any other articles of attire with spikes or studs attached, "Name" or other oversized metal belt buckles, or any other items of clothing or jewelry that may present a safety hazard to the student, other students or staff.
- G. Coats, jackets, windbreakers, nylon pullovers, down vests, or other attire normally worn as outerwear. Such outerwear should not be worn, carried or kept in the classroom during regular school hours. Outerwear must be secured in the student's locker before school starts.
- H. Sunglasses, headphones, or other electronic devices not prescribed for educational purposes, or goggles, whether worn or carried.
- I. Skirts, shorts, skorts, dresses, or jumpers that are shorter than four (4) inches above the knee.

### **III. Mandatory School Uniform Policy for Pre-K through Grade 8 students. Grades 9 through 12 Optional**

Uniforms have been implemented within the New Britain school district and it is the responsibility of parents/guardians to ensure that their child/children dress in conformity with the requirements of this policy. Non-compliance with the uniform policy may result in disciplinary consequences for the child/children out of uniform. Only the universal uniform is accepted in each neighborhood school zone within the New Britain school district. The universal uniform consists of a navy blue shirt or white shirt and navy pants or khaki pants. Shorts and skorts may be worn beginning the first day of school through October 1st, and then again May 1st through the end of the school year.

#### **A. Boys in grades pre-k through grade 8 shall wear the following uniform during school hours:**

- a. Solid navy blue or khaki pants or knee-length shorts. Pants and shorts must be "dress" or "docker" style. No blue jeans may be worn. All pants and knee-length shorts must be worn or belted at the waist.
- b. Solid navy blue or white shirt. Shirts must have a collar and be of a "polo" style. Hem on shirts must reach the waistline when arms are raised. Sleeves may be long or short. Tee shirts of a solid white color, without graphics, logo, or patterns may be worn under the uniform shirt. Individual school may choose an additional authorized shirt color, however, the school specific color may not be accepted at all buildings.
- c. Season appropriate footwear such as dress shoes, sneakers, or boots, may be worn. Laces on dress shoes or sneakers must be tied. Footwear may not mar floors, cause excessive noise, or create a safety hazard.
- d. Sweaters, blazers, vests or sweatshirts are optional. Any sweater or sweatshirt must be solid without pattern, stripes, graphics, and logos must be inconspicuous.
- e. Gym Day Attire: Elementary school students may wear sweats to school on scheduled gym day(s). Sweats must be solid navy blue or gray. Individual schools may choose an additional authorized color for sweats.
- f. Backpacks and/or book bags are permitted, but shall not obstruct safe passage in the classroom or in the corridors.

**B. Girls in grades pre-k through grade 8 shall wear the following uniform during school hours:**

- a. Solid navy blue or white jumpers, skirts, skorts, pants or jumpers. Pants and shorts must be “dress” or “docker” style. No blues jeans may be worn. All pants and knee-length shorts must be worn or belted at the waist.
- b. Solid navy blue or white shirt. Shirts must have a collar and be of a “polo” style. Shirts must be tucked in at all times, hem to reach the waistline when arms are raised. Sleeves may be long or short. Tee shirts of a solid white color, without graphics, logos, or patterns may be worn under the uniform shirt. Individual schools may choose an additional authorized shirt color, however, the school specific color may not be accepted at all buildings.
- c. Season appropriate footwear such as dress shoes, sneakers or boots, may be worn. Laces on sneakers must be tied, and all dress shoes must be secure around the entire foot (i.e. no backless slip on or “mules” footwear). Additionally, any elevated “heel” to a dress shoe must be no higher than one inch for safety purposes. Footwear may not mar floors, cause excessive noise, or create a safety hazard.
- d. Sweaters, blazers, vests or sweatshirts are optional. Any sweater or sweatshirt must be a solid color without pattern, stripes, graphics, and logos must be inconspicuous.
- e. Gym Day Attire: Elementary school students may wear sweats to school on scheduled gym day(s). Sweats must be solid navy blue or gray. Individual schools may choose an additional authorized color for sweats.
- f. Backpacks and/or book bags are permitted, but shall not obstruct safe passage in the classroom or the corridors.

**IV. Exceptions for Designated Days or Events**

Each school principal may periodically designate specific days or events (i.e. school picnic, field day, or spirit week) during which deviations from the approved uniform will be permitted, provided the principal determines that such exceptions will facilitate the event, promote school spirit, or otherwise serve an educational interest.

**V. Religious and Health Accommodations**

Where the bona fide religious beliefs or health needs of a student conflict with the school attire policy, the schools will provide reasonable accommodation. Any student desiring accommodation shall notify their school principal in writing of the requested accommodation and the factual basis for the request. Approved coverings worn as part of a student’s bona fide religious practices or beliefs shall not be prohibited under this policy.

