

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

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

FEBRUARY 16, 2021 – 6:00 PM | NEW BRITAIN HIGH SCHOOL



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: February 11, 2021

RE: New Britain Board of Education Committee Meetings

The following Board of Education committee meetings will be held:

- **The New Britain Board of Education Policy Committee** will hold a regular meeting on Tuesday, February 16, 2021 at 6:00 PM at the New Britain High School Lecture Hall, located at 110 Mill Street in New Britain, Connecticut.
- **The New Britain Board of Education Curriculum Committee** will hold a regular meeting on Tuesday, February 16, 2021 at 7:00 PM at the New Britain High School Lecture Hall, located at 110 Mill Street in New Britain, Connecticut.

**** Please note that if school buildings are closed due to inclement weather, meetings will be held remotely barring any widespread power outages. In the event that the meetings are held remotely, members of the public may view a live broadcast of the proceedings online via the livestream link:***

<https://www.csdnb.org/board/>





CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

New Britain Board of Education | Policy Committee Regular Meeting

February 16, 2021 – 6:00 PM | New Britain High School

** Please note that if school buildings are closed due to inclement weather, meeting will be held remotely barring any widespread power outages. In the event that the meeting is held remotely, members of the public may view a live broadcast of the proceedings online via the livestream link:*

<https://www.csdnb.org/board/>

1. Call to Order and Opening

A. Meeting Called to Order

2. Old Business

A. Discuss School Uniform/Attire Policy Survey
Page 5

3. New Business

A. Review and Approve Minutes from Policy Committee Meeting on January 19, 2021
Submitted by Ms. Kristin Salerni | Page 11

B. Review Recommended Revisions to CSDNB Harassment Policies:

- Policy 4118.11 – Prohibition of Harassment (Employees)
Page 14
- Policy 5145.50 – Prohibition of Harassment (Students)
Page 33
- Policy 4118.112/4218.112 – Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel)
Page 59
- Policy 5145.51 – Prohibition of Sex Discrimination and Sexual Harassment (Students) – Title IX of the Education Amendments of 1972
Page 109
- Elimination of Policy 4118.12/4218.12 – Harassment
Page 157

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 | Joseph Listro | Annie S. Parker | Diana Reyes | Gayle Sanders-Connolly



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

OLD BUSINESS



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

5132.10 - School Attire

Approved on December 1, 2014

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 1st, and then again May 1st 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

Administrative Procedure

5132.10 - School Attire

Approved on December 1, 2014

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
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NEW BUSINESS



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

New Britain Board of Education Policy Committee Meeting

January 19, 2021 – 6:00 PM | New Britain High School

Call to Order and Opening

Mr. Nicholas Mercier, Policy Committee Chair, called the meeting to order at 6:01 PM.

Board Members Present

Mr. Merrill Gay, Mr. Joseph Listro*, Mr. Nicholas Mercier*, Ms. Diana Reyes*, Ms. Gayle Sanders-Connolly, Dr. Violet Jiménez Sims*

**Committee members*

CSDNB Staff Present

Ms. Lara Bohlke, Mr. Michael Foran, Mr. Kevin Kane, Mr. John Mayette, Mr. Jason Miramant, Mr. Damon Pearce, Ms. Kristin Salerni, Dr. Nicole Sanders, Ms. Nancy Sarra, Mr. Mark Spalding

New Business

Review and Approve Minutes from the Policy Committee Meeting on December 21, 2020

There were no recommended changes to the minutes from the Policy Committee Meeting on December 21, 2020.

Mr. Listro motioned to approve the minutes from the Policy Committee Meeting on December 21, 2020 as submitted, seconded by Ms. Reyes. Motion carried unanimously.

Review Policy 5132.10 – School Attire

This policy was originally approved on December 1, 2014. Superintendent Sarra and Assistant Superintendent Michael Foran provided committee members with some of the historical context behind adoption of the original policy by the Board and Superintendent Doris Kurtz. The topic of school uniforms was discussed at the Policy Committee Meeting on June 15, 2020 upon request of community members who were concerned about being able to provide uniforms for their children in light of financial insecurity and challenges they are facing due to the COVID-19 pandemic. The Board unanimously approved suspension of the school uniform policy for the entire 2020-2021 school year at a special meeting on July 28, 2020. Recommendations also included discussing the topic with families and the larger community when students returned to school in order to evaluate if any changes to the current policy should be considered.

Superintendent Sarra reported that she is working to create a survey to send out in order to get input from families as had previously been done in 2014. Mr. Mercier requested that committee members and Board members be able to give feedback as to what questions should be asked in the survey as well as how to ask them. He further recommended asking families what they liked about the current policy and what they would like to see changed. Ms. Reyes recommended that the exceptions to the prohibition of scarves and head coverings in Section II of the Administrative Procedure be extended to include cultural considerations as well as religious beliefs. Dr. Jiménez Sims agreed that this was a good opportunity to look at all of the provisions included in our current policy and echoed the importance of community involvement. She emphasized the importance of making

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sure that we do not have policies that unfairly impact people of color or target a specific gender. Dr. Jiménez Sims also encouraged administrators to carefully consider whether or not provisions of the policy have any actual impact on learning.

Mr. Mercier recommended next steps which include reviewing a draft of the survey questions at the next Policy Committee Meeting in February. Committee members will then have the opportunity to provide feedback and recommend revisions. Data and recommendations from the survey would then be shared with the Board and committee members in March. If further action is deemed necessary, it will take place at the Board of Education Meetings in April and May.

Old Business

Review Recommended Policy on Level of Fund Balance Percentage for Board of Education Self-Insurance Fund

Mr. Kevin Kane, Chief Financial Officer, recommended the Board set a policy on what is an appropriate fund balance for the Self-Insurance Fund. The Finance Committee favorably referred this proposed policy to the Policy Committee for review at the Finance Meeting on October 26, 2020. On November 16, 2020, the Policy Committee motioned to postpone approval of this policy until an actual draft was submitted. Mr. Kane has submitted the draft policy for review.

The recommendation is as follows:

- Goal to maintain a fund balance in the range of 25% to 35% of current year expenditures excluding IBNR (Incurred but not reported).
- Maximum allowable capped fund balance of 50% of current year expenditures excluding IBNR (Incurred but not reported).

IBNR are claims that are incurred prior to June 30th but are paid after the close of the year in the months of July and August. It is a requirement to adjust the financials to reflect these expenditures which also includes reversing out the prior year July and August claims that were for the previous year. This adjustment is made around October 1st. The Board of Education annual financial report filing with the State of CT, Department of Education needs to be filed with the State Department of Education by September 1st for the prior year.

The Policy Committee made the following recommendations with regard to this item:

- Raise maximum allowable capped fund balance to **70%** of current year expenses, excluding the annual year end adjustment for incurred but not reported expenditures (IBNR)
- Add third section to policy addressing financial reporting to the Board of Education

The Policy Committee recommended that this new policy with aforementioned revisions be added to the Board's agenda under New Business for the regular meeting in February.

New Business

Review Policy 6146.22 – Revised Special Graduation Requirements for the Class of 2021

New Britain High School Principal Damon Pearce presented recommended changes to graduation requirements exclusively for the Class of 2021. Mr. Pearce explained that proposed changes include reducing credit requirements to align with the current Connecticut State Department of Education minimum standards and offering a fifth year to students who “feel in-person learning for an additional year will better prepare them for post-secondary opportunities.” Proposed revisions also include the removal of specificity regarding some of the course requirements. Mr. Pearce emphasized the importance of the need for flexible pathways to graduation for our students due to the continued challenges of remote learning and the lack of direct in-person daily support by teachers and other support staff.

Mr. Mercier recommended that members of the Policy Committee review other current Board policies regarding enrollment and

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advancement at a future meeting.

Ms. Reyes motioned that the Board approve revised Policy 6146.22 – Revised Special Graduation Requirements for the Class of 2021 as part of the Consent Agenda at their next regular meeting in February, seconded by Mr. Listro. Motion carried unanimously.

Closing and Adjournment

Mr. Mercier motioned to adjourn at 7:05PM, seconded by Dr. Jiménez Sims. Motion carried unanimously.

New Britain Board of Education

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CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

4118.11 - ~~Sexual, Racial, and Other Unlawful~~ Prohibition of Harassment of ~~(Employees)~~

Approved on ~~May 19, 2014~~

It is the policy of the Board of Education to maintain a working environment that is free from ~~sexual, racial and other unlawful~~ harassment. The Board will not tolerate the harassment of any applicant, employee, independent contractor, or volunteer for any reason, including harassment based on race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression or any other basis prohibited by law.

This policy prohibits ~~sexual, racial and other unlawful~~ harassment by employees, teachers, administrators, Board members, students, volunteers, and others contractually or otherwise under the control of the school system. It also protects against harassment by any third person who is on school premises, at a school workplace or who otherwise comes in contact with school personnel in connection with their employment at the school system.

Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the District's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.

Commented [GSE1]: This language come from the Board's general harassment policy

For the purposes of this policy, "genetic information" means the information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

For the purposes of this policy, "veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity

can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

Any employee wishing to file a complaint regarding harassment may obtain a copy of the Board's complaint procedures and complaint form, which are included in the Board's Administrative Procedures Regarding Prohibition of Harassment (Employees). These procedures accompany Board Policy #4118.11 and are available online at <https://www.csdnb.org/board-policies.php> or upon request from the main office of any district school.

If a complaint involves allegations of harassment based on gender/sex (i.e. sexual harassment or sex discrimination), such complaints will be handled under Policy #4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).

Anyone who has questions or concerns about this policy, or would like a copy of the Board's complaint procedures or complaint forms related to claims of harassment, may contact:

[Director of Pupil Services](#)
[The Pupil Services Department](#)
[272 Main Street, P.O. Box 1960, New Britain, CT 06050.](#)
[Phone: 860-827-2234](#)

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex may contact the Board's Title IX Coordinator:

[Title IX Coordinator](#)
[Director of Personnel and Talent Development](#)
[272 Main Street, P.O. Box 1960, New Britain, CT 06050.](#)
[Phone: 860-827-2295](#)

A copy of this policy or appropriate summary shall be periodically distributed to all employees.

Legal References:

- [Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.](#)
- [Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.](#)
- [Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.](#)
- [Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.](#)
- [Americans with Disabilities Act, 42 U.S.C. § 12101](#)
- [Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794](#)
- [Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.](#)
- [Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined](#)
- [Connecticut General Statutes § 10-153, Discrimination on the basis of sex, gender identity or expression or marital status prohibited](#)
- [Connecticut General Statutes § 46a-58, Deprivation of rights](#)
- [Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60](#)

Commented [GSE2]: This Policy previously stated that the Title IX Coordinator is the point of contact, and that the Title IX Coordinator is the Director of Pupil Services.

However, the new Title IX Policy states that the Director of Personnel and Talent Development is the Title IX Coordinator. Thus, I'm not sure which person you want as the contact for this policy.



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure

4118.11 - ~~Sexual, Racial, and Other Unlawful Prohibition of Harassment of~~ (Employees)

Approved on ~~May 19, 2014~~

I. Overview

The Board of Education promotes a working environment free from ~~unlawful~~ harassment and does not tolerate the harassment of any applicant, employee, independent contractor, or volunteer ~~for any reason, including harassment~~ based on race, color, national origin, ~~alienage~~, sex, age, disability, ~~pregnancy~~, religion, sexual orientation, marital status, ancestry, genetic information, ~~veteran status, or gender identity or expression~~ or any other basis prohibited by law, ~~subject to the conditions and limitations established by law~~.

Employees who believe they have been subjected to ~~unlawful~~ harassment as defined in Board Policy ~~7-11#4118.11~~ are encouraged to promptly report such incidents to a Building Principal or the district's ~~Title IX Coordinator~~ Director of Pupil Services. Timely reporting of incidents of ~~unlawful~~ harassment enables the school district to properly investigate and resolve such complaints.

~~If a complaint involves allegations of harassment based on gender/sex (i.e. sexual harassment or sex discrimination), such complaints will be handled under Policy #4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).~~

Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained to the extent practical. Any reprisals or retaliations found to have occurred as a result of reporting harassment may result in disciplinary action against the retaliator. All reports of conduct that violates this policy shall be reviewed regardless of whether the report has been made in writing.

The school district will provide staff development for new district administrators and will publish its policy and complaint procedure and orient students and employees in an effort to maintain an environment free of ~~sexual, racial and other unlawful~~ harassment. ~~Copies of these administrative procedures will be distributed to all employees.~~

II. Definition of Unlawful Harassment

~~Unlawful H~~arassment means unwelcome and offensive conduct that has the purpose or effect of unreasonably interfering with an employee's performance and/or employment opportunities or that is sufficiently severe, pervasive or persistent so as to create an intimidating, hostile or offensive working environment. All forms of

Commented [GSE3]: See comment above. I used "Director of Pupil Services" throughout, but we can change it to a different person if that is preferable.

harassment are prohibited whether verbal, written, visual or physical and regardless of the medium through which it occurs.

III. Definition of Sexual Harassment

The term "sexual harassment" warrants additional explanation. Unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature constitute sexual harassment when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individual;

Such conduct has the purpose or effect of substantially interfering with an individual's work performance, and/or is sufficiently severe, pervasive or persistent that it creates an intimidating, hostile or offensive work environment.

Such conduct constitutes sexual harassment whether or not a threat of adverse job consequences is carried out and whether or not the employee actually suffers any tangible adverse job consequences.

Sexual harassment includes a wide range of behaviors—from pressure or requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Unwelcome sexual flirtations and advances, offensive touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and displays in the work place of sexually suggestive objects or pictures are some of the additional behaviors that constitute sexual harassment. Behavior appropriate in a social setting may not be appropriate in the workplace. Sexual harassment may be subtle and even unintentional. It may be directed towards members of the opposite or same sex.

IV. Examples of Sexual Harassment

While an exhaustive list is not possible, the following are examples of specific conduct that violate the law and policy and which, if severe and pervasive, constitute sexual harassment. In each case, such a determination will depend upon the totality of the circumstances, including the severity of the conduct and its pervasiveness. Sexual harassment includes, but is not limited to:

Suggestive or obscene letters, notes, e-mail, voice mail or text messages, invitations, derogatory comments, slurs, jokes, epithets, touching, impeding or blocking movement, leering, gestures, noises, pulling at clothes, display or transmission of sexually suggestive objects, pictures or cartoons, sexual assault, attempted sexual assault.

Continuing to express sexual interest after learning of or being informed that the interest is unwelcome;

Coercive sexual behavior used to control, influence, or affect the career, salary and/or work environment of another employee, such as threats of reprisal, implying or withholding support for an appointment, promotion, transfer, or change of assignment;

~~Suggesting a poor performance evaluation will be prepared or that a probationary period of employment will not be completed successfully;~~

~~Discussion of one's own sexual activities or inquiries into others' sexual experiences;~~

~~The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive working environment; and~~

~~Inappropriate attention of a sexual nature.~~

III. Relationships at the Workplace

Sexual or romantic relationships between employees and students are strictly prohibited whether or not they constitute sexual harassment as defined in this policy ~~and Board Policy #4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel)~~. In addition, those working for the school system, and especially those in position of authority, should be sensitive to the questions about mutuality of consent that may be raised, and to the conflicts of interest that may exist, in personal relationships with other school personnel.

IV. Examples of ~~Other Unlawful~~ Harassment

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, national origin, ~~alienage~~, sex, age, disability, ~~pregnancy~~, religion, sexual orientation, marital status, ancestry, ~~or~~ genetic information, ~~veteran status, or gender identity or expression~~ is ~~also~~ prohibited by this policy. Examples of such ~~unlawful~~ harassment include, but are not limited to, the following:

- A. Intimidation and implied or overt threats of physical violence or physical acts of aggression or assault upon another or damage to another's property that is motivated by race, color, national origin, ~~alienage~~, sex, age, disability, ~~pregnancy~~, religion, sexual orientation, marital status, ancestry, ~~or~~ genetic information, ~~veteran status, or gender identity or expression~~ or any other basis prohibited by local, state and federal law;
- B. Depending upon the circumstances and context, demeaning jokes, taunting, slurs, derogatory nicknames, innuendos or other negative or offensive remarks relating to an individual's race, color, national origin, ~~alienage~~, sex, age, disability, ~~pregnancy~~, religion, sexual orientation, marital status, ancestry, ~~or~~ genetic information, ~~veteran status, or gender identity or expression~~ or any other basis prohibited by local, state and federal law;
- C. Depending upon the circumstances and context, graffiti, slogans, or visual displays such as cartoons, graphics or posters depicting slurs or derogatory sentiments relating to an individual's race, color, national origin, ~~alienage~~, sex, age, disability, ~~pregnancy~~, religion, sexual orientation, marital status, ancestry, ~~or~~ genetic information, ~~veteran status, or gender identity or expression~~ or any other basis prohibited by local, state and federal law.

