

**BRANFORD BOARD OF EDUCATION  
POLICY COMMITTEE**

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| <b>WEDNESDAY</b><br><b>7:30 PM</b><br><b>September 11, 2024</b> | <b>Walsh Intermediate School</b><br><b>Collaboration &amp; Innovation Center (Room 112)*</b><br><b>185 Damascus Road, Branford, CT 06405</b> |
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**\*Please Note: Location Change**

To locate agendas and to access/view meetings please go to <https://www.branfordschools.org/>

**Community Agreement**

The Board of Education is committed to supporting the mission, vision, core values and global learning competencies of the Branford Public Schools. We are here to provide access for all students in close collaboration with the Superintendent and in partnership with the larger community.

**A G E N D A**

- I. Call to Order**
- II. Public Comments**
- III. Approval of Minutes**
- IV. Discussion/Action Items**
  - A. Policy 4650 – Title IX Personnel**
  - B. Policy 5250 - Title IX Students**
- V. Adjourn**

**TO PARTICIPATE IN PUBLIC COMMENTS REMOTELY PLEASE CALL:  
(646) 558-8656 Meeting ID: 815 6405 4671 Passcode: 812124**

*When participating by telephone please mute your phone when joining the meeting and unmute your phone when you are ready to speak. This can be done by pressing \*6 on your phone's keypad.*

**Rules Governing Public Comments:**

- Three minutes will be allotted to each speaker. The Board may modify this limitation at the beginning of a meeting if the number of persons wishing to speak makes it advisable to do so. (Board Bylaw 9325)
- Conduct intended primarily to disrupt the Board of Education meeting shall not be permitted. Any speaker who engages in such conduct will be warned and allowed to correct such conduct. If the speaker continues to engage in the disruptive conduct such will be grounds for termination of the speaker's privilege to participate in public comment and may be deemed grounds for removal from the meeting site.
- All speakers must identify themselves by name and address.

9.11.24

## Memo

**To:**

Branford Board of Education  
Policy Committee

**From:**

Allison K. Moran,  
Assistant Superintendent of  
Schools

**Re:**

Recommended Policy Revisions

**CC:**

Christopher Tranberg, Ph.D.,  
Superintendent of Schools

Blaize Levitan, Chief Operating  
Officer

### Recommended May Policy Revisions

The following two policy revisions are based on the U.S. Department of Education's 2024 Title IX Final Rule. Substantial changes have been made throughout the documents. It is important to know that, while the Board must be familiar with the revised policies, all employees are receiving extensive training. All employees will participate in an hour-long training provided by Shipman and Goodwin. All administrators, many of whom serve as building and district Title IX Coordinators, participated in a three hour training provided by Shipman and Goodwin.

Included for your information is a "brief" overview of the Final Rule. Please note this is brief in comparison to the detailed explanation (linked within the brief overview below). However, it is still lengthy at 15 pages. I recommend that Board members skim the overview prior to going through the redlines and committee versions of the policies. The redline documents will illustrate the numerous changes that have been made.

It is also worth noting that the Assistant Superintendent serves as the District's Title IX Coordinator. As such, I plan to consult our legal counsel should a Title IX complaint come our way. It will be important to seek their guidance in navigating the new processes.

Finally, I have included the slides that Julie Resnik provided on this topic during our August Board Retreat. Slides follow the links to the revised policies.

[Brief Overview of Key Provisions of the Department of Education's 2024 Title IX Final Rule](#)

## Branford Public Schools

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**4650 Title IX Sex Discrimination and Harassment (Personnel)**[COMMITTEE DOC](#)[REDLINE DOC](#)**5250 Title IX Sex Discrimination and Sexual Harassment (Students)**[COMMITTEE DOC](#)[REDLINE DOC](#)

## Federal Update: 2024 Title IX Final Rule



- Final Rule significantly changes the scope of sex-based harassment and the procedural requirements
- Gives schools more flexibility in how to handle the grievance process

AUGUST

1

- Issued April 19, 2024
- Effective August 1, 2024
  - Applies to incidents occurring on or after August 1, 2024
  - Incidents occurring before August 1, 2024 must be resolved using the old regulations

## What Final Regulations Mean for K-12 Schools

One **uniform grievance procedure** for sex discrimination (including sex-based harassment), rather than a separate procedure for sex discrimination and sexual harassment.

