

## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 1140AR(a)**

The Fairfield Board of Education (the “Board”) and the Fairfield Public Schools (the “District”) are committed to providing an educational and employment environment that is free from discrimination on the basis of sex, including sex-based harassment, and is free from retaliation for those engaging in protected activity under Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, et seq. and its implementing regulations (“Title IX”), Title VII of the Civil Rights Act of 1964 (“Title VII”) and Connecticut laws prohibiting sex-discrimination (“Connecticut law”). The District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity it operates, including admission and employment. It is the policy of the Board of Education that any form of sex discrimination, including sex-based harassment and retaliation is prohibited, whether by students, supervisory or non-supervisory personnel, individuals under contract with the District and/or volunteers who are subject to the control of the Board in any education program or activity operated by the Board.

The District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individual who are participating or attempting to participate in its education programs or activities, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII and/or Connecticut Laws regarding sex discrimination.

#### **SCOPE**

These procedures are only applicable to those alleged incidents of sex discrimination that occur on or after August 1, 2024.

These procedures apply to students, employees and other individuals participating in or attempting to participate in the District’s programs and activities.

#### **SEX DISCRIMINATION**

1. **Sex Discrimination** occurs when an individual is treated differently with respect to their employment or participation in an education program or activity based, in whole or in part, upon the person’s sex. This includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity. Sex discrimination includes sex-based harassment.

## Community Relations

### ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 1140AR(b)

2. **Sex-Based Harassment Under Title IX** is a form of sex discrimination that means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity and satisfies one or more of the following:
  - a. *Quid Pro Quo Harassment*: An employee, agent or other person authorized by the Board to provide an aid, benefit, or service under the Board's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
  - b. *Hostile Environment Harassment*: Unwelcome sex-based conduct, that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity (i.e. creates a hostile environment). Whether a hostile environment has been created is a fact-specific determination that includes consideration of the following:
    - i. The degree to which the conduct affected the complainant's ability to access the District's education program or activity;
    - ii. The type, frequency, and duration of the conduct;
    - iii. The parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
    - iv. The location of the conduct and the context in which the conduct occurred;  
and
    - v. Other sex-based harassment in the District's education program or activity
3. **Sex-Based Harassment Under Title IX - Specific Offenses** including:
  - a. *Sexual Assault*: An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
  - b. *Dating Violence*: Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (b) where the

## Community Relations

### ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 1140AR(c)

existence of such a relationship shall be determined based on the following factors: (i) the length of the relationship, (ii) the type of relationship and (iii) the frequency of interaction between the persons involved in the relationship.

- c. **Domestic Violence:** A felony or misdemeanor crime committed by a person who (a) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Connecticut or a person similarly situated to a spouse of the victim, (b) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner, (c) shares a child in common with the victim, or (d) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence law of Connecticut.
  - d. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress.
4. **Retaliation:** means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations, Title VII or Connecticut Law because the person has reported information, made a complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX, Title VII or Connecticut Law, including an informal resolution process and/or the grievance procedures.

#### **BASIC REQUIREMENTS OF TITLE IX GRIEVANCE PROCEDURES**

1. The District will treat complainants and respondents equitably.
2. The District requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.
3. The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT** **1140AR(d)**

#### **REPORTING SEXUAL DISCRIMINATION**

To report information about conduct that may constitute sex discrimination, including sex-based harassment and/or retaliation, or to make a complaint of sex discrimination, please contact the Title IX Coordinator or a school building administrator. The District Title IX Coordinator is the following:

Position: Executive Director of Human Resources  
Address: 501 Kings Highway East, Suite 210, Fairfield, CT, 06825  
Phone Number: 203-255-8462  
Email Address: [titleix@fairfieldschools.org](mailto:titleix@fairfieldschools.org)

Any Board of Education employee with knowledge of sex discrimination, including sexual harassment and/or retaliation, shall immediately report the same to the school-based or district-wide Title IX Coordinator, with a copy to the building principal. If the Title IX Coordinator is the alleged discriminator, the report may be made to the building principal or the superintendent. If the building principal is the alleged discriminator, the employee is not required to provide a copy of the report to the school principal.