V. Complaint Procedure

All members of the school community are responsible for helping to assure that ~~sexual, racial and other unlawful~~ harassment is avoided. The Superintendent of Schools is authorized to develop and maintain regulations establishing a complaint procedure for reporting violations of this policy. Any person who feels he or she has been harassed or victimized in violation of this policy should process a complaint in accordance with said regulations.

Any person who has observed or otherwise become aware of conduct prohibited by this policy should bring the matter to the immediate attention of the ~~Title IX Coordinator~~[Director of Pupil Services](#).

~~The district's Title IX Coordinator is the Director of Pupil Services.~~ The [Office of Pupil Services Department](#) is located at 272 Main Street, P.O. Box 1960, New Britain, CT 06050. The phone number is 860-827-2234.

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken as warranted. Any employee, volunteer or other individual under the control of the school system who is determined after an investigation to have engaged in harassment in violation of this policy will be subject to discipline, including possible dismissal. He or she may also be personally liable in any legal action brought against him or her.

[In the event the Director of Pupil Services receives a complaint alleging harassment based on gender/sex \(i.e. sexual harassment or sex discrimination\), the Director of Pupil Services shall follow the procedures identified in Policy # 4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace \(Personnel\).](#)

VIII. Retaliation

Retaliation against an individual because she or he has reported harassment or has co-operated in an investigation of alleged harassment is a violation of Board policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of ~~unlawful~~ harassment.

VIII.X. Responsibilities of the ~~Title IX Coordinator~~[Director of Pupil Services](#)

The ~~Title IX Coordinator~~[Director of Pupil Services](#) is responsible for the following:

- A. Ensuring that all complaints of ~~unlawful~~ harassment are investigated in a prompt and objective manner;
- B. Ensuring the school district's compliance with various statutory record keeping, notice and training requirements in the area of harassment. This includes the requirement of posting in a prominent and accessible location information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment;
- C. Reviewing the Board's policy on harassment and these accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation;
- D. Ensures that the Board's policy and administrative regulations are distributed to all students and employees annually;
- E. Ensuring that the definition of "harassment" as well as the process by which any person may make a complaint of ~~sexual, racial or other unlawful~~ harassment is part of the orientation for all students and employees at the start of the school year and new students and employees during the school year;
- F. Ensuring students and employees are aware of who is serving as ~~Title IX Coordinator~~[Director of Pupil Services](#) for the District and how he or she may be reached.

VIIIX. Sexual Harassment Training for Administrators and Supervisory Employees

Administrators and others with supervisory responsibilities must attend a school-sponsored sexual harassment training program within six months of assuming such position with the school district and thereafter when required by the school district. Such training shall include, at minimum, a description of the state and federal laws prohibiting sexual harassment, the definition of sexual harassment, a discussion of the types of conduct that may constitute sexual harassment, a description of the remedies available in such cases, a discussion of strategies to prevent sexual harassment and the warning that individuals who commit acts of sexual harassment may be subject to civil and criminal penalties.

XI. Alternative Complaint Procedures

~~The federal and state agencies that investigate complaints of unlawful harassment of employees are the U. S. Equal Employment Opportunity Commission (EEOC) and the Connecticut Commission of Human Rights and Opportunities (CHRO). If you believe you have been subject to unlawful harassment on the basis of race, color, national origin, sex, age, disability, religion, sexual orientation, marital status, ancestry, or genetic information, you may file a complaint with the CHRO, located at 21 Grand Street, Hartford, CT 06106 (860-541-5737). If you believe you have been subjected to unlawful harassment because of your race, color, sex, religion, national origin, age, or disability, you may file a complaint with the EEOC located at John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, 1-800-669-4000. The EEOC and CHRO apply a statute of limitation of one hundred and eighty (180) days to such complaints. A copy of this policy or appropriate summary shall be periodically distributed to all employees.~~

IXII. Responsibilities of Personnel

A. All Employees

Any staff member who feels that he or she is a victim of ~~sexual, racial or other unlawful~~ harassment is strongly urged to immediately report the incident to the Building Principal or ~~Title IX Coordinator~~[Director of Pupil Services](#). If possible, the victim is also urged to firmly and immediately notify the offender that his or her behavior is unwelcome and request that it stop. It is extremely important for victims to report any form of harassment to the Building Principal or ~~Title IX Coordinator~~[Director of Pupil Services](#) even if the offender has been told that his or her behavior is unwelcome and has been asked to stop the unwelcome conduct. If the Building Principal is the subject of the complaint, then the employee must make the complaint to the ~~Title IX Coordinator~~[Director of Pupil Services](#). If the ~~Title IX Coordinator~~[Director of Pupil Services](#) is the subject of the complaint, then the employee must make the complaint to the Superintendent.

Any employee who has not been victimized but is aware of or has observed a possible violation of the Board's policy on ~~sexual, racial and other unlawful~~ harassment is required to report such information verbally or in writing to the Building Principal or ~~Title IX Coordinator~~[Director of Pupil Services](#). Administrators and supervisors who fail to report possible violations of this policy may be subject to discipline.

B. Administrators

Any complaint or other communication from an applicant for employment, an employee, a volunteer, an independent contractor, a visitor, a government agency, or an attorney concerning potential harassment should be immediately shared with the ~~Title IX Coordinator~~[Director of Pupil Services](#). If notification to the ~~Title IX Coordinator~~[Director of Pupil Services](#) is impractical or inappropriate under the circumstances, the

Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the ~~Title IX Coordinator~~ [Director of Pupil Services](#) or Superintendent or his or her designee.

C. ~~Title IX Coordinator~~ [Director of Pupil Services](#)

The ~~Title IX Coordinator~~ [Director of Pupil Services](#) shall be responsible for the investigation of all verbal and written complaints of alleged discrimination including ~~unlawful~~ harassment. ~~The Title IX Coordinator shall ensure a prompt and equitable resolution of all complaints.~~

XIII. Reporting a Complaint of ~~Unlawful~~ Harassment

Any applicant or employee who feels that he/she has been harassed on the basis of race, color, national origin, [alienage](#), sex, age, disability, [pregnancy](#), religion, sexual orientation, marital status, ancestry, ~~or~~ genetic information, [veteran status, or gender identity or expression](#) should immediately bring his/her complaint to the attention of one of the following school officials: Building Principal or district's ~~Title IX Coordinator~~ [Director of Pupil Services](#).

~~The district's Title IX Coordinator is the Director of Pupil Services. The Office of Pupil Services Department is located at 272 Main Street, P.O. Box 1960, New Britain, CT 06050. The phone number is 860-827-2234.~~

[In the event the Director of Pupil Services receives a complaint alleging harassment based on gender/sex \(i.e. sexual harassment or sex discrimination\), the Director of Pupil Services shall follow the procedures identified in Policy # 4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace \(Personnel\), where applicable, rather than the complaint procedures provided in these administrative procedures.](#)

Upon any notice from an employee or other individual that ~~illegal~~ harassment may be occurring, the school official taking the complaint should inform such person of the school district's policy and regulations, including the school district's legal obligation to investigate every report even where the complainant is hesitant to pursue the complaint.

Although there is no requirement that the complaint be in writing, the school official should encourage the complainant to commit the complaint to writing and may assist the complainant in writing the complaint. The written complaint should state the following (the form [in Appendix A](#) may be provided for the convenience of the complainant, but is not required):

- A. Name of the complainant
- B. Date that the complaint was made
- C. Name(s) of the alleged harasser(s)
- D. Date and place of the alleged harassment
- E. Names of any witnesses, if any
- F. List of documentary evidence, if any
- G. Statement of the facts supporting this complaint of harassment

The school official should document the complaint even if the complainant refuses to commit the complaint to writing. In such instance, the school official should ask the complainant to review the complaint for accuracy and ask the complainant sign. If the complainant chooses not to sign, the school official should note so on the official's report of the complaint.

Commented [GSE4]: I do not see an Appendix A. If you already have this, I can review. Otherwise, we can provide a sample complaint form.

The school official should advise the employee that confidentiality will be maintained to the extent possible. The school official cannot make a blanket promise of complete confidentiality since information gained from the investigation may have to be disclosed to other school personnel or may be needed in subsequent government or court proceedings.

The school official should carefully document his or her knowledge of all communications and efforts concerning employee complaints, including any employee failure to take advantage of the opportunities provided by the school district's policy and procedure. Such documentation should be maintained in a separate investigative file.

The Building Principal shall immediately forward the complaint to the district's ~~Title IX Coordinator~~[Director of Pupil Services](#) without screening or investigating the report.

If the ~~Title IX Coordinator~~[Director of Pupil Services](#) is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so. If the Superintendent is the subject of the complaint, it shall be submitted to the Board of Education and the Board shall appoint the investigator.

XIV. Investigation of the Complaint

A. Investigator

The ~~Title IX Coordinator~~[Director of Pupil Services](#) is responsible for investigating any complaints of ~~unlawful~~ harassment. The advice of legal counsel should be sought as necessary.

B. Interim measures

The investigator shall assess whether there is a necessity to take immediate interim measures to prevent further allegations of ~~unlawful~~ harassment or retaliation of any kind while the investigation is pending.

C. Investigation

The investigation shall be conducted with objectivity and completed in a timely manner. The investigator shall consult with all individuals believed to have relevant information including the complainant, the person(s) accused of the ~~unlawful~~ harassment, potential witnesses and other possible victims of the alleged harassment. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the investigative process, the due process rights of the alleged harasser(s) shall be preserved. The investigator shall keep the complainant apprised of the status of the investigation on a periodic basis.

D. Documentation

The investigator should carefully document all aspects of the investigation. Documentation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file or the student's disciplinary file.

E. Written Report

After an impartial and prompt investigation of the complaint, the investigator should ascertain (1) whether the alleged conduct occurred, and (2) whether such conduct constitutes a violation of the Board's policy. In determining whether there is a violation of the policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or patterns of behavior, the relationships between the parties involved and context in which the incidents occurred. If there is a violation, the

investigator should determine what remedial action is necessary to eradicate the harassment and prevent any recurrence of such conduct in the future. The investigator should commit the findings and recommendations to writing and forward the report to the Superintendent of Schools. Unless unusual circumstances exist, the written report shall be completed within 10 school days of receipt of the complaint. If the Superintendent is the subject of the investigation, the Board of Education shall receive the findings and recommendations.

F. Notification of Results of Investigation

The results of the investigation will be communicated to the parties involved in a manner consistent with state and federal laws regarding data and records privacy.

G. Request for Review

If the complainant is unsatisfied with the results of the investigation, he/she may request a review by the Superintendent of Schools within 10 school days of the notification of the results of the investigation. The Superintendent (or designee) shall review the investigator's written report and further investigation may be conducted if necessary. The complainant may present additional evidence or witnesses for the reviewer to consider. Absent unusual circumstances, the review process shall be completed within 20 days of the request for the review. The Superintendent shall promptly notify the complainant in writing of the results of his/her review.

H. Corrective Action

If ~~unlawful~~ harassment in violation of Board policy is determined to have occurred, the school district will take prompt corrective action that is reasonably calculated to stop the harassment and prevent any recurrence of such behavior. As part of such remedial action, the offender may be subject to appropriate disciplinary action which may include, but is not limited to one or a combination of the following: counseling, awareness training, warning, reprimand, reassignment, transfer, suspension, termination or expulsion. School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and other school district policies.

XIV. Alternative Complaint Procedures

The federal and state agencies that investigate complaints of ~~unlawful~~ harassment of employees are the U. S. Equal Employment Opportunity Commission (EEOC) and the Connecticut Commission of Human Rights and Opportunities (CHRO). If you believe you have been subject to ~~unlawful~~ harassment on the basis of race, color, national origin, ~~alienage~~, sex, age, disability, ~~pregnancy~~, religion, sexual orientation, marital status, ancestry, ~~or~~ genetic information, ~~veteran status, or gender identity or expression~~ you may file a complaint with the CHRO, located at ~~21 Grand Street~~450 Columbus Blvd., Hartford, CT 06103~~6~~ (860-477541-5737~~737~~). If you believe you have been subjected to ~~unlawful~~ harassment because of your race, color, sex, religion, national origin, age, or disability, you may file a complaint with the EEOC located at John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, 1-800-669-4000.



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

4118.11 - Prohibition of Harassment (Employees)

Approved on

It is the policy of the Board of Education to maintain a working environment that is free from harassment. The Board will not tolerate the harassment of any applicant, employee, independent contractor, or volunteer for any reason, including harassment based on race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression or any other basis prohibited by law.

This policy prohibits harassment by employees, teachers, administrators, Board members, students, volunteers, and others contractually or otherwise under the control of the school system. It also protects against harassment by any third person who is on school premises, at a school workplace or who otherwise comes in contact with school personnel in connection with their employment at the school system.

Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the District's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.

Commented [GSE1]: This language come from the Board's general harassment policy

For the purposes of this policy, "genetic information" means the information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

For the purposes of this policy, "veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity

can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

Any employee wishing to file a complaint regarding harassment may obtain a copy of the Board's complaint procedures and complaint form, which are included in the Board's Administrative Procedures Regarding Prohibition of Harassment (Employees). These procedures accompany Board Policy #4118.11 and are available online at <https://www.csdnb.org/board-policies.php> or upon request from the main office of any district school.

If a complaint involves allegations of harassment based on gender/sex (i.e. sexual harassment or sex discrimination), such complaints will be handled under Policy #4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).

Anyone who has questions or concerns about this policy, or would like a copy of the Board's complaint procedures or complaint forms related to claims of harassment, may contact:

Director of Pupil Services
The Pupil Services Department
272 Main Street, P.O. Box 1960, New Britain, CT 06050.
Phone: 860-827-2234

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex may contact the Board's Title IX Coordinator:

Title IX Coordinator
Director of Personnel and Talent Development
272 Main Street, P.O. Box 1960, New Britain, CT 06050.
Phone: 860-827-2295

A copy of this policy or appropriate summary shall be periodically distributed to all employees.

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.
Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined
Connecticut General Statutes § 10-153, Discrimination on the basis of sex, gender identity or expression or marital status prohibited
Connecticut General Statutes § 46a-58, Deprivation of rights
Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60

Commented [GSE2]: This Policy previously stated that the Title IX Coordinator is the point of contact, and that the Title IX Coordinator is the Director of Pupil Services.

However, the new Title IX Policy states that the Director of Personnel and Talent Development is the Title IX Coordinator. Thus, I'm not sure which person you want as the contact for this policy.



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure

4118.11 - Prohibition of Harassment (Employees)

Approved on

I. Overview

The Board of Education promotes a working environment free from harassment and does not tolerate the harassment of any applicant, employee, independent contractor, or volunteer for any reason, including harassment based on race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression or any other basis prohibited by law, subject to the conditions and limitations established by law.

Employees who believe they have been subjected to harassment as defined in Board Policy #4118.11 are encouraged to promptly report such incidents to a Building Principal or the district's Director of Pupil Services. Timely reporting of incidents of harassment enables the school district to properly investigate and resolve such complaints.

If a complaint involves allegations of harassment based on gender/sex (i.e. sexual harassment or sex discrimination), such complaints will be handled under Policy #4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).

Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained to the extent practical. Any reprisals or retaliations found to have occurred as a result of reporting harassment may result in disciplinary action against the retaliator. All reports of conduct that violates this policy shall be reviewed regardless of whether the report has been made in writing.

The school district will provide staff development for new district administrators and will publish its policy and complaint procedure and orient students and employees in an effort to maintain an environment free of harassment. Copies of these administrative procedures will be distributed to all employees.

II. Definition of Harassment

Harassment means unwelcome and offensive conduct that has the purpose or effect of unreasonably interfering with an employee's performance and/or employment opportunities or that is sufficiently severe, pervasive or persistent so as to create an intimidating, hostile or offensive working environment. All forms of harassment are prohibited whether verbal, written, visual or physical and regardless of the medium through which it occurs.

Commented [GSE3]: See comment above. I used "Director of Pupil Services" throughout, but we can change it to a different person if that is preferable.

III. Relationships at the Workplace

Sexual or romantic relationships between employees and students are strictly prohibited whether or not they constitute sexual harassment as defined in this policy and Board Policy #4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel). In addition, those working for the school system, and especially those in position of authority, should be sensitive to the questions about mutuality of consent that may be raised, and to the conflicts of interest that may exist, in personal relationships with other school personnel.

IV. Examples of Harassment

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression is prohibited by this policy. Examples of such harassment include, but are not limited to, the following:

- A. Intimidation and implied or overt threats of physical violence or physical acts of aggression or assault upon another or damage to another's property that is motivated by race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression or any other basis prohibited by local, state and federal law;
- B. Depending upon the circumstances and context, demeaning jokes, taunting, slurs, derogatory nicknames, innuendos or other negative or offensive remarks relating to an individual's race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression or any other basis prohibited by local, state and federal law;
- C. Depending upon the circumstances and context, graffiti, slogans, or visual displays such as cartoons, graphics or posters depicting slurs or derogatory sentiments relating to an individual's race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression or any other basis prohibited by local, state and federal law.

