



FAIRFIELD PUBLIC SCHOOLS

Special Policy Committee Meeting
Tuesday, November 26, 2024
5:00 PM
501 Kings Highway East
Superintendent's Conference Room

To listen via your phone, call 1-929-436-2866,
and use Meeting ID: 5012101002 Access code: 654321

Agenda

- I. Call to Order
- II. Approval of October 29, 2024 Policy Committee meeting minutes
- III. Policy
 - a. 4118.112 – Title IX Prohibition of Sex Discrimination and Sexual Harassment in the Workplace
 - b. 2140 – Superintendent of Schools
 - c. 3220 – State Funds
 - d. 3240 – Tuition Fees
 - e. 3430 – Periodic Financial Reports
 - f. 4111-4211 – Recruitment & Selection
- IV. Future Items
 - a. Purchasing
 - b. Homework Policy – 6154
 - c. Bullying (School Climate) – 5131.911
 - d. Restorative Practices
 - e. Reading – 6142.2
 - f. Bylaws Impact – (Policy 9000)
 - g. Sustainability Policy
 - h. Artificial Intelligence
 - i. Reporting Student Progress -5124
 - j. Grading Regulations
 - k. Transportation – 3541
 - l. Exploitation: Sexual Harassment – 5145.5
 - m. Community Use of School Facilities - 3515
 - n. Risk Management Policy Statement – 3516.13

- o. Controversial Issues – 6144
- p. Instructional Grouping - 6152

V. Open Discussion/Public Comment

VI. Adjournment

Future Meetings: December 3rd.

All meetings will be held at 501 Kings Highway East, Superintendent's Conference Room unless otherwise noted.



FAIRFIELD PUBLIC SCHOOLS

Policy Committee Meeting Minutes
Tuesday, October 29, 2024
5:00 PM
501 Kings Highway East
Superintendent's Conference Room

In Attendance:

Ms. Carol Guernsey, Ms. Jennifer Maxon Kennelly, Dr. Zakia Parrish, Dr. James Zavodjancik, Ms. Kanicka Ingram (left at 5:42pm), Ms. Kristen Hardiman

Call to Order: Ms. Maxon Kennelly called the meeting to order at 5:01pm.

Approval of October 14, 2024 Policy Committee meeting minutes: Approved with changes by a 2-0 vote.

Policy:

6153 – Field Trips

Dr. Parrish stated this policy was flagged from the CABA audit and had no changes; however, the regulations were changed substantially. Ms. Maxon Kennelly questioned the second sentence in the first bullet point on Page 13. Dr. Parrish stated that sentence is incorrect and will be removed. Ms. Guernsey noted on Pages 12 & 13 the title of the regulations is missing the word “Trips”. Dr. Parrish stated she will make those corrections to the regulations. This policy was approved by a 2-0 vote and will be presented to the Board on November 26th for a “one & done to readopt” vote.

4111-4211 – Recruitment & Selection

Ms. Ingram stated she eliminated some language from this policy based on the committee's feedback from the previous meeting. Ms. Maxon Kennelly asked Ms. Ingram why language on cronyism was not included in this policy. Ms. Maxon Kennelly stated she would like language of cronyism added to the policy. Ms. Guernsey stated she would like this policy to have language about the Superintendent's relationship with the candidate. Ms. Guernsey explained she would like to make sure the Superintendent is not hiring candidates they have a close relationship with without the Board being informed. Ms. Ingram asked Ms. Maxon Kennelly if the committee is asking to have this policy revised due to a specific concern. Ms. Maxon Kennelly explained she is recommending language be added in order to be transparent and to protect against any impropriety. Ms. Maxon Kennelly stated some districts have language about nepotism and cronyism in their policy and she believes that it would be beneficial to have that language in our policy.

Ms. Maxon Kennelly requested the last sentence in parentheses on Page 21 be removed. Dr. Parrish questioned the use of the language “.....any prior knowledge” on Page 21. Dr. Parrish stated that is very broad language in the education industry. Dr. Parrish also asked about the word “relationship” and does that mean a family relationship? Ms. Maxon Kennelly stated she does not like that language either; however, she would like to use it in this policy. Ms. Ingram stated she will do more research and revise this policy so that it can be discussed at the next Policy Committee meeting on November 18th.