The following people have the right to make a complaint of sex discrimination, including sex-based harassment, requesting that the District conduct an investigation into the alleged discrimination and make a determination about whether sex discrimination occurred as defined by Title IX:

1. For complaints of sex-based harassment, the following may file a complaint:
  - a. A complainant, which includes:
    - ii. A student of the District or an employee of the Board, who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
    - iii. A person other than a student of the District or an employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating

## Community Relations

### ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 1140AR(e)

in or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.

- b. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
  - c. The District's Title IX Coordinator.
2. For complaints of sex-based discrimination other than harassment:
- a. Any student of the District or employee of the Board;
  - b. Any person other than a student of the District or an employee of the Board who was participating in or attempting to participate in the Board's education programs or activities at the time of the alleged sex discrimination.

The District may consolidate complaints of sex discrimination against more than one respondent or by more than one complainant against one or more respondents when the allegations of sex discrimination arise out of the same facts or circumstances. In order to consolidate complaints, which such consolidation would include the sharing of education records protected under the Family Educational Rights and Privacy Act ("FERPA"), written permission must be obtained from the parents or eligible students prior to disclosure of their records. When the District is not able to obtain prior written permission, complaints cannot be consolidated, but may be investigated simultaneously.

### **DEFINITIONS**

**Complainant** means (1) a student of the District or an employee of the Board, who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) a person other than a student of the District or an employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating in or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination. When a complainant is a student of the District, references in this Regulations to a complainant include the student's parent or guardian.

## Community Relations

### ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 1140AR(f)

**Complaint** means an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX or its regulations.

**Consent** means an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance, or lack of active response. Relying solely upon non-verbal communication can lead to an erroneous conclusion as to whether consent was sought or given. Verbal communication is the best way to ensure all individuals are willing and consenting participants to the sexual activity.

Consent cannot be obtained through the use of force, coercion, threats, or intimidation or by taking advantage of the incapacitation of another individual.

Consent to some sexual contact cannot be assumed to be consent for other sexual activity. Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

Consent, once given, can be withdrawn at any time, as long as the withdrawal is reasonably and clearly communicated. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is confused, uncertain, or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately, and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

A person lacks the ability to consent to sexual activity if the person is incapacitated such as when the individual is asleep, unconscious, under the influence of alcohol or other drugs to such an extent that the person does not have control over their body, is unaware that the sexual activity is occurring, or because the individual’s mental, physical or developmental abilities render them incapable of making rational informed decisions.

## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT** 1140AR(g)

A person violates this policy when they engage in sexual activity with another person who is incapacitated and a reasonable person in the same situation would have known that the person is incapacitated.

It shall not be a valid excuse to an alleged lack of affirmative consent that a respondent to the alleged violation believed that the complainant consented to the sexual activity because the respondent was intoxicated.

**Disciplinary sanctions** means consequences imposed on a respondent following a determination under Title IX, Title VII or Connecticut Law that the respondent violated the District's prohibition on sex discrimination.

**Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, paraeducator or coach employed by a local or regional board of education 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 local or regional board of education.

**Parental status** means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: (1) A biological parent; (2) an adoptive parent; (3) a foster parent; (4) a stepparent; (5) a legal custodian or guardian; (6) in loco parentis with respect to such a person; or (7) actively seeking legal custody, guardianship, visitation, or adoption of such a person.

**Party** means a complainant or respondent.

**Pregnancy or related conditions** means: (1) pregnancy, childbirth, termination of pregnancy, or lactation; (2) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

**Relevant** means related to the allegations of sex discrimination under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing

## Community Relations

### ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 1140AR(h)

whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

**Remedies** means measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after a District determines that sex discrimination occurred.

**Respondent** means a person who is alleged to have violated the District's prohibition on sex discrimination.

**Retaliation** means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and its implementing regulations, Title VII or Connecticut Law, including in an informal resolution process, and/or this grievance procedures. Nothing in this definition or this part precludes a District from requiring an employee or other person authorized by a District to provide aid, benefit, or service under the District's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part.

The exercise of rights protected by the First Amendment to the U.S. Constitution does not constitute retaliation. It is also not retaliation for the District to pursue discipline against those who intentionally make materially false statements in the course of the grievance process. However, the determination of responsibility or lack thereof, by itself, is not enough to conclude that a party has intentionally made a false statement.

**Student With a Disability** means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B), or a child with a disability as defined in the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3).



## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT** 1140AR(i)

**Supportive Measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

1. Restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or
2. Provide support during the District's grievance procedures or during the informal resolution process.