**VI. Accommodation of Free Expression**

An item of approved clothing containing an expressive message is permitted. For example, a button supporting a political candidate may be worn. However, expressive items are prohibited if, in the reasonable judgment of school officials, they may tend to disrupt or interfere with educational interests. For example, racist messages, sexist messages, gang insignia, messages promoting drug or alcohol abuse, and profane or pornographic messages or images are prohibited. Also prohibited during the school day are items of clothing that undermine the integrity of required attire, such as a windbreaker that contains expressive writing.

## **VII. Administrative Review**

Any student who believes that their school has not reasonably accommodated his or her bona fide religious, health or financial needs or right of free expression, may submit a written objection on their own or through their parents/guardians to the school's principal. The principal shall respond in writing to the student and his or her parents/guardians within fourteen (14) days. Any student or parent/guardian dissatisfied with the principal's response may submit a written appeal to the New Britain Board of Education. The Board or its designee may request such additional information from the school, the student, and/or the parents/guardians as it deems necessary. The Board or its designee shall issue a written decision on the appeal within twenty-one (21) days.



## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

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### **Board Policy Statement** **5145.11 – School Resource Officer** Approved on June 1, 2009

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The Board supports the assignment of School Resource Officers to Schools in New Britain, as appropriate, and with Board approval. The Superintendent should ensure that guidelines are established regarding the role of the School Resource Officer(s). These guidelines should include at a minimum:

- A protocol for police access to an intervention with students;
- A plan to communicate the role of the School Resource Officer to staff, students and parents;
- A plan to annually assess the success of the School Resource Officer program which will be presented to the Board;
- A plan to ensure appropriate data is collected, analyzed and reported on at least an annual basis to the Board.

Consolidated School District of New Britain  
New Britain, Connecticut

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ADMINISTRATIVE PROCEDURE

REGARDING: School Resource Officers

Number: 5.1

Approved: July 14, 2014

Created:

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**Protocols for Police School Resource Officers Access to and  
Intervention with Students at NBHS**

The administration of New Britain High School must maintain a positive and good working relationship with the New Britain Police Department. The administration cannot and should not obstruct or impede criminal investigations. The police officers and the staff at New Britain High School share a commitment to ensure the safety of all students, staff and visitors at New Britain High School. For the purpose of this document the term SRO (School Resource Officer) is used to define involvement by the Police Department. Campus Safety Officers (CSO) serve the school district as employees and are also known as security officers.

**Protocol for Police Intervention during an Incident in the School**

- In the case where the school authorities enlist the SRO to help quell a disturbance or to aid in an investigation, it is the school administration's responsibility to protect the health and welfare of everyone that is part of our school community and then to advise parent(s) or guardians of what transpired and to advise them of any actions that must be taken relative to any student in which there was a violation of school rules or Board of Education policies.
- Teachers who feel they need police intervention are to immediately contact the administrator in charge unless there is an immediate threat to the physical safety of students or staff. In the case of an immediate threat to the safety of students or staff, teachers should contact the main office to request assistance from a CSO and SRO.

- Campus Safety Officers are to refer matters of student discipline to a dean or administrator to de-escalate the situation and to obtain information regarding the incident in the House office. CSO's are to call for police intervention only if there is an immediate threat to the physical safety of students or staff and then will notify the administrator in charge.
- The Campus Safety Officer will bring the student(s) to the security suite if there is a reasonable suspicion that the student has something illegal in his/her possession or if student is physically or verbally out of control and removal to a House office would not be practical or advisable. The administration will be immediately notified if a student is brought to the security suite.
- Administrators and deans will follow the same procedures as other staff members and call another adult to help attempt to deescalate the situation before requesting police intervention unless there is an immediate threat to the physical safety of students or staff.

### **Situations Involving a Warrant**

- Should the police have a warrant for a particular student, the school administration will allow the warrant to be served and will give them access to that student. The police are also empowered to remove the student from school or any other place they encounter the student should they have an arrest warrant.
- Should the police remove a student with an arrest warrant; the school administration will notify the custodial parent(s) of the fact that the police removed the student from school and provide the parent the name of the officer who removed the student, and the location where the student was to be taken by the police.

### **Situations Where the Police Request Access to Student without a Warrant**

- Should the police not have an arrest warrant and should they want to question a student who they believe may be a witness to some criminal activity or who the police believe may be a criminal suspect, the school administration has the discretion as to whether to allow access to the student during school hours. The primary mission of our schools is to promote learning in a safe and supportive environment. Should the police officer make a case that the student in question poses a significant risk to himself/herself or to the health and welfare of others at the school or to the building or other property in the school, these reasons, with or without parental permission, may provide sufficient cause to allow police access to question a student.



- Before police access is granted to students for whom the police do not have a warrant, our attorney suggests the following:
  - Full discussion with the police officer as to his/her full intent.
  - Notification of parent(s) or guardian before allowing police access, except in safety situations as described above.