- This includes complaints regarding sex discrimination in athletics; pregnant and parenting students; different treatment based on sex; retaliation; and LGBTQI+.

More conduct potentially covered under Title IX due to **expansion of definition** of “sex discrimination,” including “hostile environment”

## What Final Regulations Mean for K-12 Schools

Covers off-campus conduct if the school has “disciplinary authority.”

- See authority under Connecticut bullying law and board of education’s Student Discipline policy.

One person can serve almost all roles in the grievance process. No longer need multiple employees to be involved in every Title IX matter.

## Scope of Title IX

- Discrimination on the basis of sex includes discrimination on the basis of
  - ✓ sex stereotypes,
  - ✓ sex characteristics,
  - ✓ pregnancy or related conditions,
  - ✓ sexual orientation, and
  - ✓ gender identity.

## Definition of Sex-Based Harassment

- “Sex-based harassment,” not “sexual harassment”
- Quid Pro Quo
- Hostile Environment
- Specific Offenses
  - ✓ Sexual Assault
  - ✓ Dating Violence
  - ✓ Domestic Violence
  - ✓ Stalking

*NOTE:  
Terms are defined in the  
Final Regulations –  
no cross reference to other  
federal laws.*



Personnel

4650 P

## PROHIBITION OF SEX DISCRIMINATION, INCLUDING SEX BASED HARASSMENT

The Branford Board of Education and Branford Public Schools (the “District”) do not discriminate on the basis of sex and prohibit sex discrimination in any education program or activity that the Board and/or District operate, as required by 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”), as it may be amended from time to time, and Connecticut law. Inquiries about Title IX may be referred to the District’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. The District’s Title IX Coordinator is:

Assistant Superintendent  
185 Damascus Road  
Branford, CT 06405  
bpstitle9@branfordschools.org  
(203) 315-1786

The Superintendent of Schools shall develop and adopt grievance procedures that provide for the prompt and equitable resolution of complaints made (1) by students, employees, or other individuals who are participating or attempting to participate in the District’s education program or activity, or (2) by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, or Connecticut law (the “Administrative Regulations”) The Administrative Regulations [are located hereafter

**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. 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, as defined below.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

*Quid pro quo harassment*, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly conditions the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct

*Hostile environment harassment*, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) 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. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. the degree to which the conduct affected the complainant's ability to access the District's education program or activity;
- b. the type, frequency, and duration of the conduct;
- c. 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;
- d. the location of the conduct and the context in which the conduct occurred; and
- e. other sex-based harassment in the District's education program or activity; or

*A specific offense*, as follows:

- f. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- g. Dating violence, meaning violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
- h. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) 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; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or
- i. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

### **Reporting Sex Discrimination**

The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:



1. A “complainant,” which includes:
  - a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the Board’s education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; and
3. The District’s Title IX Coordinator.

For clarity, a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student of the District or employee of the Board; or
- Any person other than a student of the District or employee of the Board who was participating or attempting to participate in the Board’s education program or activity at the time of the alleged sex discrimination.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the District’s Title IX Coordinator or an administrator.

Any Board employee who has information about conduct that reasonably may constitute sex discrimination immediately as practicable notify the Title IX Coordinator. If the Title IX Coordinator is alleged to have engaged in sex discrimination, Board employee shall instead notify their building principal or the Superintendent of Schools, if the employee is not assigned to a school building.

Individuals may also make a report of sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8<sup>th</sup>9<sup>th</sup>Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone: (617) 289-0111) and/or 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.