V. Complaint Procedure

All members of the school community are responsible for helping to assure that harassment is avoided. The Superintendent of Schools is authorized to develop and maintain regulations establishing a complaint procedure for reporting violations of this policy. Any person who feels he or she has been harassed or victimized in violation of this policy should process a complaint in accordance with said regulations. Any person who has observed or otherwise become aware of conduct prohibited by this policy should bring the matter to the immediate attention of the Director of Pupil Services.

The Pupil Services Department is located at 272 Main Street, P.O. Box 1960, New Britain, CT 06050. The phone number is 860-827-2234.

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken as warranted. Any employee, volunteer or other individual under the control of the school system who is determined after an investigation to have engaged in harassment in violation of this policy will be

subject to discipline, including possible dismissal. He or she may also be personally liable in any legal action brought against him or her.

In the event the Director of Pupil Services receives a complaint alleging harassment based on gender/sex (i.e. sexual harassment or sex discrimination), the Director of Pupil Services shall follow the procedures identified in Policy # 4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).

VI. Retaliation

Retaliation against an individual because she or he has reported harassment or has co-operated in an investigation of alleged harassment is a violation of Board policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of harassment.

VII. Responsibilities of the Director of Pupil Services

The Director of Pupil Services is responsible for the following:

- A. Ensuring that all complaints of harassment are investigated in a prompt and objective manner;
- B. Ensuring the school district's compliance with various statutory record keeping, notice and training requirements in the area of harassment. This includes the requirement of posting in a prominent and accessible location information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment;
- C. Reviewing the Board's policy on harassment and these accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation;
- D. Ensures that the Board's policy and administrative regulations are distributed to all students and employees annually;
- E. Ensuring that the definition of "harassment" as well as the process by which any person may make a complaint of harassment is part of the orientation for all students and employees at the start of the school year and new students and employees during the school year;
- F. Ensuring students and employees are aware of who is serving as Director of Pupil Services for the District and how he or she may be reached.

VIII. Sexual Harassment Training for Administrators and Supervisory Employees

Administrators and others with supervisory responsibilities must attend a school-sponsored sexual harassment training program within six months of assuming such position with the school district and thereafter when required by the school district. Such training shall include, at minimum, a description of the state and federal laws prohibiting sexual harassment, the definition of sexual harassment, a discussion of the types of conduct that may constitute sexual harassment, a description of the remedies available in such cases, a discussion of strategies to prevent sexual harassment and the warning that individuals who commit acts of sexual harassment may be subject to civil and criminal penalties.

IX. Responsibilities of Personnel

A. All Employees

Any staff member who feels that he or she is a victim of harassment is strongly urged to immediately report the incident to the Building Principal or Director of Pupil Services. If possible, the victim is also urged to firmly and immediately notify the offender that his or her behavior is unwelcome and request that it stop. It is extremely important for victims to report any form of harassment to the Building Principal or Director of Pupil Services even if the offender has been told that his or her behavior is unwelcome and has been asked to stop the unwelcome conduct. If the Building Principal is the subject of the complaint, then the employee must make the complaint to the Director of Pupil Services. If the Director of Pupil Services is the subject of the complaint, then the employee must make the complaint to the Superintendent.

Any employee who has not been victimized but is aware of or has observed a possible violation of the Board's policy on harassment is required to report such information verbally or in writing to the Building Principal or Director of Pupil Services. Administrators and supervisors who fail to report possible violations of this policy may be subject to discipline.

B. Administrators

Any complaint or other communication from an applicant for employment, an employee, a volunteer, an independent contractor, a visitor, a government agency, or an attorney concerning potential harassment should be immediately shared with the Director of Pupil Services. If notification to the Director of Pupil Services is impractical or inappropriate under the circumstances, the Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the Director of Pupil Services or Superintendent or his or her designee.

C. Director of Pupil Services

The Director of Pupil Services shall be responsible for the investigation of all verbal and written complaints of alleged discrimination including harassment.

X. Reporting a Complaint of Harassment

Any applicant or employee who feels that he/she has been harassed on the basis of race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression should immediately bring his/her complaint to the attention of one of the following school officials: Building Principal or district's Director of Pupil Services.

The Pupil Services Department is located at 272 Main Street, P.O. Box 1960, New Britain, CT 06050. The phone number is 860-827-2234.

In the event the Director of Pupil Services receives a complaint alleging harassment based on gender/sex (i.e. sexual harassment or sex discrimination), the Director of Pupil Services shall follow the procedures identified in Policy # 4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel), where applicable, rather than the complaint procedures provided in these administrative procedures.

Upon any notice from an employee or other individual that harassment may be occurring, the school official taking the complaint should inform such person of the school district's policy and regulations, including the school

district's legal obligation to investigate every report even where the complainant is hesitant to pursue the complaint.

Although there is no requirement that the complaint be in writing, the school official should encourage the complainant to commit the complaint to writing and may assist the complainant in writing the complaint. The written complaint should state the following (the form in Appendix A may be provided for the convenience of the complainant, but is not required):

- A. Name of the complainant
- B. Date that the complaint was made
- C. Name(s) of the alleged harasser(s)
- D. Date and place of the alleged harassment
- E. Names of any witnesses, if any
- F. List of documentary evidence, if any
- G. Statement of the facts supporting this complaint of harassment

The school official should document the complaint even if the complainant refuses to commit the complaint to writing. In such instance, the school official should ask the complainant to review the complaint for accuracy and ask the complainant sign. If the complainant chooses not to sign, the school official should note so on the official's report of the complaint.

The school official should advise the employee that confidentiality will be maintained to the extent possible. The school official cannot make a blanket promise of complete confidentiality since information gained from the investigation may have to be disclosed to other school personnel or may be needed in subsequent government or court proceedings.

The school official should carefully document his or her knowledge of all communications and efforts concerning employee complaints, including any employee failure to take advantage of the opportunities provided by the school district's policy and procedure. Such documentation should be maintained in a separate investigative file.

The Building Principal shall immediately forward the complaint to the district's Director of Pupil Services without screening or investigating the report.

If the Director of Pupil Services is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so. If the Superintendent is the subject of the complaint, it shall be submitted to the Board of Education and the Board shall appoint the investigator.

XI. Investigation of the Complaint

A. Investigator

The Director of Pupil Services is responsible for investigating any complaints of harassment. The advice of legal counsel should be sought as necessary.

B. Interim measures

The investigator shall assess whether there is a necessity to take immediate interim measures to prevent further allegations of harassment or retaliation of any kind while the investigation is pending.

Commented [GSE4]: I do not see an Appendix A. If you already have this, I can review. Otherwise, we can provide a sample complaint form.

C. Investigation

The investigation shall be conducted with objectivity and completed in a timely manner. The investigator shall consult with all individuals believed to have relevant information including the complainant, the person(s) accused of the harassment, potential witnesses and other possible victims of the alleged harassment. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the investigative process, the due process rights of the alleged harasser(s) shall be preserved. The investigator shall keep the complainant apprised of the status of the investigation on a periodic basis.

D. Documentation

The investigator should carefully document all aspects of the investigation. Documentation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file or the student's disciplinary file.

E. Written Report

After an impartial and prompt investigation of the complaint, the investigator should ascertain (1) whether the alleged conduct occurred, and (2) whether such conduct constitutes a violation of the Board's policy. In determining whether there is a violation of the policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or patterns of behavior, the relationships between the parties involved and context in which the incidents occurred. If there is a violation, the investigator should determine what remedial action is necessary to eradicate the harassment and prevent any recurrence of such conduct in the future. The investigator should commit the findings and recommendations to writing and forward the report to the Superintendent of Schools. Unless unusual circumstances exist, the written report shall be completed within 10 school days of receipt of the complaint. If the Superintendent is the subject of the investigation, the Board of Education shall receive the findings and recommendations.

F. Notification of Results of Investigation

The results of the investigation will be communicated to the parties involved in a manner consistent with state and federal laws regarding data and records privacy.

G. Request for Review

If the complainant is unsatisfied with the results of the investigation, he/she may request a review by the Superintendent of Schools within 10 school days of the notification of the results of the investigation. The Superintendent (or designee) shall review the investigator's written report and further investigation may be conducted if necessary. The complainant may present additional evidence or witnesses for the reviewer to consider. Absent unusual circumstances, the review process shall be completed within 20 days of the request for the review. The Superintendent shall promptly notify the complainant in writing of the results of his/her review.

H. Corrective Action

If harassment in violation of Board policy is determined to have occurred, the school district will take prompt corrective action that is reasonably calculated to stop the harassment and prevent any recurrence of such behavior. As part of such remedial action, the offender may be subject to appropriate disciplinary action which may include, but is not limited to one or a combination of the following: counseling, awareness training, warning, reprimand, reassignment, transfer, suspension, termination or expulsion.

School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and other school district policies.

XII. Alternative Complaint Procedures

The federal and state agencies that investigate complaints of harassment of employees are the U. S. Equal Employment Opportunity Commission (EEOC) and the Connecticut Commission of Human Rights and Opportunities (CHRO). If you believe you have been subject to harassment on the basis of race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression you may file a complaint with the CHRO, located at 450 Columbus Blvd., Hartford, CT 06103 (860-477-5737). If you believe you have been subjected to harassment because of your race, color, sex, religion, national origin, age, or disability, you may file a complaint with the EEOC located at John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, 1-800-669-4000.

DRAFT



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

5145.50 - Prohibition of Student Sexual, Racial and Other Unlawful Harassment (Students)

Approved on December 19, 2016

I. Overview

It is the policy of the Board of Education to maintain a working and learning environment that is free from ~~sexual, racial and other unlawful~~ harassment. The Board will not tolerate the harassment of any student for any reason, including harassment based on race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status, or any other basis prohibited by law, subject to the conditions and limitations established by law.

This policy prohibits ~~unlawful~~ harassment of students by employees, other students, or third parties. This includes protection from harassment by teachers, administrators, Board of Education members, volunteers, visitors and any other individuals who are on school premises, at school-sponsored activities and at other places where such persons may come in contact with students in connection with educational programs and activities.

Students are also prohibited from harassing teachers, administrators or other school personnel for any reason, including harassment based on race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status, or any other basis prohibited by law, subject to the conditions and limitations established by law. ~~on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability or immigration status or any other basis prohibited by law.~~

Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the District's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.

For the purposes of this policy, "veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from

Commented [GSE1]: This is language from the Board's general harassment policy

that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

Any student and/or parent/guardian wishing to file a complaint regarding harassment may obtain a copy of the Board's complaint procedures and complaint form, which are included in the Board's Administrative Procedures Regarding Harassment (Students). These procedures accompany Board Policy #5145.50 and are available online at <https://www.csdnb.org/board-policies.php> or upon request from the main office of any district school.

If a complaint involves allegations of harassment based on gender/sex (i.e. sexual harassment or sex discrimination), such complaints will be handled under Policy #5145.51, Prohibition of Sex Discrimination and Sexual Harassment (Students).

Anyone who has questions or concerns about this policy, or would like a copy of the Board's complaint procedures or complaint forms related to claims of harassment, may contact:

[Director of Pupil Services](#)
[The Pupil Services Department](#)
[272 Main Street, P.O. Box 1960, New Britain, CT 06050.](#)
[Phone: 860-827-2234](#)

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex may contact the Board's Title IX Coordinator:

[Title IX Coordinator](#)
[Director of Personnel and Talent Development](#)
[272 Main Street, P.O. Box 1960, New Britain, CT 06050.](#)
[Phone: 860-827-2295](#)

II. Definition of Unlawful Harassment

Unlawful harassment means unwelcome and offensive conduct that has the purpose or effect of unreasonably interfering with a student's performance and/or learning opportunities or that is sufficiently severe, pervasive or persistent so as to create an intimidating, hostile or offensive educational environment. All forms of harassment are prohibited whether verbal, written, visual or physical and regardless of the medium through which it occurs.

III. Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education.
- Submission to or rejection of such conduct by a student is used as a basis for educational decisions affecting that student's education.

Commented [GSE2]: This Policy previously stated that the Title IX Coordinator is the point of contact, and that the Title IX Coordinator is the Director of Pupil Services.

However, the new Title IX Policy states that the Director of Personnel and Talent Development is the Title IX Coordinator. Thus, I'm not sure which person you want as the contact for this policy.

- ~~Such conduct has the purpose or effect of substantially interfering with a student's educational performance, and/or is sufficiently severe, pervasive or persistent that it creates an intimidating, hostile or offensive educational environment.~~

~~Such conduct constitutes sexual harassment whether or not a threat of adverse consequences is carried out and whether or not the student actually suffers any tangible adverse consequences.~~

~~Sexual harassment includes a wide range of behaviors — from pressure or requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Unwelcome sexual flirtations and advances, offensive touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and displays in the work place of sexually suggestive objects or pictures are some of the additional behaviors that constitute sexual harassment. Behavior appropriate outside the school setting may not be appropriate in the school environment. Sexual harassment may be subtle and even unintentional. It may be directed towards members of the opposite or same sex.~~

~~IV. Examples of Sexual Harassment~~

~~While an exhaustive list is not possible, the following are examples of specific behaviors that, if unwelcome and of a sexual nature, could constitute sexual harassment:~~

- ~~Suggestive or obscene letters, notes, e-mail messages, voicemail or text messages, invitations, derogatory comments, slurs, jokes, epithets, touching, impeding or blocking movement, leering, gestures, noises, pulling at clothes, display or transmission of sexually suggestive objects, pictures or cartoons, graffiti, sexual assault, attempted sexual assault.~~
- ~~Continuing to express sexual interest after learning of or being informed that the interest is unwelcome.~~
- ~~Coercive sexual behavior used to control, influence, or affect educational opportunities, academic achievements, and/or learning environment of a student, such as threats of reprisal, implying or withholding support for an honor, program, recommendation, benefit or activity.~~
- ~~Suggesting a poor grade or evaluation will be prepared.~~
- ~~The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive learning environment.~~
- ~~Inappropriate attention of a sexual nature.~~

~~V. Relationships in the Educational Environment~~

~~Sexual or romantic relationships between employees and students are strictly prohibited whether or not they constitute sexual harassment as defined in this policy. Furthermore, such relationships may violate state and federal criminal laws.~~

~~VI. Examples of Other Unlawful Harassment~~

~~Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or immigration status is also prohibited by this policy. Examples of such unlawful harassment include, but are not limited to, the following:~~

- ▲ ~~Intimidation and implied or overt threats of physical violence or physical acts of aggression or assault upon another or damage to another's property that is motivated by race, color, sex, gender identity, religion, national origin, sexual orientation, disability or immigration status.~~
- ▲ ~~Depending upon the circumstances and context, demeaning jokes, taunting, slurs, derogatory nicknames, innuendos or other negative or offensive remarks relating to an individual's race, color, sex, gender identity, religion, national origin, sexual orientation, disability or immigration status.~~
- ▲ ~~Depending upon the circumstances and context, graffiti, slogans, or visual displays such as cartoons, graphics or posters depicting slurs or derogatory sentiments relating to an individual's race, color, sex, gender identity, religion, national origin, sexual orientation, disability or immigration status.~~

VII. Complaint Procedure

~~All members of the school community are responsible for helping to assure that unlawful harassment is avoided. The Superintendent of Schools is authorized to develop and maintain regulations establishing a complaint procedure for reporting violations of this policy. Any student who feels he or she has been harassed or victimized in violation of this policy should process a complaint in accordance with said regulations. Any staff member who has observed or otherwise become aware of conduct prohibited by this policy is required to bring the matter to the immediate attention of the Title IX Coordinator.~~

~~The Title IX Coordinator for students is the Director of Pupil Services. The Pupil Services Department is located at 272 Main Street, P.O. Box 1960, New Britain, CT 06050. The phone number is 860-327-2234.~~

~~All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken as warranted. Any employee, student, volunteer or other individual under the control of the school system who is determined after an investigation to have engaged in harassment in violation of this policy will be subject to discipline, including possible dismissal or expulsion. He or she may also be personally liable in any civil or criminal legal action brought against him or her.~~

VIII. Retaliation

~~Retaliation against an individual because she or he has reported harassment or has co-operated in an investigation of alleged harassment is a violation of Board policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of unlawful harassment.~~

IX. Responsibilities of the Title IX Coordinator for students

~~The Title IX Coordinator is responsible for the following:~~

- ~~Ensuring that all complaints of unlawful harassment of students are investigated in a prompt and objective manner.~~
- ~~Reviewing the Board's policy on harassment and these accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation.~~
- ~~Working cooperatively with the Director of Human Resources (the Board's Title IX Coordinator for employees and other persons) when the alleged harasser is a district employee.~~

~~D. Ensures that the Board's policy and administrative procedures regarding unlawful harassment of students are distributed to all students and employees annually.~~

~~E. Ensuring that the definition of harassment as well as the process by which a student may make a complaint of sexual, racial or other unlawful harassment is part of the orientation for all students and employees at the start of the school year and new students and employees during the school year.~~

~~— Ensuring students are aware of who is serving as Title IX Coordinator for the District and how he or she may be reached.—~~

A copy of this policy or appropriate summary notice shall be distributed annually to all students and employees.