### **School Safety and Security Suite**

New Britain High School has always maintained a keen interest in the safety and security of the building for all students and staff. Following incidents such as the Columbine High School shooting, both state and federal dollars have been used to improve the safety and security of the building with the installation of key swipe cards for door access, a sophisticated camera surveillance and recording system, the use of Campus Safety Officers (since the 1970's) and School Resource Officers since the late 1990's.

The School Security Suite has evolved to provide a safe and private location to help de-escalate volatile situations and to allow school administration and CSO's the ability to determine if the police need to become involved in a student situation due to an activity which breaks municipal laws.

The Security Suite houses the central monitoring station for the camera system throughout the school. A separate portion of the suite houses offices for both the CSO's and the SRO's. Included in the area are four interview rooms which provide an area of safety and separation for students who may have been involved in a fight or altercation. The use of the interview rooms is limited to the time needed to interview students to ascertain the facts of the incident by school administration and the CSO. If it is necessary to involve the SRO's the rooms are used for interviews by the police.

Each of the four rooms has a large glass window so student may see out of the room and adults may look into the room in the event the door is closed. An adult is stationed outside the room at all times when occupied by a student. The rooms may be used by the school administration and/or the police during the interview process. A log will be kept to include student identification, time in/out of room, reason for use of room, supervisor of the room(s) and note of physical restraint if required.

Once the interviews are completed and processed, the students are either returned to class, placed into the In-School Suspension (ISS) room if that form of discipline is required, sent home via Outside Suspension (OSS) if required, or removed by the police due to an offense which warrants an immediate arrest.

The interview rooms are not used for discipline or detention. The administration will closely monitor the length of time any student is housed in an interview room.

## **Communication to Inform Parents/Students/Staff of the role of the SRO**

At the beginning of each school year, parents, students and staff will be informed of the presence and the role of SRO's in the school building via information in the school handbook, via the school website and via school assemblies held with each class.

## **Annual Staff Training**

Staff will receive annual training in the "Graduated Response Intervention" model regarding student discipline issues.

## **Annual Assessment of the Use and Role of the SRO**

At the conclusion of each school year, the school administration, SRO's and officials of the New Britain Police Department will meet to review data and to discuss the use and effectiveness of the SRO's within the school district. A report will be made to the Board of Education.

## **Collection and Analysis of Discipline Data**

Data regarding school discipline will be compiled through the district-wide PowerSchool information system as well as records kept and compiled by the SRO's and CSO's. A report will be made to the Board of Education at its July meeting.

**MEMORANDUM OF AGREEMENT  
BY AND BETWEEN  
New Britain Public Schools  
AND  
New Britain Police Department**

**I. Introduction**

Schools and law enforcement share the responsibility for school safety and must work together with complimentary policies and procedures to ensure a safe learning environment for students. This document expresses the agreement of the parties for responding to non-emergency school disruptions. It strives to ensure a consistent response to incidents of student misbehavior, clarify the role of law enforcement in school disciplinary matters, and reduce involvement of police and court agencies for misconduct at school and school-related events.

The parties agree to the following principles upon which this agreement is founded.

- A. The vast majority of student misconduct can be best addressed through classroom and in-school strategies and maintaining a positive climate within schools rather than by involvement of the New Britain Police Department.
- B. The response to school disruptions should be reasonable, consistent and fair with appropriate consideration of relevant factors such as the age of the student and the nature and severity of the incident.
- C. Students should be held accountable for their actions through a graduated response to misconduct that provides a continuum of services and increasingly more severe sanctions for continued misbehavior.
- D. Disruptive students should receive appropriate redirection and support from in-school and community resources prior to the consideration of suspension, expulsion, involvement of the police, or referral to court (Juvenile Review Board).
- E. Clarifying the responsibilities of school and police personnel with regard to non-emergency disruptive behavior at school and school-related events promotes the best interest of the student, school system, law enforcement and community at large.
- F. This Agreement in no way restricts, supersedes or limits New Britain Police Officers requirements under Connecticut State Statutes or by Department Policy and Procedures.

## **II. Purpose of Agreement**

The purpose of this agreement is to encourage a more consistent response to school incidents and to reduce the number of referrals of students to court by establishing guidelines for the handling of non-emergency disruptive behavior at school and school-related events by school and police personnel.

## **III. Terms of the Agreement**

### **A. Summary of Key Points**

The Parties agree to the following:

1. Convene a New Britain Public Schools/New Britain Police Department Collaboration Team;
2. Share this agreement with an electronic copy to all school and police personnel;
3. Provide necessary and regular staff training on implementation of the Agreement;
4. Follow the practice a graduated response to student misbehavior;
5. New Britain Public Schools will monitor the implementation of the agreement;
6. New Britain Public Schools will collect data and assess the effectiveness of the agreement;
7. New Britain Police Department will share arrest information with school officials when known and permitted by Connecticut General Statutes;
8. One New Britain Police Department officer designated by the Chief of Police will review arrest information on a quarterly basis, or as needed.
9. The parties will modify the agreement as appropriate.