4118.112 – Title IX/Prohibition of Sex Discrimination and Sexual Harassment in the Workplace

Ms. Ingram explained that policy 5145.4 will be deleted since it will be included in this policy. Ms. Ingram stated one policy relates to students and the other relates to staff; however, legal counsel recommends rolling both policies into one policy. Ms. Maxon Kennelly expressed concern about rolling them into one policy since they pertain to two different groups of people. Ms. Ingram stated she understands the concern; however, she is following the advice of legal counsel. Ms. Ingram suggested putting the one policy in two different places. Ms. Maxon Kennelly explained that is what the District is trying to avoid based on the policy audit. Ms. Maxon Kennelly suggested including a hyperlink in one policy which directs people to the other policy. Ms. Ingram stated she will ask legal counsel for the reason why they are recommending collapsing the two policies into one. After speaking with legal counsel, Ms. Ingram will revise this policy to be discussed at the next Policy Committee meeting on November 18th.

6000 – Approach to Instruction

Dr. Zavodjancik explained he red-lined the whole policy since this is a non-mandatory policy. Ms. Maxon Kennelly asked Dr. Zavodjancik if it should be deleted since it is the start of the 6000 Instruction series of policies. Ms. Guernsey stated she likes some of the language in this policy so she recommends either moving it into another policy or leaving it “as is” even though it is a non-mandatory policy. Dr. Zavodjancik stated it can be left “as is” since he does not have any language changes. Ms. Maxon Kennelly agreed she would like to leave it because she likes having a preamble to this section. The committee voted to keep this policy “as is” by a 2–0 vote. This policy will be presented to the Board for a “one & done to readopt” vote at the November 26th meeting.

6141.4 – Extended Education – Independent Study

Dr. Zavodjancik explained this is also a non-mandatory policy so he is recommending the policy be deleted. The committee approved the deletion of this policy by a 2-0 vote. This policy will be presented to the Board for a “one & done for deletion” vote at the November 26th meeting.

6144 – Controversial Issues

Dr. Zavodjancik explained this is a non-mandated policy; however, he feels it is necessary which is why he made some revisions. Dr. Zavodjancik stated he added definitions to this policy which came from CAFE. Dr. Zavodjancik stated the CAFE policy has guidelines for students; however, he did not include them because he thought the definitions captured it well. The committee asked Dr. Zavodjancik to include the student guidelines for them to review. Ms. Maxon Kennelly stated she would like the administrators to look at this policy to see if they agree or disagree with what we are currently doing.

Ms. Guernsey recommended a language change to the first paragraph on Page 36 by replacing the word “arouse” with the word “provoke”. Ms. Guernsey stated she was not in favor of the last paragraph on Page 37 pertaining to guest speakers. Dr. Zavodjancik will provide a revision to the policy at the next Policy committee meeting on November 18th.

6156 – Application of Technology

Dr. Zavodjancik stated this policy was from the policy audit and not a mandated policy; therefore, he is recommending it for deletion. This policy was approved by a 2-0 vote to delete. This policy will go to the Board for a “one & done to delete” vote on November 26th.

6162.1 – Audiovisual Material

Dr. Zavodjancik stated this policy was from the policy audit and not a mandated policy; therefore, he is recommending it for deletion. This policy was approved by a 2-0 vote to delete. This policy will go to the Board for a “one & done to delete” vote on November 26th.

6162.2 – Curriculum Program Leaders

Dr. Zavodjancik stated this is also a non-mandated policy and he is recommending it for deletion. Dr. Parrish explained this is the only staffing policy located in the 6000 Instruction series of policies. Dr. Parrish explained there is strong language in the 2000 Administration series of policies about Curriculum Leaders, so she supports the deletion of this policy. This policy was approved by a 2-0 vote to delete. This policy will go to the Board for a “one & done to delete” vote on November 26th.

6163.1 – Library Media Centers

Dr. Zavodjancik stated this policy is not a mandated policy; however, he is not recommending it for deletion. Dr. Zavodjancik explained he made one revision to the policy. Ms. Guernsey stated she would like to keep this policy and recommends removing the word “multimedia CD-ROMs” from the policy. The policy was approved with changes by a 2-0 vote. The policy will be presented to the Board for a “first read” at the November 26th meeting.

6180 – Curriculum Evaluation

Dr. Zavodjancik stated this is a non-mandated policy; however, he believes it is an important policy, so he made some revisions. The policy was approved with changes by a 2-0 vote. The policy will be presented to the Board for a “first read” at the November 26th meeting.