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a)

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

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

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

Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990

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

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

Brittell v. Department of Correction, 247 Conn. 148 (1998)

Fernandez v. Mac Motors, Inc., 205 Conn. App. 669 (2021)

ADOPTED: 10-19-2022

REVISED:

## ADMINISTRATIVE REGULATIONS PROHIBITION OF SEX DISCRIMINATION , INCLUDING SEX-BASED HARASSMENT

The Branford Board of Education (the “Board”) and Branford Public Schools (the “District”) do not discriminate on the basis of sex and prohibit sex discrimination in any education program or activity that the Board and/or District operate, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. and its implementing regulations (“Title IX”), as it may be amended from time to time, Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law.

The District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the District’s education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, or Connecticut law. Any reference in these Administrative Regulations to the Title IX coordinator or to an administrator includes such person’s designee.

**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. 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, as defined below.

**Sex-based harassment under Title IX** is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex g: including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. *Quid pro quo harassment*, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly condition the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct.
2. *Hostile environment harassment*, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) 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. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - f. the degree to which the conduct affected the complainant’s ability to access the District’s education program or activity;
  - g. the type, frequency, and duration of the conduct;

- h. 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;
  - i. the location of the conduct and the context in which the conduct occurred; and
  - j. other sex-based harassment in the District's education program or activity; or
3. *A specific offense*, as follows:
- f. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
  - g. Dating violence, meaning violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
  - h. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) 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; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or
  - i. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

## **SECTION I: REPORTING SEX DISCRIMINATION**

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination, please contact the District's Title IX Coordinator or an administrator. The District's Title IX Coordinator is:

Assistant Superintendent  
 185 Damascus Road  
 Branford, CT 06405  
 bptitle9@branfordschools.org  
 (203) 315-1786

The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX and under the Board's policy and these Administrative Regulations:

- 1. A "complainant," which includes:
  - a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or

- b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District's education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant (collectively, "parent or guardian"); and
3. The District's Title IX Coordinator.

For clarity, a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following people have a right to make a complaint:

- Any student of the District or employee of the Board; or
- Any person other than a student of the District or employee of the Board who was participating or attempting to participate in the District's education program or activity 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, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. Consolidation shall not violate the Family Educational Rights and Privacy Act ("FERPA"), and thus requires that prior written consent is obtained from the parents or eligible students to the disclosure of their education records. Where the District is unable to obtain prior written consent, complaints cannot be consolidated. When more than one complainant or more than one respondent is involved, references in these Administrative Regulations to a party, complainant, or respondent include the plural, as applicable.

## SECTION II: DEFINITIONS

1. **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), decisionmaker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.
2. **Complainant** means (1) a student of the District or 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 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 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, reference in these Administrative Regulations to complainant includes the student's parent or guardian.

3. **Complaint** means oral or written requests 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 and under the Board's policy and these Administrative Regulations.
4. **A conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), decisionmaker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
5. **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as "affirmative consent").

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

- Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
  - Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
  - It is the responsibility of each person engaging in sexual activity to ensure that the person has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
  - 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 or reckless or failed to take reasonable steps to ascertain whether the complainant consented, or
    - if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
  - The existence of a past or current dating or sexual relationship between a complainant and a respondent, in and of itself, shall not be determinative of a finding of consent.
6. **Disciplinary sanctions** means consequences imposed on a respondent following a determination under Title IX or under the Board's policy and these Administrative Regulations that the respondent violated the District's prohibition on sex discrimination.

7. For purposes of investigations and complaints of,sex discrimination, **education program or activity** includes.buildings owned or controlled by the Board and conduct that is subject to the District's disciplinary authority. The District has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the District's education program or activity or outside the United States.
8. **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of the individual's duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.
9. **Party** means a complainant or respondent.
10. **Pregnancy** or related conditions mean (A) pregnancy, childbirth, termination of pregnancy, or lactation; (B) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (C) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
11. **Relevant** means related to the allegations of sex discrimination under investigation as a part of the District's Title IX grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
12. **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 the District determines that sex discrimination occurred.
13. **Respondent** means an individual who.is alleged to have violated the District's prohibition on sex discrimination. When a respondent is a student of the District, reference in these Administrative Regulations to respondent includes the student's parent or guardian.
14. **Retaliation** means intimidation, threats, coercion, or discrimination against any person by 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 Title VII or their regulations or Connecticut law, 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, hearing or informal resolution process conducted pursuant to federal Title IX regulations or under the Board's policy and these Administrative Regulations. This also includes peer retaliation, which means retaliation by a student against another student.
15. **School days** means the days that school is in session as designated on the calendar posted on the District's website. In its discretion, and when equitably applied and with proper