### **B. Key Factors in Making Disciplinary Decisions**

When the New Britain Public School District is determining consequences for students' disruptive behavior, the guidelines as set by Board of Education Policy 3.3 entitled School Discipline Code will be followed. The following factors may be considered, whenever available, as well:

1. Age, health, and disability or special education status of the student.
2. Prior conduct and record of behavior of the student.
3. Previous interventions with the student.
4. Student's willingness to repair the harm.
5. Parents' willingness to address any identified issues.
6. Seriousness of the incident and degree of harm caused.

The parties agree that when determining consequences for student's disruptive behavior, discipline will not be issued based solely on the following:

1. Race/ethnicity, gender, gender identity, national origin, citizenship status, sexual orientations, religions and national origin of the student and family; and
2. Economic status of the student and family.

C. Graduated Response Model

Classroom Intervention – The classroom teacher plays a prominent role in guiding, developing and reinforcing appropriate student conduct and is acknowledged as the first line of implementing the school discipline code. As such, this model begins with a range of classroom management techniques that must be implemented prior to any other sanctions or interventions. Classroom intervention is managed by the teacher for behaviors that are passive and non-threatening such as dress code violations, and violations of classroom rules. The New Britain Police Department should not be involved at this level unless a criminal activity occurs.

School Administration Intervention – Classroom interventions must be supported by someone with authority to suspend, expel or recommend disciplinary action and who can address more serious or repetitive behaviors and behaviors in school but outside of the classroom. Examples of behavior at this level include repetitive patterns, defacing school property, truancy, threatening and behaviors in hallways, bathrooms, common areas, on school property and school buses. The New Britain Police Department should only be involved if the misconduct rises to the level of a criminal violation.

Assessment and Service Provision – Certain behaviors and needs of the student will call for an assessment process and intervention with the use of the school and community services. This intervention is managed by the school administrator and does not involve the New Britain Police Department unless a criminal violation has occurred. Repetitive truancy or defiance of school rules, and behaviors that interfere with others such as vandalism or harassment, belong at this level as well as misbehaving students who would benefit from service provisions. Assessment and service intervention options should include any Classroom or School Administration interventions.

Law Enforcement Intervention – When classroom, school and community options have been found ineffective (or in an emergency) the school should involve the police, including the School Resource Officer (SRO). Involvement of the police does not necessarily mean arrest and referral to court; however, under no circumstances does any part of this entire Agreement restrict, supersede or limit New Britain Police Department officers' requirements under Connecticut State Statutes or by Police Department Policy and Procedures. Behaviors at this level should only be violation of criminal law, and should follow Classroom, School Administration and Assessment and Service interventions, except in the case of an emergency or criminal violation. Law enforcement options are discretionary, remain with the attending officer at all times, and may include verbal warning, conference with student, parents, teachers and/or others, referral to other specified diversionary programs (Juvenile Review Board) and referral to court.

#### D. Police Activity at Schools

The parties agree that police should strive to follow certain protocols when on school grounds in non-emergency circumstances as follows:

1. Police should act through school administrators whenever they plan any activity on school grounds;
2. Prior to entering a school to conduct an investigation, arrest or search, officers should consider the necessity of such action based on:
  - a. The potential danger to persons;
  - b. The likelihood of destruction of evidence or other property;
  - c. The ability to conduct the investigation, arrest or search elsewhere.
3. When taking a student into custody:
  - a. Officers should make reasonable efforts to avoid making arrests or taking students into custody in public areas of the school/grounds.
  - b. Whenever possible, students should be taken into custody out of sight and sound of other students.
4. SRO's shall not be responsible for student discipline or enforcement of school rules, although an officer may provide assistance to school personnel.