6999 – Distance Learning

Dr. Zavodjancik explained this policy came up during the audit for a recommended update to language and legal references. Dr. Zavodjancik stated we did not have any recommended language changes so just the legal references were updated. Dr. Zavodjancik explained this is a non-mandated policy, so we can delete this policy if the committee agrees. The committee voted to delete this policy by a 2-0 vote. This policy will be presented to the Board for a “first read for deletion” at the November 26th meeting.

Open Discussion/Public Comment:

Tricia Donovan – Parent Advocate

Ms. Donovan spoke about the need to be in compliance with our Title IX policies as well as our Grievance Procedures policy.

Adjournment: Ms. Maxon Kennelly adjourned the meeting at 6:35pm.

Personnel-Certified/Non-Certified

TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE

4118.112(a)

~~It is the policy of the Fairfield Board of Education (the “Board”) for the Fairfield Public Schools (the “District”) 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. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. 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 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.~~

~~Personnel-Certified/Non-Certified~~

~~TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE~~ ~~4118.112(b)~~

~~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.~~

~~Personnel-Certified/Non-Certified~~

~~TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE~~ ~~4118.112(e)~~

~~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 Fairfield Public Schools 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 is the **Executive Director of Human Resources**. Any individual may make a report of sex discrimination and/or sexual harassment to any Board employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:~~

~~**501 Kings Highway East, Fairfield CT 06825**
titleIX@fairfieldschools.org
203-255-8462~~

~~Personnel-Certified/Non-Certified~~

~~TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE~~ ~~4118.112(d)~~

~~Any Board employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. Board employees 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: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).~~

~~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~~

Adopted: 9/28/2020

Revised and Adopted: 6/14/2022

Revised and Adopted: 4/23/2024

Personnel-Certified/Non-Certified**PROHIBITION AGAINST SEX DISCRIMINATION, SEX-BASED HARASSMENT FOR STUDENTS, EMPLOYEES AND COVERED THIRD-PARTIES 4118.112(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:

Personnel-Certified/Non-Certified

PROHIBITION AGAINST SEX DISCRIMINATION, SEX-BASED HARASSMENT FOR STUDENTS, EMPLOYEES AND COVERED THIRD-PARTIES 4118.112(b)

- 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.

Personnel-Certified/Non-Certified

PROHIBITION AGAINST SEX DISCRIMINATION, SEX-BASED HARASSMENT FOR STUDENTS, EMPLOYEES AND COVERED THIRD-PARTIES 4118.112(c)

- 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.

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:

Personnel-Certified/Non-Certified

PROHIBITION AGAINST SEX DISCRIMINATION, SEX-BASED HARASSMENT FOR STUDENTS, EMPLOYEES AND COVERED THIRD-PARTIES 4118.112(d)

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.

Personnel-Certified/Non-Certified

PROHIBITION AGAINST SEX DISCRIMINATION, SEX-BASED HARASSMENT FOR STUDENTS, EMPLOYEES AND COVERED THIRD-PARTIES 4118.112(e)

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

Personnel-Certified/Non-Certified

ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 4118.112AR(a) IN THE WORKPLACE

~~**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:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.~~

~~**Statutory Rape:** Non-forcible 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~~

Personnel-Certified/Non-Certified

**~~ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION
OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 4118.112AR(b)
IN THE WORKPLACE~~**

~~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.~~

_____ Fairfield Public Schools
Board of Education
Policy Guide

~~Personnel-Certified/Non-Certified~~

**~~ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION
OF SEX DISCRIMINATION AND SEXUAL HARASSMENT 4118.112AR(e)
IN THE WORKPLACE~~**

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

**~~Executive Director of Human Resources
501 Kings Highway East, Fairfield CT 06825
titleIX@fairfieldschools.org
203-255-8462~~**

~~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~~

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~~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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**~~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: _____

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**~~ADMINISTRATIVE REGULATIONS ON TITLE IX/PROHIBITION
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IN THE WORKPLACE~~**

~~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: _____~~

Personnel-Certified/Non-Certified

ADMINISTRATIVE REGULATIONS ON PROHIBITION AGAINST SEX DISCRIMINATION, SEX-BASED HARASSMENT FOR STUDENTS, EMPLOYEES AND COVERED THIRD-PARTIES 4118.112AR(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. For alleged incidents that occurred prior to August 1, 2024, the policy and procedures in place at the time of the incident shall apply.