**Unauthorized Disclosure** means distributing or otherwise publishing materials created or produced by the District during an investigation or Resolution Process and/or the sharing of information learned solely through the investigation or Resolution Process except as required by law or as expressly permitted by the District or publicly disclosing District work product that contains personally identifiable information without District authorization or the consent of the person whose personally identifiable information is disclosed.

### **JURISDICTION**

The District has jurisdiction over complaints of sex discrimination, including sex-based harassment that (1) occur in the District's education programs and/or activities, (2) conduct that is subject to the District's disciplinary authority and (3) sex-based hostile environment claims under its education programs or activities even when some conduct alleged to be contributing to the hostile environment occurred outside the District's education programs or activities or outside the United States.

### **STANDARD OF PROOF**

The District uses the preponderance of the evidence standard of proof when determining whether a Policy violation has occurred. This means that the District will determine whether it is more likely than not, based on the information available at the time of the decision, that the respondent violated the Policy.

## **Community Relations**

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 1140AR(j)**

#### **CONFIDENTIALITY**

The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

#### **NOTICE OF POTENTIAL SEX-DISCRIMINATION**

Upon receipt of notice, a Complaint, or knowledge or an alleged Policy violation, the Title IX Coordinator or designee, will initiate a prompt initial evaluation to determine next steps. If applicable, the Title IX Coordinator or designee will immediately report suspected child abuse consistent with Board Policy 5141.4 and state law and/or contact the police.

When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator or designee will contact the complainant, if the complainant's identity is known, to offer supportive measures and to provide information regarding the resolution options, a copy of the Title IX Policy and grievance procedures and to determine how they wish to proceed. If the complainant's identity is not known, the Title IX Coordinator must contact the individual making the report and provide a copy of this Policy and grievance procedures.

The Title IX Coordinator or Designee shall explain the potential resolution options to the complainant, including the provision of supportive measures, available informal resolution processes and the grievance procedure.

If the complainant indicates they wish to make a Complaint, the Title IX Coordinator or Designee will assist the complainant in making the Complaint.

#### **SUPPORTIVE MEASURES**

When notified of conduct that reasonably may constitute sex discrimination, the Title IX Coordinator or Designee will offer, as appropriate, supportive measures for the complainant. If a complaint is filed or if an informal resolution process is initiated, supportive measures must also be offered to respondent, as appropriate.

## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 1140AR(k)**

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties, the District's educational environment, or to provide support during the grievance procedures or during the informal resolution process. Supportive measures may not be imposed for punitive or disciplinary reasons.

Supportive measures may include, but are not limited to the following:

1. Counseling;
2. Extension of deadlines and other course-related adjustments;
3. Safety escorts;
4. Increased security or monitoring in specific areas of the building;
5. Restrictions on contact applied to one or more parties;

Supportive measures may be modified or terminated at the conclusion of the grievance process or at the conclusion of the informal resolution process, or any time the party's circumstances have materially changed or the District may continue the supportive measures indefinitely.

#### Challenge to Supportive Measures

Upon the Title IX Coordinator or Designee's decision to provide, deny, modify or terminate supportive measures, either party may challenge that decision. The challenged supportive measure must be applicable to the party making the challenge. Such challenge should be made in writing to the Title IX Coordinator. The challenge decisionmaker shall be made by an individual who did not make the challenged decision. The challenge decisionmaker shall have authority to modify or reverse the decision to provide, deny, modify or terminate the supporting measure if it was inconsistent with the definition of supportive measures in this regulation.

Supportive measures should not be shared with anyone other than the person to whom they apply unless it is necessary to share the information with the person in order to provide the supportive measure.

## **Community Relations**

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 1140AR(I)**

#### **EMERGENCY REMOVAL OF STUDENT**

A respondent may be removed from a school program or activity on an emergency basis. Prior to such removal, the Title IX Coordinator, in conjunction with appropriate other school employees/consultants, must make an individualized safety and risk analysis and determine that an imminent and serious threat to the health or safety of a complainant or any students, employees or other persons arising from the allegations of sex discrimination justifies removal.

Upon removal, the Title IX Coordinator, or Designee, must provide the respondent with notice and an opportunity to challenge the decision immediately following removal.

Any removal must comply with the provisions of state law as well as the IDEA and Section 504 of the Rehabilitation Act.