Legal References:

[Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.](#)

[Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.](#)

[Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.](#)

[Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.](#)

[Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined](#)

[Connecticut General Statutes § 10-15c](#)

[Connecticut General Statutes § 46a-58, Deprivation of rights](#)

[Connecticut General Statutes § 46a-81a, et seq.](#)



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure

5145.50 - ~~Student Sexual, Racial and Other Unlawful~~ Prohibition of Harassment (Students)

Approved on February 11, 2017

I. Overview

~~It is the policy of the~~ The Board of Education ~~promotes a working and learning to maintain a working and learning~~ environment that is free from ~~sexual, racial and other unlawful~~ harassment. ~~The Board will not tolerate the harassment of any student based on race, color~~

The Board of Education does not tolerate ~~sexual, racial or other unlawful~~ harassment of any student by another student, school employee, or third person based upon race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status, race, color, national origin, sex, gender identity, disability, religion, sexual orientation, or any other basis. This includes protection from harassment by people who are participating in, observing, or otherwise engaged in school-sponsored activities, including sporting events and other extracurricular activities under the auspices of the school district.

Students who have been subjected to harassment as defined in Board Policy #5145.50 are encouraged to promptly report such incidents to any of the following school officials: School Counselor, Building Principal, Assistant Principal, or the district's Director of Pupil Services. Timely reporting of incidents of harassment enables the school district to properly investigate and resolve such complaints.

If a complaint involves allegations of harassment based on gender/sex (i.e. sexual harassment or sex discrimination), such complaints will be handled under Policy #5145.51, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Students).

Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained to the extent practical. Any reprisals or retaliations found to have occurred as a result of reporting harassment may result in disciplinary action against the retaliator. All reports of conduct that violates this policy shall be reviewed regardless of whether the report has been made in writing.

The school district will provide staff development for new district administrators and will publish its policy and complaint procedure and orient students and employees in an effort to maintain an environment free of harassment.

II. Definition of Harassment

Harassment means unwelcome and offensive conduct that has the purpose or effect of unreasonably interfering with a student's performance and/or learning opportunities or that is sufficiently severe, pervasive or persistent so as to create an intimidating, hostile or offensive educational environment. All forms of harassment are prohibited whether verbal, written, visual or physical and regardless of the medium through which it occurs.

Definitions

Sex discrimination occurs when a person, because of his or her sex, is denied participation in or the benefits of any education program receiving federal financial assistance.

Sexual harassment: ~~In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:~~

- ~~• Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.~~
- ~~• Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.~~
- ~~• Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.~~
- ~~• Touching of a sexual nature or telling sexual or dirty jokes.~~
- ~~• Transmitting or displaying emails or websites of a sexual nature.~~
- ~~• Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.~~

Sexual Violence: Sexual violence is a form of sexual harassment. For the purposes of this policy, sexual violence refers to physical acts that are sexual in nature, perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol.

-III. Relationships in the Educational Environment

Sexual or romantic relationships between employees and students are strictly prohibited whether or not they constitute sexual harassment as defined in this policy and Board Policy #5145.51, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Students). Furthermore, such relationships may violate state and federal criminal laws.

IV. Examples of Harassment

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status is prohibited by this policy. Examples of such harassment include, but are not limited to, the following:

A. Intimidation and implied or overt threats of physical violence or physical acts of aggression or assault upon another or damage to another's property that is motivated by race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status.

B. Depending upon the circumstances and context, demeaning jokes, taunting, slurs, derogatory nicknames, innuendos or other negative or offensive remarks relating to an individual's race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status.

C. Depending upon the circumstances and context, graffiti, slogans, or visual displays such as cartoons, graphics or posters depicting slurs or derogatory sentiments relating to an individual's race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status.

V. Complaint Procedure

All members of the school community are responsible for helping to assure that harassment is avoided. The Superintendent of Schools is authorized to develop and maintain regulations establishing a complaint procedure for reporting violations of this policy. Any student who feels he or she has been harassed or victimized in violation of this policy should process a complaint in accordance with said regulations. Any staff member who has observed or otherwise become aware of conduct prohibited by this policy is required to bring the matter to the immediate attention of the Director of Pupil Services.

The Pupil Services Department is located at 272 Main Street, P.O. Box 1960, New Britain, CT 06050. The phone number is 860-827-2234.

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken as warranted. Any employee, student, volunteer or other individual under the control of the school system who is determined after an investigation to have engaged in harassment in violation of this policy will be subject to discipline, including possible dismissal or expulsion. He or she may also be personally liable in any civil or criminal legal action brought against him or her.

In the event the Director of Pupil Services receives a complaint alleging harassment based on gender/sex (i.e. sexual harassment or sex discrimination), the Director of Pupil Services shall follow the procedures identified in Policy #5145.51, Prohibition of Sex Discrimination and Sexual Harassment (Students).

VI. Retaliation

Retaliation against an individual because she or he has reported harassment or has co-operated in an investigation of alleged harassment is a violation of Board policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of unlawful harassment.

VII. Responsibilities of the Director of Pupil Services

The Director of Pupil Services is responsible for the following:

A. Ensuring that all complaints of harassment of students are investigated in a prompt and objective manner.

B. Reviewing the Board's policy on harassment and these accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation.

C. Working cooperatively with the Board's Title IX Coordinator when the complaint alleges sex discrimination or sexual harassment.

D. Ensures that the Board's policy and administrative procedures regarding unlawful harassment of students are distributed to all students and employees annually.

E. Ensuring that the definition of harassment as well as the process by which a student may make a complaint of harassment is part of the orientation for all students and employees at the start of the school year and new students and employees during the school year.

F. Ensuring students are aware of who is serving as Director of Pupil Services for the District and how he or she may be reached.

Complaint Procedure

~~Students who believe they have been subjected to unlawful harassment as defined in Board Policy 5145.50 are encouraged to promptly report such incidents to a School Counselor, Building Principal, Assistant Principal or the district's Title IX Coordinator for students. Timely reporting of incidents of discriminatory conduct enables the school district to properly investigate and resolve such complaints. All reports of conduct that violates these policies shall be reviewed regardless of whether the report has been made in writing.~~

~~Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained to the extent practical. Any reprisals or retaliations found to have occurred as a result of reporting unlawful harassment are considered to be a violation of this policy and may result in disciplinary action against the retaliator.~~

~~The school district will provide staff development for new district administrators and will publish its policy and complaint procedure and orient students and employees in an effort to maintain an environment free of sexual, racial and other unlawful harassment.~~

VIII. Responsibilities of Students and Personnel

A. All Students. Any student who feels that he or she has been a victim of harassment in violation of school policy is strongly urged to immediately report the harassment to a School Counselor, Building Principal, Assistant Principal or the district's ~~Title IX Coordinator for students~~Director of Pupil Services. Any student who is not the target of harassment but is aware of it occurring should likewise be encouraged to report such information.

B. All Employees. Any employee who observes or otherwise becomes aware of any incident of ~~sexual, racial or other unlawful~~ harassment of a student is required to immediately report such incident to the district's ~~Title IX Coordinator for students~~Director of Pupil Services.

C. School Counselors and Administrators. Any complaint, report or other communication from a student or other individual, a government agency, or an attorney concerning potential harassment against a student must

be immediately shared with the [Director of Pupil Services](#)~~Title IX Coordinator~~. If notification to the ~~Title IX Coordinator~~[Director of Pupil Services](#) is impractical or implausible under the circumstances, the Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the ~~Title IX Coordinator~~[Director of Pupil Services](#) or Superintendent or his or her designee.

~~D. Title IX Coordinator~~[Director of Pupil Services](#). The ~~Title IX Coordinator~~[Director of Pupil Services](#) ~~for students~~ shall be responsible for the investigation of all verbal and written complaints of alleged discrimination against students including ~~unlawful~~ harassment. ~~The Title IX Coordinator shall ensure a prompt and equitable resolution of all complaints.~~

IX. Reporting a Complaint of ~~Unlawful~~ Harassment

Any student who feels that he/she has been harassed or discriminated against on the basis of [race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status](#)~~race, color, national origin, sex, gender identity, disability, religion, sexual orientation~~, or any other basis in violation of Board Policy 5145.50 should immediately bring his or her complaint to the attention of any of the following school officials: **School Counselor, Building Principal, Assistant Principal or the district's ~~Title IX Coordinator for students~~[Director of Pupil Services](#).**

~~The district's Title IX Coordinator for students is the Director of Pupil Services.~~ **The Office of Pupil Services is located at 272 Main Street, P.O. Box 1960, New Britain, CT 06050. The phone number is 860-827-2234.**

[In the event the Director of Pupil Services receives a complaint alleging harassment based on gender/sex \(i.e. sexual harassment or sex discrimination\), the Director of Pupil Services shall follow the procedures identified in Policy #5145.51, Prohibition of Sex Discrimination and Sexual Harassment \(Students\).](#)

Upon any notice from a student or other individual that ~~unlawful~~ harassment or ~~unlawful~~ discrimination of a student may be occurring, the school official should inform the student of the school district's policy and regulations, including the school district's legal obligation to investigate every report. If the complainant is a minor, the school official to whom the complaint is given should consider whether a child abuse report should be completed.

Although there is no requirement that the complaint be in writing, the school official should encourage the student to commit the complaint to writing and may assist the student in writing the complaint. The school official should document the complaint even if the student refuses to commit the complaint to writing.

The written complaint should state the following (the form in Appendix A may be provided for the convenience of the complainant, but is not required):

1. Name of the complainant
2. Date that the complaint was made
3. Name(s) of the alleged harasser(s)
4. Date and place of the alleged harassment
5. Names of any witnesses, if any
6. List of documentary evidence, if any
7. Statement of the facts supporting this complaint of harassment

The school official should advise the student that confidentiality will be maintained to the extent possible. The school official cannot make a blanket promise of complete confidentiality since information gained from the investigation may have to be disclosed to other students, school personnel or may be needed in subsequent government or court proceedings.

The school official should carefully document his or her knowledge of all communications and efforts concerning student complaints, including any student failure to take advantage of the opportunities provided by the school district's policy and procedure.

All complaints and accompanying documentation are to be forwarded immediately to the Building Principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. The Building Principal or designee shall immediately forward the complaint to the district's ~~Title IX Coordinator~~[Director of Pupil Services](#) without screening or investigating the report.

If the ~~Title IX Coordinator~~[Director of Pupil Services](#) is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so. If the Superintendent is the subject of the complaint, it shall be submitted to the Board of Education and the Board shall appoint the investigator.

X. Investigation of ~~the Complaints of Unlawful Harassment~~

A. Investigator: ~~The Title IX Coordinator~~[Director of Pupil Services](#) is responsible for investigating any complaints of ~~sexual discrimination or unlawful~~ harassment against students, regardless of whether the conduct occurred on or off school grounds. The advice of legal counsel should be sought as necessary.

B. Interim measures: The investigator shall assess whether it is necessary to take immediate interim measures to prevent further allegations of ~~unlawful~~ harassment or retaliation of any kind while the investigation is pending.

C. Investigation: The investigator shall offer to meet with the complainant within 10 school days of the receipt of the complaint to discuss the nature of the complaint, identify individuals the complainant believes have relevant information, and obtain any relevant documents the complainant may have. The investigator shall consult with all individuals believed to have relevant information including the complainant, the person(s) accused of the ~~unlawful~~ harassment, potential witnesses and other possible victims of the alleged harassment. The investigator shall consider whether the alleged ~~sex discrimination or sexual~~ harassment has created a hostile school environment, including the consideration of the effects of off-campus conduct on the school. Throughout the investigative process, the due process rights of the alleged harasser(s) shall be preserved.

D. Maintaining Confidentiality: The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. In the event that the student requests confidentiality or that an investigation not be conducted, the district will take reasonable steps to investigate and respond to the complaint to the extent possible, given the nature of the student's request. If the student insists that his or her personally identifiable information not be shared with the ~~alleged perpetrator~~[respondent](#), the student will be informed that the district's ability to investigate and/or take corrective action may be limited.

E. Documentation: The investigator should carefully document all aspects of the investigation. Documentation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file or the student's disciplinary file.

F. Written Report: After an impartial and prompt investigation of the complaint, the investigator should ascertain (1) whether the alleged conduct occurred, and (2) whether such conduct constitutes a violation of the Board's policy. The investigator should commit the findings and recommendations to writing and forward the report to the Superintendent of Schools. Unless unusual circumstances exist, the written report shall be completed within 30 school days of receipt of the complaint. If the Superintendent is the subject of the investigation, the Board of Education shall receive the findings and recommendations.

G. Notification of Results of Investigation: Within sixty (60) school days from the date the complaint was received by the ~~Title IX Coordinator~~ [Director of Pupil Services](#) or designee, the outcome of the investigation will be communicated to the parties involved in a manner consistent with state and federal laws regarding data and records privacy. The written notice shall include a finding of whether or not the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment.

H. Request for Review: If the complainant or ~~alleged perpetrator~~ [respondent](#) is dissatisfied with the findings of the investigation, he or she may file a written appeal within thirty (30) calendar days to the Superintendent of Schools, who shall review the ~~Title IX Coordinator~~ [Director of Pupil Services](#) or designee's written report, the information collected, and the recommended disposition of the complaint to determine whether the alleged conduct constitutes ~~sexual harassment or sex discrimination~~ [harassment](#). The complainant may present additional evidence or witnesses for the reviewer to consider. After completing this review, the Superintendent of Schools shall respond to the complainant, in writing, within fifteen (15) school days following the receipt of the written request for review.

I. Corrective Action: If ~~unlawful~~ harassment in violation of Board policy is determined to have occurred, the school district will take prompt corrective action that is reasonably calculated to stop the harassment and prevent any recurrence of such behavior. As part of such remedial action, the offender may be subject to appropriate disciplinary action which may include, but is not limited to one or a combination of the following: counseling; awareness training; warning; reprimand; reassignment; transfer; suspension; or referral for expulsion proceedings. School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and other school district policies.

If a ~~sex discrimination~~ complaint raises a concern about bullying behavior, the ~~Title IX Coordinator~~ [Director of Pupil Services](#) shall notify the Safe School Climate Specialist or designee who shall coordinate a bullying investigation, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.

Retaliation against any individual who complains pursuant to the Board's policy and regulations is strictly prohibited. The district will take actions necessary to prevent retaliation as a result of filing a complaint.

XI. Alternative Complaint Procedures

~~At any time, a complainant alleging sex discrimination or sexual harassment may file a formal complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (TELEPHONE NUMBER (617) 289-0111).~~

[At any time, any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S. Department of Education \(“OCR”\):](#)

[Office for Civil Rights, Boston Office](#)

[U.S. Department of Education](#)

[8th Floor](#)

[5 Post Office Square](#)

[Boston, MA 02109-3921](#)

[\(617-289-0111\)](#)

<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

[Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:](#)

[Connecticut Commission on Human Rights and Opportunities](#)

[450 Columbus Blvd.](#)

[Hartford, CT 06103-1835](#)

[\(800-477-5737\)](#)

Copies of this regulation will be distributed to all students.

APPENDIX A

COMPLAINT FORM REGARDING ~~SEX DISCRIMINATION AND SEXUAL HARASSMENT~~ (STUDENTS)

Name of the complainant

Date of the complaint

Date of the alleged ~~discrimination/~~harassment

Name(s) of the ~~discriminator(s) or~~ harasser(s)

Location where such ~~discrimination/~~harassment occurred

Name(s) of any witness(es) to the ~~discrimination/~~harassment

Statement of the facts and circumstances constituting the alleged ~~discrimination or~~ harassment:

List of Documentary evidence, if any

Remedy Requested

DRAFT



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

5145.50 - Prohibition of Harassment (Students)

Approved on

It is the policy of the Board of Education to maintain a working and learning environment that is free from harassment. The Board will not tolerate the harassment of any student for any reason, including harassment based on race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status, or any other basis prohibited by law, subject to the conditions and limitations established by law.

This policy prohibits harassment of students by employees, other students, or third parties. This includes protection from harassment by teachers, administrators, Board of Education members, volunteers, visitors and any other individuals who are on school premises, at school-sponsored activities and at other places where such persons may come in contact with students in connection with educational programs and activities.

Students are also prohibited from harassing teachers, administrators or other school personnel for any reason, including harassment based on race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status, or any other basis prohibited by law, subject to the conditions and limitations established by law.

Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the District's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.