### New Britain Schools and Police - \*Recommended Graduated Response Chart

	<u>Level 1</u> Rules Violations/Disruptive & Offensive Behaviors	<u>Level 2</u> Chronic Disruptive & Serious Behaviors	<u>Level 3</u> Safety Concerns	<u>Level 4</u> Mandatory Referral to School Resource Officer
<b>Types of Behaviors</b>	<ul style="list-style-type: none"> <li>-Disruptive Behavior</li> <li>-Insubordination/Defiance</li> <li>-Inappropriate Attire</li> <li>-Inappropriate Language</li> <li>-Physical contact/ Horseplay</li> <li>-Electronics Violation</li> <li>-Tardiness</li> <li>-Cutting class</li> <li>-Forgery/lying</li> <li>-Leaving classroom without permission</li> <li>-Pass violation</li> <li>-Inappropriate displays of affection</li> <li>-Absence after two days</li> </ul>	<ul style="list-style-type: none"> <li>-Chronic Level 1 Offences (documented)</li> <li>-Chronic Disruptive Behavior (documented)</li> <li>-Gross Insubordination</li> <li>-Abusive Language directed at others</li> <li>-Cutting Detention</li> <li>-Leaving School Grounds</li> <li>-Harassment</li> <li>-Truancy</li> <li>-Fighting without injury</li> <li>-Smoking</li> </ul>	<ul style="list-style-type: none"> <li>-Chronic Level 2 Offences</li> <li>-Bullying</li> <li>-Serious fighting/assault</li> <li>-Theft</li> <li>-Threats/Intimidation</li> <li>-Vandalism</li> <li>-Suspected use but not possession of alcohol or other substances</li> </ul>	<ul style="list-style-type: none"> <li>-Alcohol/Drugs</li> <li>-**Weapon Possession</li> <li>- Assault Resulting in Injury</li> <li>-Action Resulting in Lockdown or Evacuation of Classroom or Building</li> <li>-Inciting a Riot</li> <li>-Multiple Level 3 Offenses</li> <li>-Sexual Assault</li> <li>-Arson and/or Reckless Burning</li> </ul>
<b>Potential Persons Involved in Intervention</b>	<ul style="list-style-type: none"> <li>-Teacher</li> <li>-Parent(s)/Guardian(s)</li> <li>-Dean of Students</li> <li>-Social Worker</li> <li>-Guidance Counselor</li> </ul>	<p><u>All Previous Persons Involved plus:</u></p> <ul style="list-style-type: none"> <li>-Assistant Principal</li> <li>-Community Agencies</li> </ul>	<p><u>All Previous Persons Involved plus:</u></p> <ul style="list-style-type: none"> <li>-School Resource Officer</li> <li>-Principal</li> <li>-School Collaborative Team (SCT)</li> </ul>	<b>ALL</b>
<b>Progressive Intervention Options and Discipline Actions</b>	<ul style="list-style-type: none"> <li>-Verbal warning</li> <li>-Redirection</li> <li>-Parent contact</li> <li>-Student/Teacher conference</li> <li>-Parent/Teacher conference and other parties (Guidance Counselor, School Social Worker, etc.) as deemed necessary</li> <li>-Consult SCT members and/or support staff</li> <li>-Alternate setting</li> <li>-Review of Student's comprehensive history</li> <li>-Mediation</li> <li>-Behavioral contracts</li> <li>-Behavioral Intervention plans/Functional Behavioral Analysis(FBA)/Positive Behavioral Interaction &amp; Support (PBIS)</li> <li>-Documentation of interventions and their effectiveness</li> <li>-Loss of classroom privileges/Restricted activity</li> <li>-After school detention</li> <li>-Time Out</li> </ul>	<p><u>All Previous Level Interventions/Discipline plus:</u></p> <ul style="list-style-type: none"> <li>-Written Warning- letter sent home</li> <li>-Referrals to student support personnel</li> <li>-Individual counseling</li> <li>-Parent/Team conference and other parties (Guidance Counselor, School Social Worker, etc.) as deemed necessary</li> <li>-Mentoring program</li> <li>-Community service – agency referral</li> <li>-Referral to School Attendance Review Board</li> <li>-Office Detention</li> <li>-Referral to Juvenile Review Board (JRB)</li> <li>-Play by the Rules Referral</li> <li>-Loss of School privileges/ Restricted activities</li> <li>-In School Suspension</li> </ul>	<p><u>All Previous Level Interventions/Discipline plus:</u></p> <ul style="list-style-type: none"> <li>-Parent/ Administration conference and other parties (Guidance Counselor, School Social Worker, etc.) as deemed necessary.</li> <li>-Referral to SCT</li> <li>-Referral to Substance Intervention Program</li> <li>-Referral to community service program</li> <li>-Law Enforcement</li> <li>-Referral to Juvenile Review Board (JRB)</li> <li>-Law Enforcement (SRO) mentoring</li> <li>-Law Enforcement ticket/fine</li> <li>-Outside School Suspension</li> <li>-Possible referral for consideration of expulsion</li> <li>-Possible Arrest</li> <li>-Referral to EMPS (211)</li> <li>-Call EMS (911)</li> </ul>	<p><u>All Previous Level Interventions/Discipline plus:</u></p> <ul style="list-style-type: none"> <li>-Arrest</li> <li>-Referral for consideration for expulsion</li> </ul>

\* Refer to Key Factors in Making Disciplinary Decisions (III B).

\*\*The discretion of the arresting officer/Police Youth Bureau should be used as to the type of weapon and its intended use.

#### **IV. Data Collection and Monitoring**

New Britain Public Schools will provide baseline data for comparison purposes and collect, share, monitor and report data resulting from implementations of the agreement. An officer designated by the Chief of Police will review arrest information on a quarterly basis, or as needed. New Britain Police Department will share the already existing stats from the State juvenile court system.