notice to the parties, the District may consider business days during the summer recess as “school days” if such designation facilitates the prompt resolution of the grievance procedures.

16. **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. Supportive measures may include counseling ; extensions of deadlines or other course-related adjustments, increased security and monitoring,; restrictions on contact; changes to class schedules or extracurriculars; training and education programs related to sex-based harassment, and other similar measures as determined appropriate by the Title IX Coordinator.

### **SECTION III: RESPONSE TO SEX DISCRIMINATION**

1. Notification of Procedures. When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator shall notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures, and the informal resolution process, if available and appropriate. If a complaint is made, the Title IX Coordinator shall also notify the respondent of the grievance procedures and the informal resolution process, if available and appropriate.
2. Supportive Measures. When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, an administrator will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person’s access to the District’s education program or activity or provide support during the District’s Title IX grievance procedures or during the informal resolution process. The District will not disclose information about any supportive measures to persons other than the person to whom they apply and their parent or guardian unless necessary to provide the supportive measure or restore or preserve a party’s access to the educational program or activity.
  - a. Where a supportive measure has been implemented, a party may seek the modification or termination of the supportive measure, if the supportive measure is applicable to them and if the party’s circumstances have materially changed. The District may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process.
  - b. *Challenge to Supportive Measures.* Upon an administrator’s decision to provide, deny, modify or terminate a supportive measure, either a respondent or a complainant may challenge that decision. The challenged supportive measure must be applicable to the challenging party. A party’s challenge may be based on, but is not limited to, concerns regarding whether the supportive measure is



reasonably burdensome; reasonably available; being imposed for punitive or disciplinary reasons; imposed without fee or charge; or otherwise effective in meeting the purposes for which it is intended, including to restore or preserve access to the education program or activity, provide safety, or provide support during the grievance procedures. Such challenge shall be made in writing to the Title IX Coordinator.

Promptly and without undue delay after receiving a party's challenge, the Title IX Coordinator shall determine if the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures in this Administrative Regulation. When there is a change to a supportive measure currently in place, including the termination of the supportive measure, or where a new supportive measure is implemented or a requested supportive measure has been denied, the Title IX Coordinator shall notify the affected party of the determination.

In the event that the Title IX Coordinator made the decision to provide, deny, modify or terminate a supportive measure, the challenge will be assigned to a disinterested administrator.

3. **Informal Resolution Process.** In lieu of resolving a complaint of sex discrimination through the District's formal grievance procedures (outlined below), the parties may instead elect to participate in an informal resolution process. The District has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to offer informal resolution despite one or more of the parties' wishes. The District does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with the law. Upon the District offering the informal resolution process to both parties, that parties shall have seven (7) school days to decide if they would like to participate in the process. The District shall obtain the parties' voluntary consent to proceed with the informal resolution process. If the informal resolution process proceeds, the Title IX Coordinator shall appoint an informal resolution facilitator, who will not be the same person as the investigator or the decisionmaker.
  - a. *Notice of Informal Resolution Process.* Promptly upon obtaining the parties' voluntary consent to process with the informal resolution process and before initiation of the informal resolution process, the District must provide to the parties written notice that explains:
    7. the allegations;
    8. the requirements of the informal resolution process;
    9. that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the formal grievance procedures;