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.

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**ADMINISTRATIVE REGULATIONS ON PROHIBITION AGAINST
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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

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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.

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ADMINISTRATIVE REGULATIONS ON PROHIBITION AGAINST SEX DISCRIMINATION, SEX-BASED HARASSMENT FOR STUDENTS, EMPLOYEES AND COVERED THIRD-PARTIES 4118.112AR(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

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

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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.

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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.

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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

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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).

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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.

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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.

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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.

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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:

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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;

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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.

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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.

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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,

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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

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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

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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.

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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

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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:

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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

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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;

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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.

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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

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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, 8th 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.

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Students

~~TITLE IX OF THE EDUCATION AMENDMENTS OF 1972~~ ~~5145.4(a)~~ ~~PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT~~

~~It is the policy of the Fairfield Board of Education (the “Board”) for the Fairfield Public Schools (the “District”) 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. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. 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 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).~~

Students

~~TITLE IX OF THE EDUCATION AMENDMENTS OF 1972~~ ~~5145.4(b)~~ ~~PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT~~

~~**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 Fairfield Public Schools 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.~~

Students

~~TITLE IX OF THE EDUCATION AMENDMENTS OF 1972~~ ~~5145.4(e)~~ ~~PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT~~

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

~~501 Kings Highway East, Fairfield CT 06825~~
~~titleIX@fairfieldschools.org~~
~~203-255-8462~~

~~Any Board employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. Students 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).~~

~~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: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).~~

~~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.~~

Adopted: 8/27/2004

Revised and Adopted: 4/21/2020

Revised and Adopted: 6/14/2022

Students**PROHIBITION AGAINST SEX DISCRIMINATION, SEX-BASED HARASSMENT FOR STUDENTS, EMPLOYEES AND COVERED THIRD-PARTIES 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:

Students**PROHIBITION AGAINST SEX DISCRIMINATION, SEX-BASED HARASSMENT FOR STUDENTS, EMPLOYEES AND COVERED THIRD-PARTIES 5145.4(b)**

- 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.

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- 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.

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:

Students

PROHIBITION AGAINST SEX DISCRIMINATION, SEX-BASED HARASSMENT FOR STUDENTS, EMPLOYEES AND COVERED THIRD-PARTIES 5145.4(d)

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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PROHIBITION AGAINST SEX DISCRIMINATION, SEX-BASED HARASSMENT FOR STUDENTS, EMPLOYEES AND COVERED THIRD-PARTIES **5145.4(e)**

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

Students**ADMINISTRATIVE REGULATIONS ON PROHIBITION AGAINST
SEX DISCRIMINATION, SEX-BASED HARASSMENT FOR
STUDENTS, EMPLOYEES AND COVERED THIRD-PARTIES 5145.4AR(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. For alleged incidents that occurred prior to August 1, 2024, the policy and procedures in place at the time of the incident shall apply.

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.

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ADMINISTRATIVE REGULATIONS ON PROHIBITION AGAINST SEX DISCRIMINATION, SEX-BASED HARASSMENT FOR STUDENTS, EMPLOYEES AND COVERED THIRD-PARTIES 5145.4AR(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

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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.

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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

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

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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.

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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.

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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

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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).

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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.

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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.

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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.

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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:

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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;

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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.

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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.

Students

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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,

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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

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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

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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.

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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

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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:

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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

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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;

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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.

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ADMINISTRATIVE REGULATIONS ON PROHIBITION AGAINST SEX DISCRIMINATION, SEX-BASED HARASSMENT FOR STUDENTS, EMPLOYEES AND COVERED THIRD-PARTIES 5145.4AR(v)

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

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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, 8th 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.

Fairfield Public Schools
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Students

EXPLOITATION: SEXUAL HARASSMENT

5145.5(a)

~~The Fairfield Board of Education is committed to safeguarding the right of all students within the school district to a school environment that is free from all forms of sexual harassment including molestation and unwelcome fraternization. Therefore, the Board condemns all unwelcome behavior of a sexual nature that is either designed to extort sexual favors from a student that has the purpose or effect of creating an intimidating, hostile, or offensive school environment. The Board also strongly opposes any retaliatory behavior against complainants or any witnesses.~~

~~Any student who believes that he or she has been subjected to sexual harassment should report the alleged misconduct immediately as specified in the student handbook so that appropriate corrective action may be taken at once. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct, will ensure that an investigation is promptly commenced by appropriate individuals.~~