#### **INFORMAL RESOLUTION PROCESS**

At any time prior to determining whether sex discrimination occurred, the parties may agree, with the concurrence of the Title IX Coordinator, to participate in an informal resolution process facilitated by the District. The District shall not offer the informal resolution process in situations where there are allegations that an employee engaged in sex-based harassment of a student, or where it would otherwise conflict with the law.

Participation in the informal resolution process is voluntary. The District will not require or pressure the parties to participate in an informal resolution process and will not require the waiver of the right to an investigation and determination of a complaint in order to engage in the informal resolution process.

The facilitator of the informal resolution process shall not be the same person as the investigator or decisionmaker in the grievance procedures.

The types of informal resolution available include, but are not limited to: mediation, facilitated dialogue, restorative justice and resolution by agreement of the parties

Upon receipt of the parties' voluntary consent to proceed with the informal resolution process and before initiation of the informal resolution process, the District must provide the parties with written notice that explains:

## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 1140AR(m)**

1. The allegations;
2. The requirements of the informal resolution process;
3. Notice that, prior to agreement to a resolution, any party has the right to withdraw from the informal process and to initiate or resume the grievance procedures;
4. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming the formal grievance procedures arising from the same allegations;
5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
6. What information the District will maintain and whether and how the District could disclose such information for use in the grievance procedures if the grievance procedures are initiated or resumed.

Informal Resolution Agreement – If the parties reach an agreed-upon resolution, the informal resolution facilitator shall memorialize the agreement in writing. Potential terms of an informal resolution agreement may include (1) restrictions on contact, (2) restrictions on the respondent's participation in one or more District programs or activities or attendance at specific events, (3) other disciplinary sanctions, (4) agreed upon training, or (5) other mutually agreed upon resolutions. Both parties shall sign the informal resolution agreement, at which point the matter will be considered resolved.

### **TITLE IX COORDINATOR FILING COMPLAINT**

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator must decide whether to initiate a complaint of sex discrimination.

To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

1. The complainant's request not to proceed with initiation of a complaint;
2. The complainant's reasonable safety concerns regarding initiation of a complaint;

## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT** **1140AR(n)**

3. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
4. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the respondent is an employee of the Board;
6. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
8. Whether the District could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the District from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint.

If initiating a complaint, the Title IX Coordinator must notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

### **STUDENTS WITH DISABILITIES**

If a complainant or respondent is a student with a disability who has either a 504 plan or an individual education plan, the Title IX Coordinator or Designee shall consult with one or more members of the student's Planning and Placement Team or Section 504 Team to determine how to comply with the requirements of the Individuals with Disabilities Education Act ("IDEA") and/or Section 504 of the Rehabilitation Act throughout the grievance procedures, including the implementation of any supportive measures.

## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT** **1140AR(o)**

#### **INITIAL EVALUATION**

If a complaint is filed, the Title IX Coordinator or designee will conduct an initial evaluation, typically within five (5) school days of the receipt of a complaint, or knowledge of an alleged violation of this Policy. This initial evaluation should generally include (1) whether the reported conduct may reasonably constitute a violation of the Policy and (2) whether the District has jurisdiction over the reported conduct, as defined in the Policy.

#### **DISMISSAL OF A COMPLAINT**

Prior to initiating an investigation into alleged sex discrimination and prior to issuing the notice of allegations, the Title IX Coordinator or Designee shall review the complaint and determine whether the District has jurisdiction over it. If the alleged conduct occurred in the District's programs or activities or the conduct is otherwise subject to the District's disciplinary authority, then the District has jurisdiction over it. If there is no jurisdiction, the Title IX Coordinator must dismiss the complaint.

Additionally, the Title IX Coordinator may dismiss a complaint of sex discrimination made through its grievance procedures for any of the following reasons:

1. The District is unable to identify the respondent after taking reasonable steps to do so;
2. The respondent is not participating in the District's education program or activity and is not employed by the District;
3. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX or this part even if proven; or
4. The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX or this part. Prior to dismissing the complaint under this paragraph, the Title IX Coordinator must make reasonable efforts to clarify the allegations with the complainant.

## **Community Relations**

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 1140AR(p)**

The decision whether to dismiss the complaint or initiate the grievance procedure must be made within five (5) school days of receipt of the complaint.

