

Students

TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT

5145.4(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 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.

Scope

This policy is only applicable to those alleged incidents of sex discrimination that occur on or after August 1, 2024. For alleged incidents that occurred prior to August 1, 2024, the policy and procedures in place at the time of the incident shall apply.

This policy applies to students, employees and other individuals participating in or attempting to participate in the District’s programs and activities.

Definitions

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.
2. **Sex-Based Harassment** 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:

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- 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. **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 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.

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- d. *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.
 - e. *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.

A finding that an individual did not engage in conduct that violates Title IX, Title VII or Connecticut law does not prevent the finding that the conduct in question violates another Board policy, state or federal law or provisions of the Employee Handbook or Student Code of Conduct.

Reporting Sexual Discrimination

Any Board 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.

Any individual may make a report of sex discrimination, sex-based harassment and/or retaliation directly to the Title IX Coordinator at:

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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

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:
 - i. 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
 - ii. 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.
 - b. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
 - c. The 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.

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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, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921. Telephone: (617) 289-0111.

The Superintendent of Schools and/or Designee shall develop Administrative Regulations (*i.e.*, the “Grievance Procedure”) to implement this policy in accordance with the provisions of Title IX of the Education Act of 1972, Title VII of the Civil Rights Act as well as Connecticut laws that prohibit sex discrimination.

Legal References:

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

Title IX Regulations, 34 C.F.R. §106 *et seq.*

Title IX Final Rules Preamble

Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000-e2(a)

Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment, Effective 10/15/88

Meritor Savings Bank FSB v. Vinson, 477 U.S. 57 (1986)

Gebser v. Lago Vista Independent Sch. Dist., 524 U.S. 274 (1998)

Davis v. Monroe County Sch. Bd., 526 U.S. 629 (1999)

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

Conn. Gen. Stats. §46a-60 – Discriminatory employment practices prohibited

Conn. Gen. Stat. §46a-81c – Sexual orientation discrimination in employment prohibited

Conn. Gen. Stat. §10-153 – Discrimination on the basis of sex, gender identity or expression or marital status prohibited

Adopted 12/10/2024