For the purposes of this policy, "veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence

Commented [GSE1]: This is language from the Board's general harassment policy

that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

Any student and/or parent/guardian wishing to file a complaint regarding harassment may obtain a copy of the Board's complaint procedures and complaint form, which are included in the Board's Administrative Procedures Regarding Harassment (Students). These procedures accompany Board Policy #5145.50 and are available online at <https://www.csdnb.org/board-policies.php> or upon request from the main office of any district school.

If a complaint involves allegations of harassment based on gender/sex (i.e. sexual harassment or sex discrimination), such complaints will be handled under Policy #5145.51, Prohibition of Sex Discrimination and Sexual Harassment (Students).

Anyone who has questions or concerns about this policy, or would like a copy of the Board's complaint procedures or complaint forms related to claims of harassment, may contact:

Director of Pupil Services

The Pupil Services Department
272 Main Street, P.O. Box 1960, New Britain, CT 06050.
Phone: 860-827-2234

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex may contact the Board's Title IX Coordinator:

Title IX Coordinator
Director of Personnel and Talent Development
272 Main Street, P.O. Box 1960, New Britain, CT 06050.
Phone: 860-827-2295

A copy of this policy or appropriate summary notice shall be distributed annually to all students and employees.

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.
Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined
Connecticut General Statutes § 10-15c
Connecticut General Statutes § 46a-58, Deprivation of rights
Connecticut General Statutes § 46a-81a, et seq.

Commented [GSE2]: This Policy previously stated that the Title IX Coordinator is the point of contact, and that the Title IX Coordinator is the Director of Pupil Services.

However, the new Title IX Policy states that the Director of Personnel and Talent Development is the Title IX Coordinator. Thus, I'm not sure which person you want as the contact for this policy.



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure

5145.50 - Prohibition of Harassment (Students)

Approved on

I. Overview

The Board of Education promotes a working and learning environment that is free from harassment. The Board of Education does not tolerate harassment of any student by another student, school employee, or third person based upon race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status, or any other basis. This includes protection from harassment by people who are participating in, observing, or otherwise engaged in school-sponsored activities, including sporting events and other extracurricular activities under the auspices of the school district.

Students who have been subjected to harassment as defined in Board Policy #5145.50 are encouraged to promptly report such incidents to any of the following school officials: **School Counselor, Building Principal, Assistant Principal, or the district's Director of Pupil Services**. Timely reporting of incidents of harassment enables the school district to properly investigate and resolve such complaints.

If a complaint involves allegations of harassment based on gender/sex (i.e. sexual harassment or sex discrimination), such complaints will be handled under Policy #5145.51, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Students).

Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained to the extent practical. Any reprisals or retaliations found to have occurred as a result of reporting harassment may result in disciplinary action against the retaliator. All reports of conduct that violates this policy shall be reviewed regardless of whether the report has been made in writing.

The school district will provide staff development for new district administrators and will publish its policy and complaint procedure and orient students and employees in an effort to maintain an environment free of harassment.

II. Definition of Harassment

Harassment means unwelcome and offensive conduct that has the purpose or effect of unreasonably interfering with a student's performance and/or learning opportunities or that is sufficiently severe, pervasive or persistent so as to create an intimidating, hostile or offensive educational environment. All forms of harassment are prohibited whether verbal, written, visual or physical and regardless of the medium through which it occurs.

III. Relationships in the Educational Environment

Sexual or romantic relationships between employees and students are strictly prohibited whether or not they constitute sexual harassment as defined in this policy and Board Policy #5145.51, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Students). Furthermore, such relationships may violate state and federal criminal laws.

IV. Examples of Harassment

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status is prohibited by this policy. Examples of such harassment include, but are not limited to, the following:

- A. Intimidation and implied or overt threats of physical violence or physical acts of aggression or assault upon another or damage to another's property that is motivated by race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status.
- B. Depending upon the circumstances and context, demeaning jokes, taunting, slurs, derogatory nicknames, innuendos or other negative or offensive remarks relating to an individual's race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status.
- C. Depending upon the circumstances and context, graffiti, slogans, or visual displays such as cartoons, graphics or posters depicting slurs or derogatory sentiments relating to an individual's race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status.

V. Complaint Procedure

All members of the school community are responsible for helping to assure that harassment is avoided. The Superintendent of Schools is authorized to develop and maintain regulations establishing a complaint procedure for reporting violations of this policy. Any student who feels he or she has been harassed or victimized in violation of this policy should process a complaint in accordance with said regulations. Any staff member who has observed or otherwise become aware of conduct prohibited by this policy is required to bring the matter to the immediate attention of the Director of Pupil Services.

The Pupil Services Department is located at 272 Main Street, P.O. Box 1960, New Britain, CT 06050. The phone number is 860-827-2234.

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken as warranted. Any employee, student, volunteer or other individual under the control of the school system who is determined after an investigation to have engaged in harassment in violation of this policy will be subject to discipline, including possible dismissal or expulsion. He or she may also be personally liable in any civil or criminal legal action brought against him or her.

In the event the Director of Pupil Services receives a complaint alleging harassment based on gender/sex (i.e. sexual harassment or sex discrimination), the Director of Pupil Services shall follow the procedures identified in Policy #5145.51, Prohibition of Sex Discrimination and Sexual Harassment (Students).

VI. Retaliation

Retaliation against an individual because she or he has reported harassment or has co-operated in an investigation of alleged harassment is a violation of Board policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of unlawful harassment.

VII. Responsibilities of the Director of Pupil Services

The Director of Pupil Services is responsible for the following:

- A. Ensuring that all complaints of harassment of students are investigated in a prompt and objective manner.
- B. Reviewing the Board's policy on harassment and these accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation.
- C. Working cooperatively with the Board's Title IX Coordinator when the complaint alleges sex discrimination or sexual harassment.
- D. Ensures that the Board's policy and administrative procedures regarding unlawful harassment of students are distributed to all students and employees annually.
- E. Ensuring that the definition of harassment as well as the process by which a student may make a complaint of harassment is part of the orientation for all students and employees at the start of the school year and new students and employees during the school year.
- F. Ensuring students are aware of who is serving as Director of Pupil Services for the District and how he or she may be reached.

VIII. Responsibilities of Students and Personnel

A. All Students. Any student who feels that he or she has been a victim of harassment in violation of school policy is strongly urged to immediately report the harassment to a School Counselor, Building Principal, Assistant Principal or the district's Director of Pupil Services. Any student who is not the target of harassment but is aware of it occurring should likewise be encouraged to report such information.

B. All Employees. Any employee who observes or otherwise becomes aware of any incident of harassment of a student is required to immediately report such incident to the district's Director of Pupil Services.

C. School Counselors and Administrators. Any complaint, report or other communication from a student or other individual, a government agency, or an attorney concerning potential harassment against a student must be immediately shared with the Director of Pupil Services. If notification to the Director of Pupil Services is impractical or implausible under the circumstances, the Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the Director of Pupil Services or Superintendent or his or her designee.

D. Director of Pupil Services. The Director of Pupil Services shall be responsible for the investigation of all verbal and written complaints of alleged discrimination against students including harassment.

IX. Reporting a Complaint of Harassment

Any student who feels that he/she has been harassed or discriminated against on the basis of race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status or any other basis in violation of Board Policy 5145.50 should immediately bring his or her complaint to the attention of any of the following school officials: **School Counselor, Building Principal, Assistant Principal or the district's Director of Pupil Services.**

The Office of Pupil Services is located at 272 Main Street, P.O. Box 1960, New Britain, CT 06050. The phone number is 860-827-2234.

In the event the Director of Pupil Services receives a complaint alleging harassment based on gender/sex (i.e. sexual harassment or sex discrimination), the Director of Pupil Services shall follow the procedures identified in Policy #5145.51, Prohibition of Sex Discrimination and Sexual Harassment (Students).

Upon any notice from a student or other individual that harassment or unlawful discrimination of a student may be occurring, the school official should inform the student of the school district's policy and regulations, including the school district's legal obligation to investigate every report. If the complainant is a minor, the school official to whom the complaint is given should consider whether a child abuse report should be completed.

Although there is no requirement that the complaint be in writing, the school official should encourage the student to commit the complaint to writing and may assist the student in writing the complaint. The school official should document the complaint even if the student refuses to commit the complaint to writing.

The written complaint should state the following (the form in Appendix A may be provided for the convenience of the complainant, but is not required):

1. Name of the complainant
2. Date that the complaint was made
3. Name(s) of the alleged harasser(s)
4. Date and place of the alleged harassment
5. Names of any witnesses, if any
6. List of documentary evidence, if any
7. Statement of the facts supporting this complaint of harassment

The school official should advise the student that confidentiality will be maintained to the extent possible. The school official cannot make a blanket promise of complete confidentiality since information gained from the investigation may have to be disclosed to other students, school personnel or may be needed in subsequent government or court proceedings.

The school official should carefully document his or her knowledge of all communications and efforts concerning student complaints, including any student failure to take advantage of the opportunities provided by the school district's policy and procedure.

All complaints and accompanying documentation are to be forwarded immediately to the Building Principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. The Building Principal or designee shall

immediately forward the complaint to the district's Director of Pupil Services without screening or investigating the report.

If the Director of Pupil Services is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so. If the Superintendent is the subject of the complaint, it shall be submitted to the Board of Education and the Board shall appoint the investigator.

X. Investigation of the Complaint

A. Investigator: Director of Pupil Services is responsible for investigating any complaints of harassment against students, regardless of whether the conduct occurred on or off school grounds. The advice of legal counsel should be sought as necessary.

B. Interim measures: The investigator shall assess whether it is necessary to take immediate interim measures to prevent further allegations of harassment or retaliation of any kind while the investigation is pending.

C. Investigation: The investigator shall offer to meet with the complainant within 10 school days of the receipt of the complaint to discuss the nature of the complaint, identify individuals the complainant believes have relevant information, and obtain any relevant documents the complainant may have. The investigator shall consult with all individuals believed to have relevant information including the complainant, the person(s) accused of the harassment, potential witnesses and other possible victims of the alleged harassment. The investigator shall consider whether the alleged harassment has created a hostile school environment, including the consideration of the effects of off-campus conduct on the school. Throughout the investigative process, the due process rights of the alleged harasser(s) shall be preserved.

D. Maintaining Confidentiality: The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. In the event that the student requests confidentiality or that an investigation not be conducted, the district will take reasonable steps to investigate and respond to the complaint to the extent possible, given the nature of the student's request. If the student insists that his or her personally identifiable information not be shared with the respondent, the student will be informed that the district's ability to investigate and/or take corrective action may be limited.

E. Documentation: The investigator should carefully document all aspects of the investigation. Documentation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file or the student's disciplinary file.

F. Written Report: After an impartial and prompt investigation of the complaint, the investigator should ascertain (1) whether the alleged conduct occurred, and (2) whether such conduct constitutes a violation of the Board's policy. The investigator should commit the findings and recommendations to writing and forward the report to the Superintendent of Schools. Unless unusual circumstances exist, the written report shall be completed within 30 school days of receipt of the complaint. If the Superintendent is the subject of the investigation, the Board of Education shall receive the findings and recommendations.

G. Notification of Results of Investigation: Within sixty (60) school days from the date the complaint was received by the Director of Pupil Services or designee, the outcome of the investigation will be communicated to the parties involved in a manner consistent with state and federal laws regarding data and records privacy. The

written notice shall include a finding of whether or not the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment.

H. Request for Review: If the complainant or respondent is dissatisfied with the findings of the investigation, he or she may file a written appeal within thirty (30) calendar days to the Superintendent of Schools, who shall review the Director of Pupil Services or designee's written report, the information collected, and the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The complainant may present additional evidence or witnesses for the reviewer to consider. After completing this review, the Superintendent of Schools shall respond to the complainant, in writing, within fifteen (15) school days following the receipt of the written request for review.

I. Corrective Action: If harassment in violation of Board policy is determined to have occurred, the school district will take prompt corrective action that is reasonably calculated to stop the harassment and prevent any recurrence of such behavior. As part of such remedial action, the offender may be subject to appropriate disciplinary action which may include, but is not limited to one or a combination of the following: counseling; awareness training; warning; reprimand; reassignment; transfer; suspension; or referral for expulsion proceedings. School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and other school district policies.

If a complaint raises a concern about bullying behavior, the Director of Pupil Services shall notify the Safe School Climate Specialist or designee who shall coordinate a bullying investigation, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.

Retaliation against any individual who complains pursuant to the Board's policy and regulations is strictly prohibited. The district will take actions necessary to prevent retaliation as a result of filing a complaint.

XI. Alternative Complaint Procedures

At any time, any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

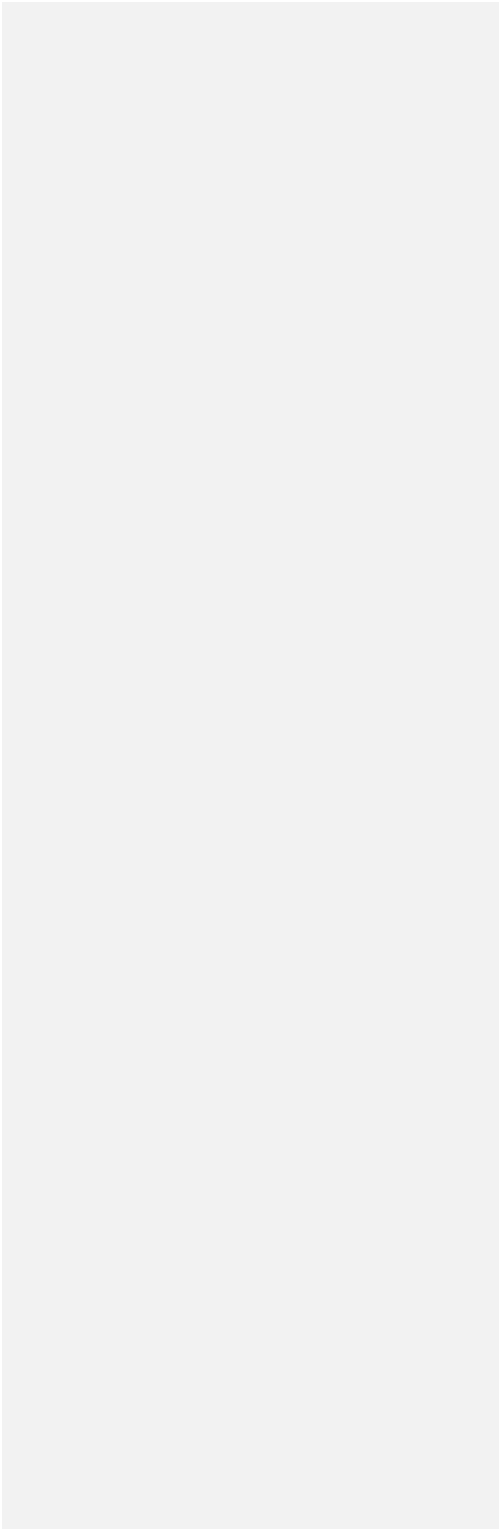
Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
(617-289-0111)
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(800-477-5737)

Copies of this regulation will be distributed to all students.

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**APPENDIX A
COMPLAINT FORM REGARDING HARASSMENT (STUDENTS)**

Name of the complainant

Date of the complaint

Date of the alleged harassment

Name(s) of the alleged harasser(s)

Location where such harassment occurred

Name(s) of any witness(es) to the harassment

Statement of the facts and circumstances constituting the alleged harassment:

List of Documentary evidence, if any

Remedy Requested

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CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

4118.112/4218.112 – Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel)

Approved on

It is the policy of the Board of Education (the “Board”) for the Consolidated School District of New Britain that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. ~~Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.~~

The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”), [Title VII of the Civil Rights Act of 1964 \(“Title VII”\)](#), and [Connecticut law](#) not to discriminate in such a manner. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of all parties. Any employee or student who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including termination or expulsion, respectively. Third parties who engage in conduct prohibited by this Policy shall be subject to other sanctions, which may include exclusion from Board property and/or activities. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

For conduct to violate this ~~Policy~~[Title IX](#), the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of [Title VII, Connecticut law, and/or](#) another Board policy.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX, [Title VII, and Connecticut law](#) (the “Administrative Regulations”).

Sex discrimination occurs when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual’s sex. Sex discrimination also occurs when a person, because of the

person's sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (*i.e., quid pro quo*);
- (2) 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 Board's education programs or activities; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a) (10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

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Sexual harassment under Title VII and Connecticut law means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Employees are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner. Violations of this Policy by employees will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this Policy and illegal under state and federal law.

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

The Consolidated School District of New Britain administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), ~~Such which~~ training ~~will~~shall include ~~information on~~ but need not be limited to, the definition of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and implement the grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board's website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX, Title VII, and Connecticut law, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to employees, union representatives, students, parents and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator for personnel is the Director of Personnel and Talent Development. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Director of Personnel and Talent Development
272 Main Street, P.O. Box 1960, New Britain, CT 06050
860-827-2295

Email:

Commented [A1]: The new regulations require that the Title IX Coordinator's email be included

Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone: 617-289-0111).