Upon dismissal, the Title IX Coordinator must promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator must also notify the respondent of the dismissal and the basis for the dismissal.

The Title IX Coordinator must inform the complainant the dismissal may be appealed and how the dismissal may be appealed. If the dismissal occurs after the respondent has been notified of the allegations then the Title IX Coordinator must also notify the respondent that the dismissal may be appealed.

All appeals must be filed within five (5) school days of the notification of dismissal.

The grounds for appeal are limited to:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome that was not reasonably available when the dismissal was issued;
3. The Title IX Coordinator, investigator(s) or decisionmaker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

Upon receipt of a dismissal appeal request from one or more of the parties, the Title IX Coordinator will share the request with the other parties and provide the other parties with five (5) school days to respond.

The dismissal appeals decisionmaker may not be anyone previously involved with the complaint.

When a complaint is dismissed, the District must, at a minimum:

1. Offer supportive measures to the complainant, as appropriate,



## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT** **1140AR(q)**

2. If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate, and
3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.

#### **NOTICE OF COMPLAINT**

Prior to commencing an investigation, the Title IX Coordinator must provide the parties with a detailed written notice of the complaint. Amendments to the notice may be made as the investigation progresses and more information becomes available. The Notice typically includes:

6. The District's grievance procedures;
7. A summary of the allegations;
8. The identity of the parties involved, if known;
9. The dates/locations of the alleged incident(s);
10. A statement that retaliation is prohibited;
11. A statement that the parties are entitled to an equal opportunity to access relevant and not otherwise impermissible evidence or an accurate description of that evidence and that if a description is provided that the parties are entitled to an equal opportunity to access the evidence;
12. A statement that the District presumes the respondent is not responsible for the misconduct unless or until the respondent is found responsible at the end of the grievance process;
13. Information about the confidentiality of the process including that the parties and their parents may not share the District's work product obtained through the grievance process; and

## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT** **1140AR(r)**

14. A statement that prohibits knowingly making false statements and/or submitting false information during the grievance process.

#### **INVESTIGATION**

All investigations should be adequate, reliable and impartial. To do this the following applies:

1. The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance process.
2. The burden remains on the District—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
3. The investigator will provide the parties an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.
4. The investigator must review all evidence gathered and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
5. Credibility determinations will not be based on a person's status as a complainant, respondent or witness.
6. Investigations may include, but not be limited to interviewing parties, interviewing witnesses and obtaining relevant information, as necessary.

The following types of evidence are impermissible regardless of relevance:

1. Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality in writing;
2. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection

## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT** **1140AR(s)**

with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in the District's grievance procedures; and

3. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

At the end of the investigation each party (and their parent/guardian) must be provided an equal opportunity to access evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible in the following manner:

1. The District will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence.
  - a. If the District provides a description of the evidence, the District will provide all parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party within five (5) school days of the request.
2. The parties may submit a written response to the evidence, which must be received by the investigator(s) no later than five (5) school days after the party has reviewed the evidence or the description of the evidence.

If the investigator and decisionmaker are different individuals, the investigator will draft an investigative report that summarizes the relevant and not otherwise impermissible evidence. The investigator will provide this report to the parties and to the decisionmaker.

## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT** 1140AR(t)

#### **UNAUTHORIZED DISCLOSURE OF EVIDENCE**

Parties and their parents/guardians are prohibited from disclosing information and/or evidence obtained solely through the grievance procedures. Students may be subjected to discipline up to and including expulsion from school for the unauthorized disclosure of information or evidence learned solely through the grievance procedures. Disclosure of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex-discrimination is not prohibited.

#### **WITNESSES**

Student witnesses and witnesses from outside the District cannot be required to participate but are encouraged to cooperate with the investigation and to share what they know about the complaint. Student witnesses may be accompanied by a parent/guardian for any interview or meeting. Employees (not including the complainant and respondent) are required to cooperate with and participate in the investigation and grievance procedures.

#### **FALSE ALLEGATIONS AND EVIDENCE**

Making false allegations under this Policy will be addressed through appropriate discipline up to and including expulsion from school or termination of employment. “False allegations” and “false evidence” do not include allegations or evidence that are thought to be true but that are ultimately shown to be wrong or do not result in a determination of responsibility under this Policy.

Additionally, witnesses and/or parties who knowingly provide false evidence or intentionally mislead an official conducting an investigation or resolution process may be disciplined up to and including expulsion from school or termination of employment.