~~No employee shall engage in any such conduct or condone such conduct by students. Furthermore, retaliation against an employee or student making a complaint is also prohibited.~~

~~Violations of this policy will result in disciplinary action.~~

~~Complaints should be referred to the Title IX Coordinator at the site of the occurrence:~~

- ~~• either high school, the Administrator for Pupil Services and Guidance~~
- ~~• any middle school, the Assistant Principal~~
- ~~• any elementary school, the Principal~~

~~A complaint may also be filed with the district Title IX Coordinator, P. O. Box 320189, Fairfield, Connecticut 06825 or 255-8462.~~

~~Investigations of the alleged violations shall commence immediately and a report rendered to the Superintendent or designee within forty (40) days. Those involved with a sexual harassment investigation are expected to protect the confidentiality of all individuals and information related to the case. Investigations will be documented with a written, factual report, regardless of the investigation's outcome. Findings of an investigation may be appealed to the Board of Education.~~

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~~EXPLOITATION: SEXUAL HARASSMENT (continued) 5145.5(b)~~

~~Legal Reference: Civil Rights Act of 1964, Title VII, 42 USC §2000-e2(a)
Equal Employment Opportunity Commission Policy Guidance
(N-915.035) on Current Issues of Sexual Harassment, effective 10/15/88
Meritor Savings Bank, FSB v. Vinson 477 US.57 (1986)
29 CFR Para. 1604.11 (EEOC)
Faragher v. City of Boca Raton, No. 97-282 (US Supreme Court, June 26,
1998)
Burlington Industries, Inc. v. Ellerth, No. 97-569 (US Supreme Court,
June 26, 1998)
Gebser v. Lago Vista Indiana School District, No. 99-1866 (US Supreme
Court, June 26, 1998)
Connecticut General Statutes 46a-60 Discriminatory employment
practices prohibited~~

~~Adopted 8/27/2004~~

Administration

SUPERINTENDENT OF SCHOOLS

2140(a)

Appointment

The Board shall select a qualified Superintendent of Schools upon such terms as it shall deem proper in the public interest, and otherwise, as provided by law.

Function

The Superintendent of Schools shall be the sole executive agent of the Board, shall have direction and control of all employees, and such other duties as are provided for by law, by Board By-Laws, or as the Board may from time to time designate.

The Superintendent shall specify and assign duties to all employees, and shall be responsible for the enforcement of such policies as the Board may from time to time establish for the proper and efficient operation of the school system.

The Superintendent, as agent of the Board, shall execute all employment contracts for the Fairfield Public Schools within such limits and upon such terms and qualifications and in accordance with such rules as may be from time to time established by law or by this Board within the limitations permitted by law.

The Superintendent shall make recommendations to the Board for appointments of administrative personnel.

The Superintendent shall appoint such staff committees as are considered necessary to assist with the operation of the program.

The Superintendent or a designee shall be present at and participate in all meetings of the Board of Education, except when the Superintendent's personnel status is under consideration.

The Superintendent shall make a written report to the Board at each of its regular meetings, such report to include:

- ~~complete financial statement of all accounts and funds under the jurisdiction of the Board;~~
- the names, salaries, and assignments of all personnel engaged since the last such report; and
- ~~the number and circumstances of all student suspensions since the last such report; and~~
- reports and recommendations in other matters, as and when the same are prescribed or authorized by law, by the By-Laws, or by vote of the Board.

Administration

SUPERINTENDENT OF SCHOOLS (continued)

2140(b)

The Superintendent shall inform the Board of Education of:

- student loads;
- curriculum needs;
- facility needs;
- ~~personnel evaluations;~~
- professional development; and
- other matters which improve the schools.

In situations, which arise where the Board has provided no guidance for administrative action through formal policy statements, the Superintendent shall have the power to act, but such decisions shall be reviewable by the Board.