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-514-3400).

Legal References:

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).
Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
Title IX of the Education Amendments of 1972, 34 CFR § 106, et seq.
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Conn. Gen. Stat. § 46a-54 - Commission powers Connecticut
Conn. Gen. Stat. § 46a-60 - Discriminatory employment practices prohibited.
Conn. Gen. Stat. § 46a-81c - Sexual orientation discrimination: Employment
Conn. Gen. Stat. § 10-153 - Discrimination on the basis of sex, gender identity or expression or marital status prohibited
Conn. Agencies Regs. §§ 46a-54-200 through § 46a-54-207



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure

4118.112/4218.112 – Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel)

Approved

It is the policy of the Board of Education (the “Board”) for the Consolidated School District of New Britain that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

Any employee or student who engages in conduct prohibited by the Board’s Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board’s Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) shall be subject to remedial measures, which may include exclusion from school property.

Sex discrimination occurs when a person, because of the person's sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo*);
- (2) 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 programs or activities; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations.

Sexual harassment under Title VII and Connecticut law means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel):

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;

6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

NOTICE OF THE TITLE IX COORDINATOR FOR PERSONNEL

The Board's Title IX Coordinator for Personnel is the Director of Personnel and Talent Development. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Director of Personnel and Talent Development
272 Main Street, P.O. Box 1960, New Britain, CT 06050
860-827-2295

[Email:](#)

The Title IX Coordinator manages the District's compliance with Title IX, [Title VII, and Connecticut law with respect to sexual harassment and/or sex discrimination](#) and is an available resource to anyone seeking information or wishing to file a formal complaint [of same](#). When a student, District employee, or other participant in the District's programs and activities feels that such person has been subjected to discrimination on the basis of sex in any District program or activity, including without limitation being subjected to sexual harassment, such person may contact the Title IX Coordinator or utilize the Title IX, [Title VII, and Connecticut law](#) grievance systems set forth herein to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems: a grievance process for complaints of sex discrimination involving allegations of sexual harassment and grievance procedures for complaints of sex discrimination that are not sexual harassment. Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the **grievance process** set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these regulations.

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of these Administrative Regulations, including the conduct of any investigation, hearing, or judicial proceeding arising from these Administrative Regulations.

The obligation to comply with Title IX is not obviated or alleviated by the FERPA.

SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT

A. Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.
- **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.
- **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other

course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a person in the District's education program or activity, the Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant has filed a formal complaint, and will consider the complainant's wishes with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator or designee will explain to the complainant the process for doing so.
2. The District will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in ~~this Regulation~~ these Administrative Regulations shall preclude the District from placing an employee respondent on administrative leave during the pendency of the grievance process. Further, nothing in these Administrative Regulations shall limit or preclude the District from removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the District shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual

harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.

3. Upon receipt of a formal complaint, if the Title IX Coordinator or designee has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator or designee will promptly contact the complainant ~~and respondent separately~~ to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide supportive measures.
4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment and a copy of this grievance process. The written notice must also include the following:
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual harassment as defined above;
 - iii. The date and the location of the alleged incident, if known;
 - iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
 - vi. A statement of any provision in the District's policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the written notice, the District must provide notice of the additional allegations to the parties whose identities are known.

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard

(i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.

7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a witness) written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this section.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to a hearing or the time a determination regarding responsibility is made.
10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.

11. The decision-maker(s) will issue a written determination regarding responsibility. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.
12. Student respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.
13. After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Section E of this Regulation.

D. Informal Resolution

At any time prior to reaching a determination regarding responsibility, but only after the filing of a formal complaint, the District may suggest to the parties the possibility of facilitating an informal resolution process, such as mediation, to resolve the formal complaint without the need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Title IX Coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or designee will provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The District must obtain voluntary, written consent to the informal resolution process from both parties.

Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

Nothing in this section precludes an employee from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.

An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

E. Appeal Process

After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based.

Appeals will be appropriate only in the following circumstances:

- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- procedural irregularity that affected the outcome of the matter;
- the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. A conflict of interest or bias does not exist solely because the Title IX Coordinator, investigators(s), and/or decision-maker(s) previously worked with or disciplined the complainant or respondent.

The District will provide the other party with written notice of such appeal. Both parties will then have an opportunity to submit a written statement in support of, or challenging, the outcome. Such written statement must be submitted ten (10) school days after receiving written notice of the appeal. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision-maker(s). The decision-maker(s) for the appeal, in their discretion, will determine the appropriate procedure for the appeal. After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

Supportive measures for either or both parties may be continued throughout the appeal process.

F. Dismissal of a Formal Complaint

The Title IX Coordinator shall dismiss any formal complaint that, under Title IX, 1) would not constitute sexual harassment as defined in these Administrative Regulations under Title IX even if proved, 2) did not occur in the District's education program or activity, or 3) did not occur against a person in the United States. Such dismissal does not preclude action under another Board policy.

The District may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that 1) the complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in the District; or 3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the District will promptly and simultaneously send written notice of the dismissal and reason(s) therefor to each party. Either party can appeal from the District's dismissal of a formal complaint or any allegations therein using the appeals procedure.

In the event a formal complaint is dismissed prior to the issuance of a decision under Title IX, the Title IX Coordinator shall determine if the allegations of sexual harassment shall proceed through the grievance procedures identified in Section II of these Administrative Regulations for claims of sex discrimination for consideration as to whether the allegations constitute sexual harassment under Title VII or Connecticut law.

A dismissal pursuant to this section does not preclude action by the District under the Student Discipline policy, Code of Conduct for students/or and employees, or any other applicable rule, policy, and/or collective bargaining agreement.

G. Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the

complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

4. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.
5. The District will maintain for a period of seven (7) years records of:
 - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
 - ii. Any appeal and the result therefrom;
 - iii. Any informal resolution and the result therefrom; and
 - iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

If the District has actual knowledge of sexual harassment in an education program or activity of the Board, and for any report or formal complaint of sexual harassment, the District will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The District will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Board's education program or activity. If the District does not provide a complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX)

A. Definitions

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

B. Reporting Sex Discrimination Other than Sexual Harassment under Title IX

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sex discrimination or alleged sex discrimination against a person in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, ~~shall~~ shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Title VII or Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.

C. Grievance Procedures

1. As soon as an employee feels that he or she has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Title VII or Connecticut law), he/she should make a written complaint to the Title IX Coordinator or to the building principal, or his/her designee. The employee will be provided a copy of the Board's policy and Administrative Regulations and made aware of his or her rights. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. The complaint should state the:
 - i. Name of the complainant;
 - ii. Date of the complaint;
 - iii. Date(s) of the alleged discrimination;
 - iv. Name(s) of the discriminator(s);
 - v. Location where such discrimination occurred;
 - vi. Names of any witness(es) to the discrimination;
 - vii. DETAILED STATEMENT OF THE CIRCUMSTANCES CONSTITUTING THE ALLEGED DISCRIMINATION; AND
 - viii. REMEDY REQUESTED.
3. Any employee who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.
4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. In addition, a copy of any complaint filed under this ~~p~~Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the

complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.

5. The Title IX Coordinator or designee shall investigate all complaints of sex~~ual~~ discrimination against an employee, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
6. Any employee who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the employee requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the employee insists that his/her information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
 - i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
 - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
 - iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
 - iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
 - v. consider whether alleged sex discrimination has created a hostile work environment, including consideration of the effects of off-campus conduct on the school;
 - vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent

(if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and

- vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or his/her designee, and take steps to remedy the effects of the sex discrimination.
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.
9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, he or she may file a written appeal within five (5) school days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

D. Miscellaneous

1. If a sexual discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the sexual discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
3. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a

result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Section III. Further Reporting

At any time, a complainant alleging sex discrimination or sexual harassment may also file a formal complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-514-3400).

Copies of these Administrative Regulations will be distributed to all employees.

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Appendix A

Sexual Assault: An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Forcible Rape—(Except Statutory Rape) The carnal knowledge of a person, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Forcible Sodomy—Oral or anal sexual intercourse with another person, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's ~~youth~~ age or because of the person's temporary or permanent mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's ~~youth~~ age or because of the person's temporary or permanent mental or physical incapacity.

Forcible Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's ~~youth~~ age or because of the person's temporary or permanent mental or physical incapacity.

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Affirmative Consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

For the purposes of an investigation conducted pursuant to these Administrative Regulations, the following principles shall be applied in determining whether consent for sexual activity was given and/or sustained:

- A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
- B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- C. It is the responsibility of each person to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:
 - (i) because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant affirmatively consented, or
 - (ii) if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
- E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of affirmative consent.



COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX (PERSONNEL)

This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

Name(s) of any witness(es) to the sexual harassment _____

Detailed statement of the circumstances constituting the alleged sexual harassment

Remedy requested _____

Signature of Complainant or Title IX Coordinator: _____



**COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT
UNDER TITLE IX) (PERSONNEL)**

This complaint form should be used for complaints of sex discrimination as defined on page 1 of the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

Name(s) of any witness(es) to the sex discrimination _____

Detailed statement of the circumstances constituting the alleged sex discrimination

Remedy requested _____

Signature: _____



NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

In accordance with the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), a formal complaint of sexual harassment has been filed with the Title IX Coordinator.

Identities of the parties involved, if known:

_____ (Complainant(s))
_____ (Respondent(s))

The conduct allegedly constituting sexual harassment: _____

The date and the location of the alleged incident, if known: _____

The Title IX Coordinator for Personnel or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator for personnel:

Director of Personnel and Talent Development
272 Main Street, P.O. Box 1960, New Britain, CT 06050
860-827-2295

The respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility is made at the conclusion of the grievance process.

All parties involved may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

Any employee who knowingly makes false statements or knowing submits false information during this grievance process is subject to discipline, up to and including termination. Additionally, it is a violation of the Board's Student Discipline Policy to lie to school officials or otherwise engage in dishonest behavior, which includes knowingly making false statements or

knowingly submitting false information during the grievance process. Any student who knowingly makes false statements or knowingly submits false information during this grievance process will be subject to sanctions pursuant to the Board's Student Discipline Policy.

A copy of the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) is included with this notice.

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NOTICE OF INFORMAL RESOLUTION PROCESS
FOR SEXUAL HARASSMENT COMPLAINTS UNDER TITLE IX

In accordance with the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), a formal complaint of sexual harassment has been filed with the Title IX Coordinator. The Board has an informal resolution process to promptly and equitably resolve such complaints using mediation. This informal resolution process will only be utilized if both the Complainant and Respondent agree to do so.

The conduct allegedly constituting sexual harassment: _____

If both parties agree to the informal resolution process, it shall preclude the parties from resuming a formal complaint arising out of the same allegations. However, either party may withdraw from the informal resolution process at any time before agreeing to a resolution and resume the grievance process for formal complaints of sexual harassment.

If both parties agree to a resolution, that resolution is binding upon both parties and cannot be changed or appealed.

The District will maintain for a period of seven (7) years records of the informal resolution process and results therefrom.

I voluntarily consent to the informal resolution process:

Complainant

Date

Respondent

Date



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

4118.112/4218.112 – Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel)

Approved on

It is the policy of the Board of Education (the “Board”) for the Consolidated School District of New Britain that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex.

The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”), Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law not to discriminate in such a manner. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of all parties. Any employee or student who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including termination or expulsion, respectively. Third parties who engage in conduct prohibited by this Policy shall be subject to other sanctions, which may include exclusion from Board property and/or activities. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

For conduct to violate this Title IX, the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of Title VII, Connecticut law, and/or another Board policy.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX, Title VII, and Connecticut law (the “Administrative Regulations”).

Sex discrimination occurs when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual’s sex. Sex discrimination also occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (*i.e., quid pro quo*);
- (2) 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 Board's education programs or activities; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a) (10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual harassment under Title VII and Connecticut law means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Employees are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner. Violations of this Policy by employees will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this Policy and illegal under state and federal law.

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

The Consolidated School District of New Britain administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), which training shall include, but need not be limited to, the definition of sex discrimination and sexual harassment, the scope of the Board's education program and

activity, how to conduct an investigation and implement the grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board's website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX, Title VII, and Connecticut law, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to employees, union representatives, students, parents and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator for personnel is the Director of Personnel and Talent Development. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Director of Personnel and Talent Development
272 Main Street, P.O. Box 1960, New Britain, CT 06050
860-827-2295

Email:

Commented [A1]: The new regulations require that the Title IX Coordinator's email be included

Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone: 617-289-0111).

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-514-3400).

Legal References:

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).
Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
Title IX of the Education Amendments of 1972, 34 CFR § 106, et seq.
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Conn. Gen. Stat. § 46a-54 - Commission powers Connecticut
Conn. Gen. Stat. § 46a-60 - Discriminatory employment practices prohibited.
Conn. Gen. Stat. § 46a-81c - Sexual orientation discrimination: Employment
Conn. Gen. Stat. § 10-153 - Discrimination on the basis of sex, gender identity or expression or marital status prohibited
Conn. Agencies Regs. §§ 46a-54-200 through § 46a-54-207



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure

4118.112/4218.112 – Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel)

Approved

It is the policy of the Board of Education (the “Board”) for the Consolidated School District of New Britain that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee’s sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee’s sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee’s work performance, or adversely affecting the employee’s employment opportunities is prohibited.

Any employee or student who engages in conduct prohibited by the Board’s Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board’s Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) shall be subject to remedial measures, which may include exclusion from school property.

Sex discrimination occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo*);
- (2) 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 programs or activities; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations.

Sexual harassment under Title VII and Connecticut law means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel):

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage

in any conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

NOTICE OF THE TITLE IX COORDINATOR FOR PERSONNEL

The Board's Title IX Coordinator for Personnel is the Director of Personnel and Talent Development. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Director of Personnel and Talent Development
272 Main Street, P.O. Box 1960, New Britain, CT 06050
860-827-2295
Email:

The Title IX Coordinator manages the District's compliance with Title IX, Title VII, and Connecticut law with respect to sexual harassment and/or sex discrimination and is an available resource to anyone seeking information or wishing to file a formal complaint of same. When a student, District employee, or other participant in the District's programs and activities feels that such person has been subjected to discrimination on the basis of sex in any District program or activity, including without limitation being subjected to sexual harassment, such person may contact the Title IX Coordinator or utilize the Title IX, Title VII, and Connecticut law grievance systems set forth herein to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems: a grievance process for complaints of sex discrimination involving allegations of sexual harassment and grievance procedures for complaints of sex discrimination that are not sexual harassment. Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the **grievance process** set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these regulations.

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of these Administrative Regulations, including the conduct of any investigation, hearing, or judicial proceeding arising from these Administrative Regulations.

The obligation to comply with Title IX is not obviated or alleviated by the FERPA.

SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT

A. Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.
- **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.
- **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a person in the District's education program or activity, the Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant has filed a formal complaint, and will consider the complainant's wishes with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator or designee will explain to the complainant the process for doing so.
2. The District will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in these Administrative Regulations shall preclude the District from placing an employee respondent on administrative leave during the pendency of the grievance process. Further, nothing in these Administrative Regulations shall limit or preclude the District from removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the District shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.

3. Upon receipt of a formal complaint, if the Title IX Coordinator or designee has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide supportive measures.
4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment and a copy of this grievance process. The written notice must also include the following:
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual harassment as defined above;
 - iii. The date and the location of the alleged incident, if known;
 - iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
 - vi. A statement of any provision in the District's policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the written notice, the District must provide notice of the additional allegations to the parties whose identities are known.

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity

includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a witness) written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this section.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to a hearing or the time a determination regarding responsibility is made.
10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.
11. The decision-maker(s) will issue a written determination regarding responsibility. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact

supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.

12. Student respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.

13. After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Section E of this Regulation.

D. Informal Resolution

At any time prior to reaching a determination regarding responsibility, but only after the filing of a formal complaint, the District may suggest to the parties the possibility of facilitating an informal resolution process, such as mediation, to resolve the formal complaint without the need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Title IX Coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or designee will provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The District must obtain voluntary, written consent to the informal resolution process from both parties.

Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

Nothing in this section precludes an employee from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.

An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

E. Appeal Process

After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based.

Appeals will be appropriate only in the following circumstances:

- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- procedural irregularity that affected the outcome of the matter;
- the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. A conflict of interest or bias does not exist solely because the Title IX Coordinator, investigators(s), and/or decision-maker(s) previously worked with or disciplined the complainant or respondent.