A party, witness or other individual participating in the grievance procedures shall not be disciplined for making a false statement or for engaging in consensual sexual conduct based solely on the determination as to whether sex discrimination occurred.

#### **QUESTIONING OF PARTIES AND WITNESSES BY DECISIONMAKER**

The decisionmaker shall have the opportunity to question parties and witnesses to adequately assess the party’s or witness’s credibility to the extent that credibility is both in dispute and relevant

## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT** **1140AR(u)**

to evaluating one or more allegations of sex discrimination. Where the investigator is also serving as the decisionmaker and has interviewed a party or witness, credibility determinations may be made based on that interview.

#### **DETERMINING WHETHER SEX DISCRIMINATION OCCURRED**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the District will:

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred.
  - a. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness.
  - b. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
2. The decisionmaker will notify the parties in writing of the determination whether sex discrimination occurred and the rationale for such determination.
3. The decisionmaker will notify the parties of the procedures and permissible bases for the complainant and respondent to appeal.
4. If the decisionmaker determines that sex discrimination occurred, the decisionmaker will recommend sanctions/discipline for the respondent.
5. The decisionmaker will transmit the grievance record and the decision to the Title IX Coordinator.

If there is a finding that sex discrimination occurred, the Title IX Coordinator or Designee will, as appropriate:

## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT** **1140AR(v)**

1. Coordinate the provision and implementation of remedies to the complainant and other people the District identifies as having had equal access to the District's education programs or activities limited or denied by sex discrimination;
2. Coordinate the imposition of any disciplinary sanctions; and
3. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education programs or activities.

#### **POSSIBLE DISCIPLINARY SANCTIONS**

Following a determination that sex-based harassment occurred, the District may impose disciplinary sanctions that may include discipline ranging from a verbal warning to expulsion from school or termination of employment. Further information on disciplinary sanctions can be found in Policy 5144 (Student Discipline), the Student Code of Conduct, Policy 4118.23 (Employee Discipline), the Employee Handbook, as applicable.

#### **POSSIBLE REMEDIES**

Following a determination that sex-based harassment occurred, the District may also provide remedies in order to restore or preserve that person's equal access to the District's educational programs and activities. Remedies may cause additional burdens upon respondents who have been found to have violated this Policy at the end of the grievance procedure. Remedies may include, but are not limited to: referral to counseling, class schedule or other registration adjustments, classroom assignment changes, education to the individual or community, provision of safety escorts during school, no-contact orders, changes to academic deadlines, course schedules.

#### **APPEAL OF DECISION**

Parties have five (5) school days after receiving the written determination of the outcome to submit a formal written appeal to the Title IX Coordinator challenging the outcome of the grievance procedure and explaining the basis for the appeal.

Upon receipt of an appeal, the Superintendent shall appoint an appeal decisionmaker(s) (who may be the Superintendent), who shall be someone other than the Title IX Coordinator, investigator(s), or decisionmaker(s). The appeal decisionmaker will provide the appealing party's written appeal

## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT** **1140AR(w)**

including the explanation for the basis for the appeal to the non-appealing party. The non-appealing party shall have five (5) school days to submit a written statement in support of, or challenging, the outcome of the grievance procedure.

Bases for Appeal: Appeals may only be made on the following bases:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome that was not reasonably available when the dismissal was issued;
3. The Title IX Coordinator, Investigator or Decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

In most cases, appeals will be confined to a review of the written documentation or record and the written request for appeal and response thereto. The decisionmaker, if they deem it necessary, may consult with the investigator(s) and/or request that the investigator conduct additional specific investigation(s).

The appellate decisionmaker shall issue a written decision at the conclusion of the review and shall provide a copy of the decision to the parties simultaneously.

### **TIMELINES**

The District has established the following timeframes for the major stages of the grievance procedures. Timelines are not jurisdictional but merely establish the expectations for a prompt resolution in most situations. As used in this procedure, unless defined elsewhere, “school day” means a day that school is in session, except during summer recess when school day may include days that the District’s offices are open for business.