Legal Reference: Connecticut General Statutes 10-157 Superintendents

Adopted 8/27/2004

Revised and Readopted XX/XX/2024

Business and Non-Instructional Operations

STATE/~~FEDERAL~~ FUNDS

3220/3230

~~All state income shall be utilized for the intended purpose.~~

~~Each year when it is believed that the school district is eligible for financial assistance under the provisions of state or federal laws, the Superintendent may authorize application for said assistance, so long as acceptance of the funds does not include conditions contrary to Board policy.~~

~~Cf. Grants and Other Revenues~~

Legal Reference:

State Law:

Connecticut General Statutes 10-220 Duties of Boards of Education

~~Adopted 8/27/2004~~

~~Revised and Adopted x/xx/xxxx~~

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Business and Non-Instructional Operations

TUITION FEES

3240

Tuition students ~~are not accepted~~ are accepted in the Fairfield Public Schools ~~except~~ as governed by the Policy 5118 (a) Resident/Non-Residence School Attendance. ~~allowed after specific Board of Education approval.~~

Recommendation: Merge with 5118 (a) Resident/Non-Resident School Attendance

Adopted 8/27/2004

Revised and Adopted 12/11/2018

Revised and Adopted X/X/2024

Business and Non-Instructional Operations

PERIODIC FINANCIAL REPORTS

3430

~~The Superintendent or designee shall update the Board on a monthly basis regarding any current or anticipated condition that could materially affect the budget.~~

The Superintendent of Schools shall be responsible for accounting for all funds expended within the school budget. The Superintendent shall direct the Chief Financial Officer to establish and maintain records of all invoices and payroll authorizations and shall keep a record for the information of the Board of the expenditures broken down into the same categories and numbered accounts as the budget and the approved accounting system.

The Superintendent shall submit to the Board of Education quarterly reports on the status of the budget, showing appropriations, expenditures, transfers and anticipated revenues for the fiscal year to date.

The Superintendent, as agent for the Board of Education, shall be responsible for making reports to the Town, the State Board of Education, the Teacher's Retirement Board, and other such agencies required by law.

Legal Reference:

Connecticut General Statutes PA 19-117, Section 290

Adopted 8/27/2004

Revised and Adopted 9/11/2012

Revised and Adopted x/xx/xxxx

NOTE: Recommendation to remove redundant policy 3430.2

Personnel – Certified / Non-Certified**4111****RECRUITMENT AND SELECTION****4211(a)**

The Board directs the Superintendent to develop and maintain a recruitment program designed to attract and retain the most effective personnel as defined by federal law in the District's schools. All District teachers must meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternate routes to certification.

The Board of Education believes it is especially important to ensure recruitment, hiring and retention efforts result in increasing educator diversity.

The administration is directed to make a determined and substantial effort to ensure that the recruitment procedures of the district increase diversity consistent with PA 23-167, Section 10.

The schools shall engage in fair and sound personnel practices in the appointment of all district employees. The administration shall be responsible for establishing recruitment, selection and appointment procedures.

~~The Superintendent shall insure that the District is in compliance with the provisions of Title I and the Every Student Succeeds Act. Manuals and handbooks shall comply with federal law as to the qualifications for instructional personnel. Parents/guardians of students in Title I schools shall be informed annually, at the beginning of each school year, of their right to request information about whether their child's teacher has met state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; is teaching under emergency or other provisional status through which state qualifications or licensing criteria have been waived; and is teaching in the field of discipline of the certification of the teacher. The qualifications of services provided by paraprofessionals shall also be provided. Timely notices shall also be provided to parents/guardians that the student has been assigned or has been taught in a Title I school for four or more consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.~~

Hiring of Retired Teachers

A **retired** teacher receiving benefits from the Teachers Retirement Board (TRB) may be reemployed by the Board for up to one full school year in a position (1) designated by the Commissioner of Education as a subject shortage area, or (2) at a school located in a priority school district for the school year in which the teacher is being employed. Such employment may be for up to one full school year. Such reemployment may be extended for an additional school year, provided the Board (a) submits a written request for approval to the Teachers' Retirement Board, (b) certifies that no qualified candidates are available prior to the

Personnel – Certified / Non-Certified**4111****RECRUITMENT AND SELECTION****4211(b)**

reemployment of such teacher and (c) indicates the type of assignment to be performed, the anticipated date of rehire and the expected duration of the assignment.

The forty-five percent limitation applies, as described below, if the retired teacher described in this paragraph, works in excess of two years in either a subject shortage area and/or in a school in a priority school district.

The salary of such teacher shall be fixed at an amount at least equal to that paid other teachers in the District with similar training and experience for the same type of service.