The District will provide the other party with written notice of such appeal. Both parties will then have an opportunity to submit a written statement in support of, or challenging, the outcome. Such written statement must be submitted ten (10) school days after receiving written notice of the appeal. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision-maker(s). The decision-maker(s) for the appeal, in their discretion, will determine the appropriate procedure for the appeal. After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

Supportive measures for either or both parties may be continued throughout the appeal process.

F. Dismissal of a Formal Complaint

The Title IX Coordinator shall dismiss any formal complaint that, under Title IX, 1) would not constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in the District's education program or activity, or 3) did not occur against a person in the United States. Such dismissal does not preclude action under another Board policy.

The District may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that 1) the complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in the District; or 3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the District will promptly and simultaneously send written notice of the dismissal and reason(s) therefor to each party. Either party can appeal from the District's dismissal of a formal complaint or any allegations therein using the appeals procedure.

In the event a formal complaint is dismissed prior to the issuance of a decision under Title IX, the Title IX Coordinator shall determine if the allegations of sexual harassment shall proceed through the grievance procedures identified in Section II of these Administrative Regulations for claims of sex discrimination for consideration as to whether the allegations constitute sexual harassment under Title VII or Connecticut law.

A dismissal pursuant to this section does not preclude action by the District under the Student Discipline policy, Code of Conduct for students/or and employees, or any other applicable rule, policy, and/or collective bargaining agreement.

G. Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
4. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative

Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

5. The District will maintain for a period of seven (7) years records of:
 - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
 - ii. Any appeal and the result therefrom;
 - iii. Any informal resolution and the result therefrom; and
 - iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

If the District has actual knowledge of sexual harassment in an education program or activity of the Board, and for any report or formal complaint of sexual harassment, the District will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The District will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Board's education program or activity. If the District does not provide a complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX)

A. Definitions

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

B. Reporting Sex Discrimination Other than Sexual Harassment under Title IX

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by

mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sex discrimination or alleged sex discrimination against a person in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Title VII or Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.

C. Grievance Procedures

1. As soon as an employee feels that he or she has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Title VII or Connecticut law), he/she should make a written complaint to the Title IX Coordinator or to the building principal, or his/her designee. The employee will be provided a copy of the Board's policy and Administrative Regulations and made aware of his or her rights. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. The complaint should state the:
 - i. Name of the complainant;
 - ii. Date of the complaint;
 - iii. Date(s) of the alleged discrimination;
 - iv. Name(s) of the discriminator(s);
 - v. Location where such discrimination occurred;
 - vi. Names of any witness(es) to the discrimination;
 - vii. DETAILED STATEMENT OF THE CIRCUMSTANCES CONSTITUTING THE ALLEGED DISCRIMINATION; AND
 - viii. REMEDY REQUESTED.
3. Any employee who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.
4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against an employee, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be

extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.

6. Any employee who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the employee requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the employee insists that his/her information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
 - i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
 - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
 - iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
 - iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
 - v. consider whether alleged sex discrimination has created a hostile work environment, including consideration of the effects of off-campus conduct on the school;
 - vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and

- vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or his/her designee, and take steps to remedy the effects of the sex discrimination.
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.
9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, he or she may file a written appeal within five (5) school days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

D. Miscellaneous

1. If a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
3. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Section III. Further Reporting

At any time, a complainant alleging sex discrimination or sexual harassment may also file a formal complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-514-3400).

Copies of these Administrative Regulations will be distributed to all employees.

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Appendix A

Sexual Assault: An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Rape—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Fondling—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Affirmative Consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

For the purposes of an investigation conducted pursuant to these Administrative Regulations, the following principles shall be applied in determining whether consent for sexual activity was given and/or sustained:

- A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
- B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- C. It is the responsibility of each person to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:
 - (i) because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant affirmatively consented, or
 - (ii) if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
- E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of affirmative consent.



COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX (PERSONNEL)

This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

Name(s) of any witness(es) to the sexual harassment _____

Detailed statement of the circumstances constituting the alleged sexual harassment

Remedy requested _____

Signature of Complainant or Title IX Coordinator: _____



**COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT
UNDER TITLE IX) (PERSONNEL)**

This complaint form should be used for complaints of sex discrimination as defined on page 1 of the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

Name(s) of any witness(es) to the sex discrimination _____

Detailed statement of the circumstances constituting the alleged sex discrimination

Remedy requested _____

Signature: _____



NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

In accordance with the Board’s Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), a formal complaint of sexual harassment has been filed with the Title IX Coordinator.

Identities of the parties involved, if known:

_____ (Complainant(s))
_____ (Respondent(s))

The conduct allegedly constituting sexual harassment: _____

The date and the location of the alleged incident, if known: _____

The Title IX Coordinator for Personnel or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator for personnel:

Director of Personnel and Talent Development
272 Main Street, P.O. Box 1960, New Britain, CT 06050
860-827-2295

The respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility is made at the conclusion of the grievance process.

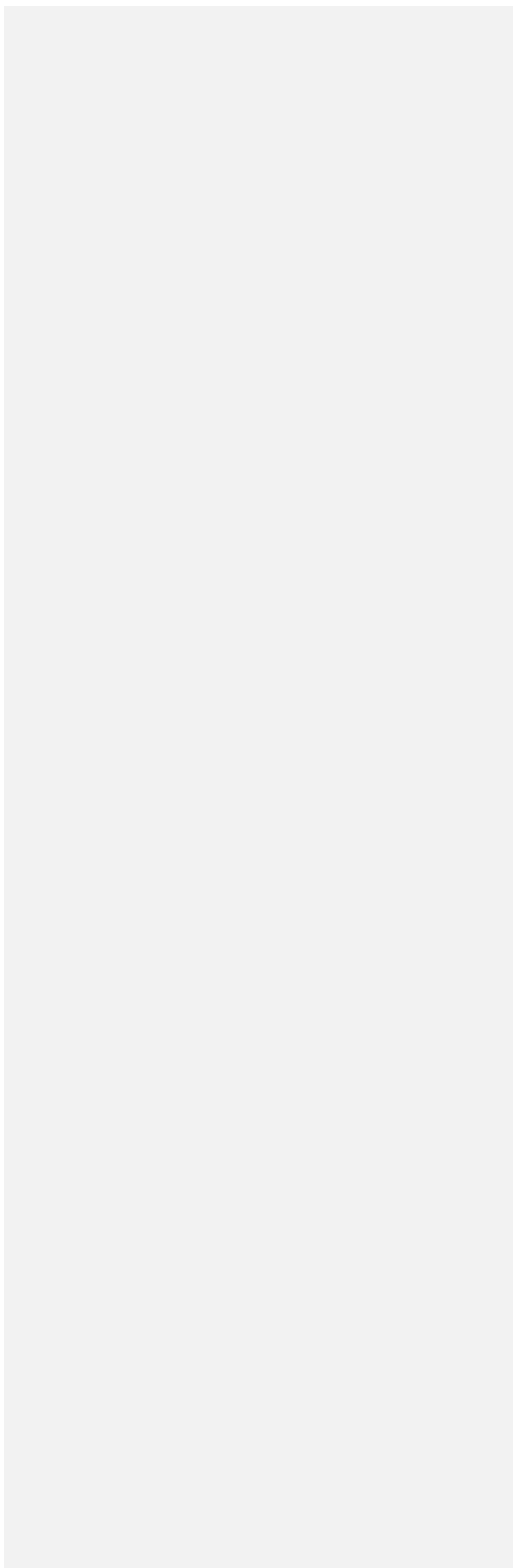
All parties involved may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board’s Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

Any employee who knowingly makes false statements or knowing submits false information during this grievance process is subject to discipline, up to and including termination. Additionally, it is a violation of the Board’s Student Discipline Policy to lie to school officials or otherwise engage in dishonest behavior, which includes knowingly making false statements or

knowingly submitting false information during the grievance process. Any student who knowingly makes false statements or knowingly submits false information during this grievance process will be subject to sanctions pursuant to the Board's Student Discipline Policy.

A copy of the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) is included with this notice.

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**NOTICE OF INFORMAL RESOLUTION PROCESS
FOR SEXUAL HARASSMENT COMPLAINTS UNDER TITLE IX**

In accordance with the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), a formal complaint of sexual harassment has been filed with the Title IX Coordinator. The Board has an informal resolution process to promptly and equitably resolve such complaints using mediation. This informal resolution process will only be utilized if both the Complainant and Respondent agree to do so.

The conduct allegedly constituting sexual harassment: _____

If both parties agree to the informal resolution process, it shall preclude the parties from resuming a formal complaint arising out of the same allegations. However, either party may withdraw from the informal resolution process at any time before agreeing to a resolution and resume the grievance process for formal complaints of sexual harassment.

If both parties agree to a resolution, that resolution is binding upon both parties and cannot be changed or appealed.

The District will maintain for a period of seven (7) years records of the informal resolution process and results therefrom.

I voluntarily consent to the informal resolution process:

Complainant

Date

Respondent

Date



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

5145.51 – Prohibition of Sex Discrimination and Sexual Harassment (Students)

Title IX of the Education Amendments of 1972

Approved on

It is the policy of the Board of Education (the “Board”) for the Consolidated School District of New Britain that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”) [and Connecticut law](#) not to discriminate in such a manner. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of students, employees and third parties. Any student or employee who engages in conduct prohibited by this [Policy](#) shall be subject to disciplinary action, up to and including expulsion or termination, respectively.

For conduct to violate this [Policy Title IX](#), the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of [Connecticut law or](#) another Board policy.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX [and Connecticut law](#) (the “Administrative Regulations”).

Sex discrimination occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

Sexual harassment [under Title IX](#) means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct (*i.e., quid pro quo*);
- (2) 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 Board’s education programs or activities; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment.

Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Students are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner. The Board further directs its employees to maintain confidentiality to the extent appropriate and not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination and/or sexual harassment. Any such reprisals or retaliation will result in disciplinary action against the retaliator, up to and including expulsion or termination as appropriate.

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

The Consolidated School District of New Britain administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), on which training shall include but need not be limited to, the definitions of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board's website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX and Connecticut law, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to staff, students and parents and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator for students is the Director of Pupil Services. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Director of Pupil Services
272 Main Street, P.O. Box 1960, New Britain, CT 06050

860-827-2234

[Email:](#)

Commented [A1]: The new regulations require that the Title IX Coordinator's email be included

Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 [Telephone (617) 289-0111].

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.

Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

[Conn. Gen. Stat. § 10-15c - Discrimination in public schools prohibited.](#)

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CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure

5145.51 – Prohibition of Sex Discrimination and Sexual Harassment (Students)

Title IX of the Education Amendments of 1972

Approved on

It is the policy of the Board of Education (the “Board”) for the Consolidated School District of New Britain (“the District”) that any form of sex discrimination or sexual harassment is prohibited, whether by students, District employees or third parties subject to substantial control by the Board. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. Any student or employee who engages in conduct prohibited by the Board’s Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board’s Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) shall be subject to remedial measures, which may include exclusion from school property.

Sex discrimination occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct (i.e., *quid pro quo*);
- (2) 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 programs or activities; or
- (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations.

Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students):

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.
5. Transmitting or displaying emails or websites of a sexual nature.
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students).

NOTICE OF THE TITLE IX COORDINATOR FOR STUDENTS

The District's Title IX Coordinator for students is the Director of Pupil Services. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Director of Pupil Services
272 Main Street, P.O. Box 1960, New Britain, CT 06050
860-827-2234

Email:

The Title IX Coordinator manages the District's compliance with Title IX and Connecticut law regarding sexual harassment and sex discrimination and is an available resource to anyone seeking information or wishing to file a formal complaint of same. When a student, District employee, or other participant in the District's programs and activities feels that such person has been subjected to discrimination on the basis of sex in any District program or activity, including without limitation being subjected to sexual harassment, such person may contact

the Title IX Coordinator or utilize the Title IX grievance systems set forth herein to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems: a grievance process for complaints of sex discrimination involving allegations of sexual harassment and grievance procedures for complaints of sex discrimination that are not sexual harassment. Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the **grievance process** set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these regulations.

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of these Administrative Regulations, including the conduct of any investigation, hearing, or judicial proceeding arising from these Administrative Regulations.

The obligation to comply with Title IX is not obviated or alleviated by the FERPA.

SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT

A. Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.
- **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or

high school; or (B) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

- **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a student in the District’s education program or activity, the Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant has filed a formal complaint, and will consider the complainant’s wishes with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator or designee will explain to the complainant the process for doing so.
2. The District will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in this Regulation shall limit or preclude the District from removing a respondent from the District’s education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the District

shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.
3. Upon receipt of a formal complaint, if the Title IX Coordinator or designee has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator or designee will promptly contact the complainant ~~and respondent separately~~ to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide supportive measures.
4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment and a copy of this grievance process. The written notice must also include the following:
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual harassment as defined above;
 - iii. The date and the location of the alleged incident, if known;
 - iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

- v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- vi. A statement of any provision in the District's Student Discipline Policy or any other policy that prohibits knowingly making false statements of knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the written notice, the District must provide notice of the additional allegations to the parties whose identities are known.

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a witness), written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this section.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party

and to each party's advisor for their review and written response at least ten (10) school days prior to a hearing or the time a determination regarding responsibility is made.

10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.
11. The decision-maker(s) will issue a written determination regarding responsibility. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Students), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.
12. Student respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances,

the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.

13. After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Section V of this Regulation.

D. Informal Resolution

At any time prior to reaching a determination regarding responsibility, but only after the filing of a formal complaint, the District may suggest to the parties the possibility of facilitating an informal resolution process, such as mediation, to resolve the formal complaint without the need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Title IX Coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or designee will provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The District must obtain voluntary, written consent to the informal resolution process from both parties.

Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

Nothing in this section precludes a student from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.

An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

E. Appeal Process

After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based.

Appeals will be appropriate only in the following circumstances:

- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

- procedural irregularity that affected the outcome of the matter;
- the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. A conflict of interest or bias does not exist solely because the Title IX Coordinator, investigator(s), and/or decision-maker(s) previously worked with or disciplined the complainant or respondent.

The District will provide the other party with written notice of such appeal. Both parties will then have an opportunity to submit a written statement in support of, or challenging, the outcome. Such written statement must be submitted ten (10) school days after receiving written notice of the appeal. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision-maker(s). The decision-maker(s) for the appeal, in their discretion, will determine the appropriate procedure for the appeal. After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

Supportive measures for either or both parties may be continued throughout the appeal process.

F. **Dismissal of a Formal Complaint**

The Title IX Coordinator shall dismiss any formal complaint that under Title IX, 1) would not constitute sexual harassment as defined ~~in these Administrative Regulations under Title IX~~ even if proved, 2) did not occur in the District's education program or activity, or 3) did not occur against a person in the United States. Such dismissal does not preclude action under another Board policy.

The District may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that 1) the complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in the District; or 3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the District will promptly and simultaneously send written notice of the dismissal and reason(s) therefor to each party. Either party can appeal from the District's dismissal of a formal complaint or any allegations therein using the appeals procedure.

In the event a formal complaint is dismissed prior to the issuance of a decision under Title IX, the Title IX Coordinator shall determine if the allegations of sexual harassment shall proceed through the grievance procedures identified in Section II of these Administrative Regulations for claims of sex discrimination for consideration as to whether the allegations constitute sexual harassment under Connecticut law.

A dismissal pursuant to this section does not preclude action by the District under the Student Discipline policy, Code of Conduct for students/or and employees, or any other applicable rule, policy, and/or collective bargaining agreement.

G. Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about bullying behavior, the Title IX Coordinator or designee shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
4. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.
5. The District will maintain for a period of seven (7) years records of:
 - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
 - ii. Any appeal and the result therefrom;
 - iii. Any informal resolution and the result therefrom; and
 - iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

If the District has actual knowledge of sexual harassment in an education program or activity of the Board, and for any report or formal complaint of sexual harassment, the District will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The District will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Board's education program or activity. If the District does not provide a complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX)

A. Definitions

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

B. Reporting Sex Discrimination Other than Sexual Harassment under Title IX

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sex discrimination or alleged sex discrimination against a student in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, ~~should~~ shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.

C. Grievance Procedures

1. As soon as a student feels that he or she has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Connecticut law), he/she or his/her parent/legal guardian should make a written complaint to the Title IX Coordinator or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and Administrative Regulations and made aware of his or her rights.

Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

2. The complaint should state the:
 - i. Name of the complainant;
 - ii. Date of the complaint;
 - iii. Date(s) of the alleged discrimination;
 - iv. Name(s) of the discriminator(s);
 - v. Location where such discrimination occurred;
 - vi. Names of any witness(es) to the discrimination;
 - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
 - viii. Remedy requested.
3. Any student who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, such as due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.
4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sexual discrimination against a student, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
6. Any student who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the student insists that his/her personally identifiable information not be shared with the alleged discriminator(s), the student will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:

- i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
 - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
 - iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
 - iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
 - v. consider whether alleged sex discrimination has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;
 - vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and
 - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or his/her designee, and take steps to remedy the effects of the sex discrimination.
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.
9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, he or she may file a written appeal within five (5) school days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of

Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

D. Miscellaneous

1. If a **sexual** discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a **sexual** discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the **sexual** discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
3. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Section III. Further Reporting

At any time, a complainant alleging sex discrimination or sexual harassment may also file a formal complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 [Telephone (617) 289-0111].