10. 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;
  11. the potential terms that may be requested or offered in an informal resolution agreement (which may include, but are not limited to, restrictions on contact, restrictions on the respondent's participation in the District's programs or activities, other disciplinary sanctions, and/or sensitivity training), including notice that an informal resolution agreement is binding only on the parties; and
  12. what information the District will maintain and whether and how the District could disclose such information for use in formal grievances procedures.
- b. *Intake Meeting(s)*. From the date of the written notice provided in subsection III.3.a, above, the parties will have thirty (30) school days to reach a resolution. The Title IX Coordinator may extend this timeframe for the same reasons identified in subsection IV.1.d, below. If a resolution is not reached, the District will continue resolving the complaint through the grievance procedures as outlined below. The informal resolution process will be designed to be collaborative, focusing on the needs of both parties. When the parties have agreed to pursue the informal resolution process, the informal resolution facilitator shall have a separate intake meeting with each party to determine the appropriate path for resolution. During the intake meeting(s), each party will have the opportunity to share their perspective on the allegations, and the informal resolution facilitator will ascertain the party's goals and motivation in pursuing an informal resolution process.
- c. *Informal Resolution Process*. Depending on the allegations of sex discrimination, the District may offer, or the parties may request (subject to the District's approval), one or more of the following types of informal resolution processes:
7. *Facilitated Dialogue*: After the intake meeting(s), the parties engage in a direct conversation about the alleged sex discrimination with the assistance of the informal resolution facilitator. In a facilitated dialogue, the parties are communicating directly and sharing the same space (virtually or in-person). During a facilitated dialogue, the parties will have the opportunity to discuss their individual experiences and listen to the experiences of others with the intention of reaching a mutually agreeable resolution.
  8. *Mediation*: After the intake meeting, the parties will engage in back-and-forth communication to reach an agreed-upon resolution. Mediation may take place electronically or in-person or virtually, with the parties in different locations (e.g. not face-to-face). The parties will have the opportunity to speak with the informal resolution facilitator, and the informal resolution facilitator will communicate each party's perspective

to the opposing party. Mediation may be completed in one session or may require multiple sessions.

- d. *Informal Resolution Agreement.* After the parties have reached an agreed-upon resolution, the informal resolution facilitator shall memorialize such agreement in writing. Such resolutions may include, but are not limited to, mutual no-contact orders; agreed upon sensitivity training; restrictions on the respondent's participation in the District's programs or activities or other disciplinary sanctions; or other mutually agreed upon resolutions. Both parties shall sign the informal resolution agreement, at which point the matter will be considered resolved.
  - e. *Retaliation and Subsequent Conduct.* Nothing in this section precludes an individual from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.
4. **Emergency Removal.** The District will not impose discipline on a respondent conduct and a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of the complainant or any students, employees or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
5. **Students with Disabilities.** If a complainant or respondent is a student with a disability, the Title IX Coordinator 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 Section 504 of the Rehabilitation Act throughout the implementation of the grievance procedures, including in the implementation of supportive measures.
6. **Absence of a Complaint.** In the absence of a complaint, or the withdrawal of any or all allegations in the complaint, and in the absence or termination of the informal resolution process, the Title IX Coordinator shall make a fact-specific determination regarding whether the Title IX Coordinator should initiate a complaint of sex discrimination. In making this determination, the Title IX Coordinator shall consider, at a minimum, the following factors:
  - a. The complainant's request not to proceed with initiation of a complaint;
  - b. The complainant's reasonable safety concerns regarding initiation of a complaint;
  - c. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
  - d. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from the District's program or activity or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;

- e. The age and relationship of the parties; including whether the respondent is a Board employee; The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- f. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- g. 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 alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other person, or that the alleged conduct 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.