Except as indicated in the first paragraph in this section, a certified educator receiving retirement benefits from the Teachers Retirement Board (TRB) may not be employed in a certified position receiving compensation paid out of public money appropriated for school purposes except that such educator may be employed in such a position and receive no more than forty-five percent of the maximum salary level for the assigned position. Any certified educator who receives in excess of such amount shall reimburse the Board for the amount of such excess. Fringe benefits offered by the District, if taken by the employed retired individuals, are included in the maximum compensation. The individual can continue to pay TRB for health insurance as a retired member in the same manner as prior to the post-retirement employment. (Health insurance from the Board is not legally required to be offered.)

Note: TRB has indicated that a six-month break in service is required before a retired teacher, who has retired before age 62 or normal retirement (20 years of service and age 60 or 35 years of service) can be reemployed by any Connecticut school district.

Nepotism

The Board is committed to hiring qualified candidates while preventing both actual and perceived nepotism in employment practices within Fairfield Public Schools.

Definitions

- **For the purposes of this policy “immediate family”** means a spouse, child, parent, sister, brother, half-sister or half-brother.
- **For the purposes of this policy “relative”** means a sister-in-law, brother-in-law, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, aunt, uncle, niece, nephew, first cousin, grandparent, stepchild, foster child, grandchild or individual living in the same household.

Personnel – Certified / Non-Certified

4111

RECRUITMENT AND SELECTION

4211(c)

- **For the purposes of this policy “familial relationship”** means a relationship between a member of one’s immediate family or a relative, as defined within this policy.

No individuals shall be hired in a position of employment that would result in a supervisory or evaluative relationship between a current employee and a relative or immediate family member.

No employee may be involved in the process of screening for advancement in the application process, interviewing or hiring his or her relatives or immediate family members.

No administrator or supervisor shall supervise any of his or her relatives or immediate family members

~~On the application form, an applicant for any position in the school district shall disclose any previous relationship with the Superintendent or any Board member. Previous relationships will include any business, financial, personal, political or family connections.~~

~~The Superintendent shall provide the Board with written disclosure of any prior knowledge or relationship with any candidate recommended for employment.~~

~~The Board of Education authorizes the Superintendent to employ teachers. (A Superintendent not authorized to employ teachers will submit to the Board of Education nominations for individuals to be hired by Board action. Boards shall accept or reject such nominations not later than thirty-five (35) calendar days from such submission.)~~

(cf. [4111.3](#) - Increasing Educator Diversity)

(cf. [4115](#) - Evaluation)

Legal Reference: Connecticut General Statutes

~~[10-151](#) Employment of teachers. Notice and hearing on termination of contract.~~

[10-151](#) Employment of teachers. Notice and hearing on termination of contract (as amended by P.A. 12-116 An Act Concerning Educational Reform)

[10-153](#) Discrimination on account of marital status.

Personnel – Certified / Non-Certified

4111

RECRUITMENT AND SELECTION

4211(d)

~~10-183v Reemployment of teachers, as amended by PA 10-111, An Act Concerning Education Reform in Connecticut~~

10-183v Reemployment of teachers, as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut, P.A. 16-91, An Act Making Changes to the Teachers' Retirement System, and PA 17-173 An Act Concerning Minor Revisions and Additions to the Education Statutes and PA 18-42 An Act Concerning a Provision Concerning Reemployment of Certain Teachers.

10-220 Duties of Boards of Education (as amended by PA 98-252)

31-126 Unfair Employment Practices.

46a-60 Discriminatory employment practices prohibited.

~~20 U.S.C. Section 1119 N Child Left Behind Act~~

~~34 C.F.R. 200.55 Federal Regulations~~

~~Circular Letter C-6, Series 2004-2005, Determining “Highly Qualified” Teachers~~

~~Circular Letter C-9, Series 2004-2005, “No Child Left Behind” and Districts’ High Objective Uniform State Standard of Evaluation (HOUSSE) Plans.~~

Title IV Equal Employment Opportunities.

34 C.F.R. 200.55 Federal Regulations.

P.L. 114-95 Every Student Succeeds Act, S.1177-55, 56

PA 23-167 An Act Concerning Transparency in Education Section 10

~~Circular Letter C-9, Series 2007-2008, “Discontinued Use of District’ High Objective Uniform State Standard of Evaluation (HOUSSE) Plans.~~

~~Circular Letter C-13, Series 2007-2008, “Construction of HOUSSE Plans for Highly Qualifying Veteran Teachers”~~

Adopted 8/27/2004

Revised and Adopted X/X/2024