- A. Data Collection – On a monthly basis, or as otherwise agreed upon, the following information will be collected:
  - 1. New Britain Public Schools – Principals or designee will be responsible for recording the number and types of disciplinary actions, numbers and demographics of students involved, and referrals to police; and
  - 2. New Britain Police Department – Arrest reports, when known, will be shared with school officials, as required by state statute.
- B. Monitoring and oversight – the parties agree that New Britain Public Schools will meet with an officer designated by the Chief of Police to review arrest information on a quarterly, or as needed basis. New Britain Public Schools will provide oversight of the agreement and review relevant data and analysis, and at least annually will prepare a report of activities and make recommendations for improvements to the agreement and/or its implementation.
- C. Family Educational Rights and Privacy Act (FERPA): Students' privacy rights must be maintained. No individual-identifying data will be revealed to collaboration participants as a group. This agreement includes information that is learned from data-gathering techniques such as surveying and interviews. Any surveys that are conducted will be completed anonymously. Data findings will be shared at project meetings.




**V. Duration and Modification of Agreement**

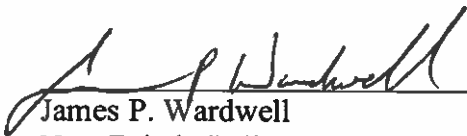
This agreement shall become effective July 14, 2014 and shall remain in full force and effect until such time as the agreement is modified by the consent of the parties. The agreement may be modified at any time by amendment to the agreement. Both parties will meet annually to review and, if necessary, modify and approve this agreement.

In witness whereof, the parties hereto, intending to cooperate with one another, have set their signatures to the document on this day.


  
\_\_\_\_\_  
Nancy Sarza  
New Britain Superintendant of Schools

Date: Dec. 8, 2017

  
\_\_\_\_\_  
Printed Name

  
\_\_\_\_\_  
James P. Wardwell  
New Britain Police Department Chief of Police

Date: Dec 8 2017

  
\_\_\_\_\_  
Printed Name

## CABE CORE POLICY MANUAL

5145.11

### Students

#### Police in Schools

Schools are responsible for students during school hours which includes protecting each student's constitutional rights, assuring due process in questioning and arrest, and protecting students from any form of illegal coercion.

When police are investigating possible criminal acts which occurred, or may have occurred, on school property, or while under the jurisdiction of the school district, they may question students at school when the following procedures are observed:

1. Students will be questioned as confidentially and inconspicuously as possible.
2. An attempt will be made to notify the student's parents so that they may be present during the questioning. The school Principal, or his/her designee, will be present.
3. Preferably, the officer doing the questioning will wear civilian clothes.

When investigating a possible criminal violation occurring off school grounds or not part of a school program, Police will be encouraged to question students in their homes; however, they may be permitted to question students in the schools when the procedures outlined in 1-3 above are observed.

(cf. [1411](#) Law Enforcement Agencies)

Policy adopted:

# Title IX and the New Regulations: Will Your District Be Ready?

Please note: The program will begin promptly at 10:00 a.m. If you experience difficulties with the audio portion of the program, there is an audio tab in the upper right corner of the webinar program. Click on that tab, and you will be given instructions for dialing in by phone to hear the audio.

**Attorneys Melinda Kaufmann and Michael McKeon**

**June 4, 2020**

# TITLE IX

- “Federal law provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” **Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 *et seq.* [“Title IX”].**

# TITLE IX

- a. Protects **both** male and female students;
- b. Prohibits sexually harassing conduct towards members of the opposite sex as well as members of the same sex;
- c. Title IX applies to sexual harassment directed **toward students** by school employees, including but not limited to administrators and teachers, or by third parties;
- d. Title IX also applies to sexual harassment **between students**, which is also known as peer sexual harassment.

# TITLE IX

- Two Supreme Court cases established the appropriate standards of liability under Title IX for sexual harassment.
- 
- **Gebser v. Lago Vista Independent School District**, 524 U.S. 274 (1998), established the standard of liability imposed on schools when a school employee sexually harasses a student.
- **Davis v. Monroe County Board of Education**, 526 U.S. 629 (1999), established the standard for school liability when a student is sexually harassed by another student.
-

# TITLE IX

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- In Gebser, the Supreme Court held that a school will **not** be liable for sexual harassment of a student by a school employee unless:
  - An school official with **authority to take corrective action** had **actual knowledge** of discrimination, but failed to adequately respond; and
  - The **inadequate response** must amount to **deliberate indifference** to discrimination.

# TITLE IX

- Similarly, in Davis, the Court held that liability is imputed to the school *only* where:
  - a. The school has been “deliberately indifferent to sexual harassment, of which the [district had] actual knowledge”;
  - b. The harassment is so “severe, pervasive and objectively offensive that it effectively bars the victim’s access to an educational opportunity or benefit”; and
  - c. The school responded in a way that was clearly unreasonable under the circumstances.