1. Evaluation of the Complaint (i.e. the Title IX Coordinator’s decision whether to dismiss or investigate the complaint): not to exceed five (5) school days from the Title IX Coordinator’s receipt of the complaint;

## Community Relations

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT** **1140AR(x)**

2. Investigation of the Complaint: The District will make a good faith effort to complete the investigation within sixty (60) school days, which the Title IX Coordinator may extend as necessary for good cause with notice to the parties, including the reason for the delay.
3. Issuance of written determination of the Complaint: The District will make a good faith effort to issue a written decision as to responsibility within fifteen (15) school days of receipt of the evidence and/or investigation report.
4. Appeal of determination: The District will make a good faith effort to issue its decision on any appeal within fifteen (15) school days of receipt of the appeal.
5. Informal resolution shall generally be completed within thirty (30) school days of when the consent to engage in informal resolution a is signed.

### **RECORDKEEPING**

The Title IX Coordinator will ensure that the following records are maintained for a minimum of seven (7) years:

1. For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the resulting outcome;
2. For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under this Policy, records documenting the actions the District took to meet its obligations under Title IX and its regulations; and
3. All materials used to provide the mandatory training. These materials must be made available upon request for inspection to any member of the public.

### **TRAINING**

1. All employees: All employees shall be trained upon hire and annually thereafter on the District's obligation to address sex discrimination, including sex-based harassment, in its education programs and activities; the scope of conduct that constitutes sex discrimination under Title IX and its regulations, including the definition of sex-based harassment; and all applicable notification and information requirements related knowledge of sex discrimination and related to pregnancy and related conditions.



## Community Relations

### ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 1140AR(y)

2. Investigators, Decisionmakers, Appeal Decisionmakers, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures, in addition to the annual training applicable to all employees in paragraph 1 above, these individuals must be trained as to the District's obligations must be trained annually on the District's response to sex discrimination, the District's grievance procedures, how to serve impartially, including by avoiding prejudgment of the facts at issues, conflicts of interest and bias, and the meaning and application of the term "relevant."
3. Facilitators of informal resolution process: in addition to the annual training applicable to all employees they must be trained on the rules and practices associated with the District's informal resolution process and how to serve impartially, including by avoiding conflicts of interest and bias.
4. Title IX Coordinators and designees – in addition to the training addressed under paragraphs 1-3 above, they must be trained on their specific responsibilities under Title IX and its regulations, the District's recordkeeping system and requirements of recordkeeping under Title IX and its regulations and any other training necessary to coordinate the District's compliance with Title IX and its regulations.

### PREGNANCY AND RELATED CONDITIONS

The District does not discriminate in its education program or activity against any applicant for admission, student, applicant for employment, or employee on the basis of current, potential or past pregnancy or related condition.

Any District employee who is notified by a student or the student's parent or guardian that the student is pregnant and/or has a related condition, must promptly provide the student of the parent or guardian with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific actions to prevent discrimination and ensure equal access to the District's education program and activity. If a student or the student's parent or guardian notifies the Title IX Coordinator of the student's pregnancy or related condition, the

## **Community Relations**

### **ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 1140AR(z)**

Title IX Coordinator must take appropriate action to prevent discrimination and ensure equal access to the District's education program and activity.

#### **ADDITIONAL AVENUES TO REPORT**

Reports of sex discrimination, sex-based harassment and/or retaliation may also be made to the United States Department of Education, Office for Civil Rights, Boston Office, U.S. Department of Education, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921. Telephone: (617) 289-0111.

Individuals may also make a report of sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835: Telephone (860) 541-3400 or Connecticut Toll Free Number 1-800-477-5737.

**Title IX Complaint and Request for Investigation**

Date: \_\_\_\_\_ School: \_\_\_\_\_

Name of Complainant: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Phone Number: \_\_\_\_\_

Date(s) of alleged conduct: \_\_\_\_\_

Name of alleged perpetrator (if known): \_\_\_\_\_

If name not known, description of perpetrator: \_\_\_\_\_

Where the conduct occurred: \_\_\_\_\_

Provide details of the conduct – continue on additional sheets if needed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Witnesses to the conduct: \_\_\_\_\_

I have received a copy of the District's Policy and Grievance Procedures and agree that they have been explained to me. I am requesting a formal investigation into sexual harassment be conducted.

Please print your name: \_\_\_\_\_

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Parent/Guardian Signature\*

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

\*If parent/guardian is not the complainant, a signature is necessary due to the Family Educational Rights and Privacy Act in order to provide consent to discuss the student with other parties and to comply with the Title IX regulations requiring the sharing of evidence with the other parties.