[Students may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 \(Telephone: 860-514-3400\).](#)

Copies of these Administrative Regulations will be distributed to all students.

Appendix A

Sexual Assault: An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Forcible Rape—(Except Statutory Rape) The carnal knowledge of a person, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Forcible Sodomy—Oral or anal sexual intercourse with another person, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's youth age or because of the person's temporary or permanent mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's youth age or because of the person's temporary or permanent mental or physical incapacity.

Forcible Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's youth age or because of the person's temporary or permanent mental or physical incapacity.

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Affirmative Consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

For the purposes of an investigation conducted pursuant to these Administrative Regulations, the following principles shall be applied in determining whether consent for sexual activity was given and/or sustained:

- A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
- B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- C. It is the responsibility of each person to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:
 - (i) because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant affirmatively consented, or
 - (ii) if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
- E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of affirmative consent.



COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX (STUDENTS)

This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

Name(s) of any witness(es) to the sexual harassment _____

Detailed statement of the circumstances constituting the alleged sexual harassment

Remedy requested _____

Signature of Complainant or Title IX Coordinator: _____



**COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT
UNDER TITLE IX) (STUDENTS)**

This complaint form should be used for complaints of sex discrimination as defined on page 1 of the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

Name(s) of any witness(es) to the sex discrimination _____

Detailed statement of the circumstances constituting the alleged sex discrimination

Remedy requested _____

Signature: _____



NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

In accordance with the Board’s Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students), a formal complaint of sexual harassment has been filed with the Title IX Coordinator.

Identities of the parties involved, if known:

_____ (Complainant(s))
_____ (Respondent(s))

The conduct allegedly constituting sexual harassment:

The date and the location of the alleged incident, if known: _____

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator for students:

Director of Pupil Services
272 Main Street, P.O. Box 1960, New Britain, CT 06050
860-827-2234

The respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility is made at the conclusion of the grievance process.

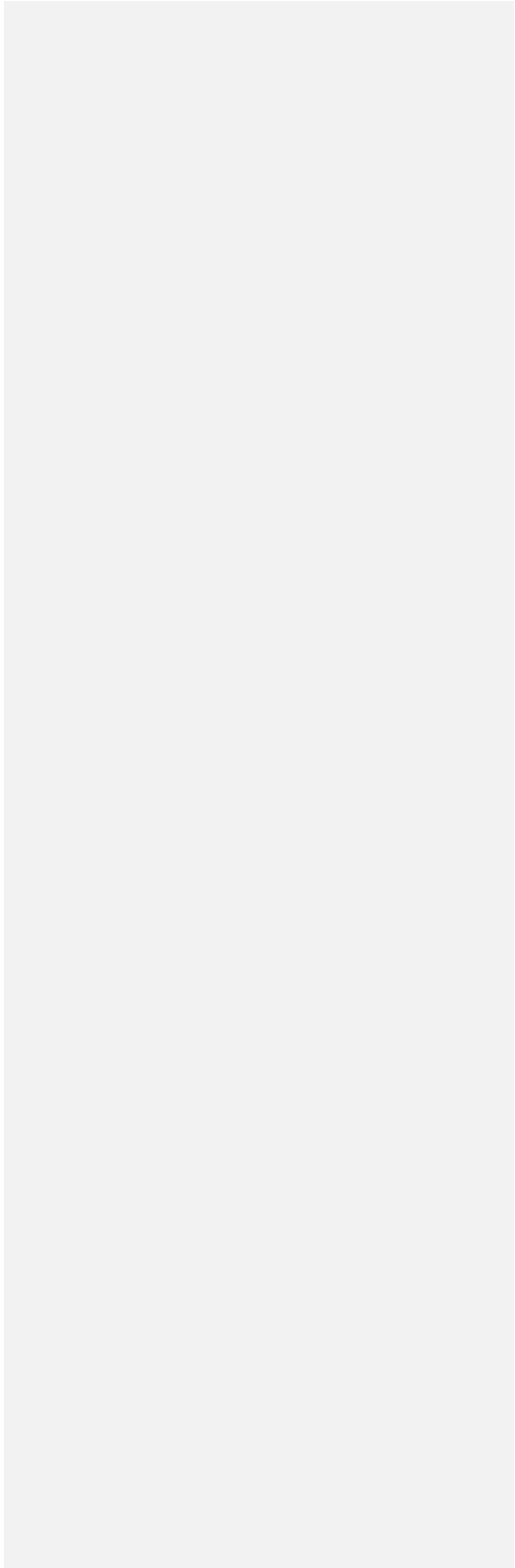
All parties involved may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board’s Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students).

It is a violation of the Board’s Student Discipline Policy to lie to school officials or otherwise engage in dishonest behavior, which includes knowingly making false statements or knowingly submitting false information during the grievance process. Any student who knowingly makes

false statements or knowingly submits false information during this grievance process will be subject to sanctions pursuant to the Board's Student Discipline Policy. Any employee who knowingly makes false statements or knowingly submits false information during this grievance process is subject to discipline, up to and including termination.

A copy of the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) is included with this notice.

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CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

5145.51 – Prohibition of Sex Discrimination and Sexual Harassment (Students)

Title IX of the Education Amendments of 1972

Approved on

It is the policy of the Board of Education (the “Board”) for the Consolidated School District of New Britain that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”) and Connecticut law not to discriminate in such a manner. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of students, employees and third parties. Any student or employee who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including expulsion or termination, respectively.

For conduct to violate this Title IX, the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of Connecticut law or another Board policy.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX and Connecticut law (the “Administrative Regulations”).

Sex discrimination occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct (*i.e., quid pro quo*);
- (2) 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 Board’s education programs or activities; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment.

Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Students are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner. The Board further directs its employees to maintain confidentiality to the extent appropriate and not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination and/or sexual harassment. Any such reprisals or retaliation will result in disciplinary action against the retaliator, up to and including expulsion or termination as appropriate.

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

The Consolidated School District of New Britain administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), which training shall include but need not be limited to, the definitions of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board's website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX and Connecticut law, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to staff, students and parents and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator for students is the Director of Pupil Services. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Director of Pupil Services
272 Main Street, P.O. Box 1960, New Britain, CT 06050

860-827-2234

Email:

Commented [A1]: The new regulations require that the Title IX Coordinator's email be included

Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 [Telephone (617) 289-0111].

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.

Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Conn. Gen. Stat. § 10-15c - Discrimination in public schools prohibited.

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CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure

5145.51 – Prohibition of Sex Discrimination and Sexual Harassment (Students)

Title IX of the Education Amendments of 1972

Approved on

It is the policy of the Board of Education (the “Board”) for the Consolidated School District of New Britain (“the District”) that any form of sex discrimination or sexual harassment is prohibited, whether by students, District employees or third parties subject to substantial control by the Board. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. Any student or employee who engages in conduct prohibited by the Board’s Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board’s Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) shall be subject to remedial measures, which may include exclusion from school property.

Sex discrimination occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct (i.e., *quid pro quo*);
- (2) 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 programs or activities; or
- (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations.

Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students):

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.
5. Transmitting or displaying emails or websites of a sexual nature.
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students).

NOTICE OF THE TITLE IX COORDINATOR FOR STUDENTS

The District's Title IX Coordinator for students is the Director of Pupil Services. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Director of Pupil Services
272 Main Street, P.O. Box 1960, New Britain, CT 06050
860-827-2234
Email:

The Title IX Coordinator manages the District's compliance with Title IX and Connecticut law regarding sexual harassment and sex discrimination and is an available resource to anyone seeking information or wishing to file a formal complaint of same. When a student, District employee, or other participant in the District's programs and activities feels that such person has been subjected to discrimination on the basis of sex in any District program or activity, including without limitation being subjected to sexual harassment, such person may contact

the Title IX Coordinator or utilize the Title IX grievance systems set forth herein to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems: a grievance process for complaints of sex discrimination involving allegations of sexual harassment and grievance procedures for complaints of sex discrimination that are not sexual harassment. Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the **grievance process** set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these regulations.

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of these Administrative Regulations, including the conduct of any investigation, hearing, or judicial proceeding arising from these Administrative Regulations.

The obligation to comply with Title IX is not obviated or alleviated by the FERPA.

SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT

A. Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.
- **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or

high school; or (B) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

- **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a student in the District’s education program or activity, the Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant has filed a formal complaint, and will consider the complainant’s wishes with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator or designee will explain to the complainant the process for doing so.
2. The District will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in this Regulation shall limit or preclude the District from removing a respondent from the District’s education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the District

shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.
3. Upon receipt of a formal complaint, if the Title IX Coordinator or designee has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide supportive measures.
4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment and a copy of this grievance process. The written notice must also include the following:
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual harassment as defined above;
 - iii. The date and the location of the alleged incident, if known;
 - iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

- v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- vi. A statement of any provision in the District's Student Discipline Policy or any other policy that prohibits knowingly making false statements of knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the written notice, the District must provide notice of the additional allegations to the parties whose identities are known.

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a witness), written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this section.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party

and to each party's advisor for their review and written response at least ten (10) school days prior to a hearing or the time a determination regarding responsibility is made.

10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.
11. The decision-maker(s) will issue a written determination regarding responsibility. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Students), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.
12. Student respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances,

the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.

13. After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Section V of this Regulation.

D. Informal Resolution

At any time prior to reaching a determination regarding responsibility, but only after the filing of a formal complaint, the District may suggest to the parties the possibility of facilitating an informal resolution process, such as mediation, to resolve the formal complaint without the need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Title IX Coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or designee will provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The District must obtain voluntary, written consent to the informal resolution process from both parties.

Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

Nothing in this section precludes a student from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.

An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

E. Appeal Process

After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based.

Appeals will be appropriate only in the following circumstances:

- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

- procedural irregularity that affected the outcome of the matter;
- the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. A conflict of interest or bias does not exist solely because the Title IX Coordinator, investigator(s), and/or decision-maker(s) previously worked with or disciplined the complainant or respondent.

The District will provide the other party with written notice of such appeal. Both parties will then have an opportunity to submit a written statement in support of, or challenging, the outcome. Such written statement must be submitted ten (10) school days after receiving written notice of the appeal. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision-maker(s). The decision-maker(s) for the appeal, in their discretion, will determine the appropriate procedure for the appeal. After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

Supportive measures for either or both parties may be continued throughout the appeal process.

F. Dismissal of a Formal Complaint

The Title IX Coordinator shall dismiss any formal complaint that, under Title IX, 1) would not constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in the District's education program or activity, or 3) did not occur against a person in the United States. Such dismissal does not preclude action under another Board policy.

The District may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that 1) the complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in the District; or 3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the District will promptly and simultaneously send written notice of the dismissal and reason(s) therefor to each party. Either party can appeal from the District's dismissal of a formal complaint or any allegations therein using the appeals procedure.

In the event a formal complaint is dismissed prior to the issuance of a decision under Title IX, the Title IX Coordinator shall determine if the allegations of sexual harassment shall proceed through the grievance procedures identified in Section II of these Administrative Regulations for claims of sex discrimination for consideration as to whether the allegations constitute sexual harassment under Connecticut law.

A dismissal pursuant to this section does not preclude action by the District under the Student Discipline policy, Code of Conduct for students/or and employees, or any other applicable rule, policy, and/or collective bargaining agreement.

G. Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about bullying behavior, the Title IX Coordinator or designee shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
4. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.
5. The District will maintain for a period of seven (7) years records of:
 - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
 - ii. Any appeal and the result therefrom;
 - iii. Any informal resolution and the result therefrom; and
 - iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

If the District has actual knowledge of sexual harassment in an education program or activity of the Board, and for any report or formal complaint of sexual harassment, the District will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The District will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Board's education program or activity. If the District does not provide a complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX)

A. Definitions

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

B. Reporting Sex Discrimination Other than Sexual Harassment under Title IX

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sex discrimination or alleged sex discrimination against a student in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.

C. Grievance Procedures

1. As soon as a student feels that he or she has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Connecticut law), he/she or his/her parent/legal guardian should make a written complaint to the Title IX Coordinator or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and Administrative Regulations and made aware of his or her rights.

Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

2. The complaint should state the:
 - i. Name of the complainant;
 - ii. Date of the complaint;
 - iii. Date(s) of the alleged discrimination;
 - iv. Name(s) of the discriminator(s);
 - v. Location where such discrimination occurred;
 - vi. Names of any witness(es) to the discrimination;
 - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
 - viii. Remedy requested.
3. Any student who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, such as due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.
4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against a student, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
6. Any student who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the student insists that his/her personally identifiable information not be shared with the alleged discriminator(s), the student will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:

- i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
 - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
 - iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
 - iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
 - v. consider whether alleged sex discrimination has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;
 - vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and
 - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or his/her designee, and take steps to remedy the effects of the sex discrimination.
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.
9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, he or she may file a written appeal within five (5) school days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of

Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

D. Miscellaneous

1. If a sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
3. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Section III. Further Reporting

At any time, a complainant alleging sex discrimination or sexual harassment may also file a formal complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 [Telephone (617) 289-0111].

Students may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-514-3400).

Copies of these Administrative Regulations will be distributed to all students.

Appendix A

Sexual Assault: An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Rape—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Affirmative Consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

For the purposes of an investigation conducted pursuant to these Administrative Regulations, the following principles shall be applied in determining whether consent for sexual activity was given and/or sustained:

- A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
- B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- C. It is the responsibility of each person to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:
 - (i) because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant affirmatively consented, or
 - (ii) if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
- E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of affirmative consent.



COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX (STUDENTS)

This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

Name(s) of any witness(es) to the sexual harassment _____

Detailed statement of the circumstances constituting the alleged sexual harassment

Remedy requested _____

Signature of Complainant or Title IX Coordinator: _____



**COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT
UNDER TITLE IX) (STUDENTS)**

This complaint form should be used for complaints of sex discrimination as defined on page 1 of the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

Name(s) of any witness(es) to the sex discrimination _____

Detailed statement of the circumstances constituting the alleged sex discrimination

Remedy requested _____

Signature: _____



NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

In accordance with the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students), a formal complaint of sexual harassment has been filed with the Title IX Coordinator.

Identities of the parties involved, if known:

_____ (Complainant(s))
_____ (Respondent(s))

The conduct allegedly constituting sexual harassment:

The date and the location of the alleged incident, if known: _____

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator for students:

Director of Pupil Services
272 Main Street, P.O. Box 1960, New Britain, CT 06050
860-827-2234

The respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility is made at the conclusion of the grievance process.

All parties involved may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students).

It is a violation of the Board's Student Discipline Policy to lie to school officials or otherwise engage in dishonest behavior, which includes knowingly making false statements or knowingly submitting false information during the grievance process. Any student who knowingly makes

false statements or knowingly submits false information during this grievance process will be subject to sanctions pursuant to the Board's Student Discipline Policy. Any employee who knowingly makes false statements or knowingly submits false information during this grievance process is subject to discipline, up to and including termination.

A copy of the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) is included with this notice.

DRAFT



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

4118.12/4218.12 – Harassment

Approved on October 16, 2000

~~Harassment will not be tolerated in the Consolidated School District of New Britain. This policy applies to all students, staff, board members, parents, vendors, other employees and other visitors who are on district grounds or property or on property within the jurisdiction of the District; on buses operated by or for the District; while attending or engaged in District activities; and while away from District grounds if the misconduct directly affects the good order, efficient management, and welfare of the District.~~

~~Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the District's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.~~

~~Harassment may address, for example, race, religion, sex, national origin, physical attributes or disability, scholastic aptitude, parental or marital status, sexual orientation, or age. Harassment means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble individuals when:~~

- ~~• Exposure to such conduct is made, either explicitly or implicitly, a term or condition of an individual's education, employment, or participation in District programs or activities.~~
- ~~• Exposure to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual.~~
- ~~• Such conduct has the purpose or effect of interfering with an individual's performance or creating an intimidating or hostile learning or working environment.~~

~~Harassment as set forth above may include, but is not limited to:~~

- ~~• Verbal, physical, or written intimidation or abuse~~
- ~~• Repeated remarks of a demeaning or condescending nature~~
- ~~• Demeaning jokes, stories, or activities directed at the individual~~

~~Should harassment be alleged, it is the policy of this Board that it shall be thoroughly investigated, that there shall be no retaliation against the victim of the alleged harassment, and that the problem/concern shall be appropriately addressed.~~

Legal References

~~Connecticut General Statutes, Section 53-23a~~

~~Connecticut General Statutes, Section 53a-181b~~