- The United States Department of Education’s Office for Civil Rights [“OCR”] has jurisdiction over alleged violations of Title IX.
- On April 4, 2011, OCR issued a “**Dear Colleague Letter**,” or “**DCL**,” in response to what OCR perceived as schools’ generally dismal handling of student-on-student sexual harassment claims, particularly those that involved sexual assaults. It has proven to be one of the most controversial DCLs that OCR has ever issued.

- OCR's April 4, 2011 DCL required schools to adopt a **“preponderance of the evidence”** standard when determining whether a student sexually harassed a peer. This is the law's lowest evidentiary threshold, below the **“clear and convincing”** standard most schools had been using. The “preponderance” standard requires only a showing that it is more likely than not that the accused individual engaged in the relevant conduct.
- The DCL also effectively allowed schools to limit the accused student's right to confront his or her accuser.

- In conjunction with the DCL, OCR disseminated a list of colleges and universities that were being investigated for their alleged failure to address and remediate sexual assault claims. Needless to say, this resulted in terrible publicity for the named institutions.
- OCR's April 4, 2011 DCL, in conjunction with the desire not to be included on OCR's list of schools under investigation, and the threat that OCR would withdraw federal funds, created substantial pressure on schools to improve their response to sexual assault claims.

# April 4, 2011 Dear Colleague Letter

- Compelling a more robust response to allegations of sexual assault was obviously an extremely positive goal, and OCR's more exacting mandates were lauded by many.
- Others, however, despite agreeing with OCR's intent, disagreed with its methods. One federal appellate judge issued a scathing assessment of the April 4, 2011 DCL, writing in part that "its extremely broad definition of "sexual harassment" has no counterpart in federal civil rights case law; and the procedures prescribed for adjudication of sexual misconduct are heavily weighted in favor of finding guilt."
- [Plummer v. University of Houston](#), 860 F.3d 767 (5<sup>th</sup> Cir. 2017)(dissent)

# Post-DCL Fallout

- Unfortunately, many schools were ill-equipped to investigate such serious claims.
- Disciplinary panels consisting of academics or even other students, and whose traditional duties had been limited to deciding claims of academic dishonesty, were suddenly required to adjudicate the equivalent of serious felonies.
- It was like asking a school nurse to start performing surgeries.

# Post-DCL Fallout

- This resulted in a number of procedural debacles which, in turn, triggered a torrent of lawsuits, filed primarily by male students who claimed they were unjustly disciplined in adjudicatory processes that were prosecuted ineptly, selectively, or in bad faith.
- It was recently estimated that approximately 500 such lawsuits have been filed across the United States.

# Post-DCL Fallout

- The overwhelming majority of these legal actions have claimed, somewhat ironically, that in seeking to comply with Title IX, schools have, in fact, violated Title IX either by: 1) selectively enforcing it against male students while not pursuing claims against female students, or 2) reaching an erroneous outcome as a result of an unfair or biased disciplinary process.
- The majority of the lawsuits were initially dismissed, but they have increasingly gained traction, with courts now more open to recognizing these Title IX causes of action as well as contract, negligence, and – in the case of public universities -- constitutional claims.

# Post-DCL Fallout

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- It is this sequence of events that has given rise to the new Title IX regulations which OCR has promulgated and which will take effect on August 14, 2020.



# Definition of Sexual Harassment Under the Title IX Regulations

- Conduct on the basis of sex that satisfies one of the following:
  - An employee of the district conditioning the provision of an aid, benefit, or service on the individual's participation in unwelcome sexual conduct;
  - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or
  - sexual assault, dating violence or stalking.
- Per the Regulations, Title IX only applies to conduct that occurs in a program or activity over which the district exerts substantial control over both the respondent and the context.
- Does not apply if the conduct occurred against a person outside the U.S.

**NOTE – just because OCR will not treat conduct as a Title IX violation, it does not mean the conduct does not violate some other section of the district's policies**

# When Can A District Be Liable?

- A district with actual knowledge of sexual harassment must take steps to address it.
- In elementary and secondary schools “actual knowledge” means that any employee of an elementary or secondary school had knowledge.
  - As written, this covers all employees including custodians, secretaries, food service workers, paraprofessionals, etc.
- Once the district has knowledge, it must act in a way that is not deliberately indifferent to the alleged harassment.

# Various New Roles

- **Title IX Coordinator**
  - Employee who will coordinate the district's efforts to comply with its responsibilities under Title IX
- **Investigator**
  - If possible, should not be the Title IX Coordinator
- **Decision-maker**
  - Must not be the Title IX Coordinator or the Investigator
- **Appeal Decision-maker**
  - Must not be the Title IX Coordinator, Investigator or Decision-maker

# The Grievance Process

- Some underlying principles for sexual harassment investigations
  - Equitable
  - Impartial
  - Thorough
  - Prompt
- New Terminology to Learn
  - Complainant
  - Respondent
  - Responsible Party
  - Supportive measures
- Standard of evidence to be used should be pre-defined in policy and consistent for investigations into staff and students
  - District chooses: “***preponderance of the evidence***” or “***clear and convincing evidence***”

# The Grievance Process

- What is a formal complaint?
  - Signed by complainant or Title IX Coordinator
  - Alleges sexual harassment
  - Requests investigation

- First steps once a formal complaint is filed
  - Provide the parties with notice of the allegations, including:
    - Identity of parties
    - Conduct alleged to be sexual harassment
    - Date and location of incident
  - Provide notice of:
    - Notice of the grievance process including any informal resolution processes available
    - Statement that the respondent is presumed not responsible and that the determination of responsibility will not be made until the end of the process,
    - Ability to have advisor (including an attorney) at all stages, and
    - The section of the code of conduct that prohibits providing false statements and information during the grievance process
  - Determine if the conduct, as alleged, would violate Title IX

# The Grievance Process

- Focus on due process – overview of major investigation steps
  - Each party must have equal opportunity to present witnesses, including fact and expert witnesses, and other evidence,
  - Cannot restrict the ability of either party to discuss the allegation or gather/present relevant evidence,
  - Allow each party to have an advisor of their choosing at each step,
    - The district may establish consistent restrictions on the extent to which the advisor may participate in the proceedings
  - Provide each party the opportunity to inspect and review all evidence, and
  - Prior to the completion of the formal investigation report, send to each party and his/her advisor, the evidence subject to inspection and review.
    - Each party must be given 10 days to provide written responses

# The Grievance Process

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- The Investigation Report

- This is a formal written report that must fairly summarize relevant evidence
- The investigator must provide both parties and their advisors a copy of the investigation report at least 10 days prior to the determination regarding responsibility so the parties may review and provide a written response



# The Grievance Process

- The Decision-Making Process

- In K-12 school, an in-person hearing is NOT required prior to determining whether the respondent is responsible for sexual harassment
- The decision-maker still must:
  - Give each party the opportunity to submit relevant questions that the party wants asked for any party or witness,
  - Provide each party with the answers to those questions, and
  - Allow for follow up questions

Note that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the district, not the parties

# The Grievance Process

- The Written Decision on Responsibility
- This is a formal written decision that must at a minimum:
  - Identify the allegations,
  - Describe the procedural steps taken to investigate,
  - Make findings of fact,
  - Make conclusions regarding the application of the code of conduct to the facts,
  - Contain a statement of rationale for the result as to each allegation,
  - Identify any disciplinary sanctions to be imposed,
  - Identify whether remedies will be provided to the complainant, and
  - Inform the parties of the appeal procedures.

The decision must be provided to both parties simultaneously

# The Grievance Process

- The Appeal Process

- Is available to both parties,
- Must be decided by a different decision-maker,
- Both parties must be given a reasonable, equal opportunity to submit a written statement,
- The decision-maker must issue a written decision describing results of the appeal and the rationale for the result,
- The decision must be given to each party simultaneously.

- Recordkeeping

- Keep each investigation file for at least 7 years,
- Including the disciplinary sanctions, if any, and
- Including remedies and any supportive measures provided.

# The Grievance Process – Administrative Dismissals

- The district MAY dismiss a formal complaint or any allegations therein, if at any time during the investigation:
  - The complainant notifies the Title IX Coordinator in writing that he/she would like to withdraw the formal complaint or allegations therein,
  - The respondent is no longer enrolled in or employed by the district, and/or
  - Specific circumstances prevent the district from gathering evidence sufficient to make a determination.
  
- Such dismissal does not preclude initiating discipline under another section of the district’s code of conduct

- Whether or not a formal complaint is filed, the district can always offer an informal resolution process
  - Before doing so, the district must provide the parties with a written notice disclosing:
    - The allegations,
    - The requirements of the informal process including circumstances under which it would preclude a party from resuming the formal complaint process from the same allegations,
    - Any party has the right to withdraw from the informal resolution at any time, and
    - Any consequences from engaging in the informal resolution process including whether records from it will be maintained and/or shared in the formal complaint process.

# Initial Steps to Take

- **Identify:** Title IX Coordinator, Investigator, Decision-Makers and anyone designated by the district to facilitate an informal resolution process
- **Post:** the contact information of the Title IX Coordinator on the website and in the school's handbook
- **Train** them in:
  - Definition of sexual harassment under Title IX
  - Scope of the district's education program or activity
  - How to conduct an investigation and/or grievance process
  - How to serve impartially, including avoiding prejudgment, conflicts of interest and bias
- Post training materials on the district's website
- Update the district's Title IX policies and procedures

# Final Thoughts

- The ACLU along with various other organizations has already filed the first legal challenge against the Regulations
- Just because conduct does not violate Title IX as set forth in the Regulations does not mean it does not violate the district's other policies
  - For example, off-campus conduct
- Beware of state laws that provide additional protections
- Do not forget district employees' obligations as mandated reporters if the alleged conduct could be considered abuse or neglect

# QUESTIONS?



# Contact Information



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