#### **SECTION IV: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX DISCRIMINATION**

1. Basic Requirements for the Grievance Procedures.
  - a. The District will treat complainants and respondents equitably.
  - b. The District prohibits any Title IX Coordinator, investigator, or decision maker from having a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
  - c. 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 procedures.
  - d. The District has established timeframes for the major stages of the grievance procedures. The District has also established the following process that allows for the reasonable extension of time frames on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:
    7. When determining whether a reasonable extension of time frames is appropriate, the Title IX Coordinator shall pursue a two-step inquiry. When appropriate, the Title IX Coordinator shall make this determination in consultation with the investigator, decisionmaker, appeal decision maker and/or the informal resolution facilitator.
    8. First, the Title IX Coordinator shall determine whether good cause exists. Good cause shall include, but is not limited to, the absence or illness of a party or a witness; concurrent law enforcement activity and/or activity by the Department of Children and Families; school being out of session; or particular circumstances based on the Title IX Coordinator's experience and familiarity with the complaint that constitute good cause. Reasonable modifications for those with disabilities and language assistance for those with limited proficiency in English should be provided within the established timeframes without need for a reasonable extension.

9. The existence of good cause will not always require a reasonable extension. When evaluating whether such good cause warrants a reasonable extension of time, the Title IX Coordinator shall, in part, determine whether there is a reasonable alternative that may be pursued in lieu of an extension. Where no such alternative exists and where a reasonable extension is necessary to properly effectuate the District's grievance procedures, the Title IX Coordinator shall determine an appropriate extension of time and provide notice of the period of extension to the parties in writing.
- e. The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will be designed to not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members or confidential resources; or otherwise preparing for or participating in the grievance procedures. The District prohibits retaliation by or against any parties, including against witnesses.
- f. The District will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory (tending to prove sex discrimination) and exculpatory evidence (tending to disprove sex discrimination).. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
- g. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
  7. Evidence that is protected under a privilege recognized by Federal or Connecticut law, unless the person to whom the privilege is owed has voluntarily waived the privilege;
  8. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection 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 its grievance procedures; and
  9. 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.

- h. The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, as discussed above.
- 2. Filing a Complaint. A complainant (as defined above) and/or their parent or guardian may file a written or oral complaint with the Title IX Coordinator or an administrator to initiate the District's grievance procedures. Complaints should be filed within thirty (30) school days of the alleged occurrence. If a complaint is filed after thirty (30) school days of the alleged occurrence, the District may be limited in its ability to investigate the complaint.
- 3. Notice of District Grievance Procedures. If not already done, within five (5) school days of receiving a complaint, the Title IX Coordinator shall inform the complainant and their parent or guardian about the District's Title IX grievance procedures, offer the complainant supportive measures, and, where appropriate, inform the complainant and their parent or guardian about the District's informal resolution process. Through this notification, the Title IX Coordinator shall confirm that the complainant is requesting the District to conduct an investigation and make a determination regarding their allegations of sex discrimination. When the Title IX Coordinator is named as the respondent, the building principal or administrator responsible for the program shall notify the complainant and their parent or guardian.
- 4. Jurisdiction and Dismissal. Prior to initiating an investigation into the alleged sex discrimination and prior to issuing the notice of allegations, the Title IX Coordinator shall review the complaint and determine jurisdiction. If the alleged conduct occurred in the District's program or activity or the conduct is otherwise subject to the District's disciplinary authority, then the District has jurisdiction. If there is no jurisdiction, the Title IX Coordinator must dismiss the complaint. The Title IX Coordinator shall make a determination regarding jurisdiction within five (5) school days of receiving the complaint.
  - a. The Title IX Coordinator or the investigator may dismiss a complaint of sex discrimination prior to issuing the notice of allegations and prior to reaching a determination regarding responsibility where:
    - 7. The District is unable to identify the respondent after taking reasonable steps to do so;
    - 8. The respondent is not participating in the District's education program or activity and/or is not employed by the Board;
    - 9. 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 even if proven; or
    - 10. The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX.



Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations by communicating with the complainant to discuss the allegations in the complaint.

- a. Upon dismissal of the complaint, the Title IX Coordinator will 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 will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. When a complaint is dismissed, the District will, at a minimum:
  1. Offer supportive measures to the complainant as appropriate;
  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.
- b. Appeal of Dismissal. The Title IX Coordinator will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. The District's appeal procedures will be implemented equally for all parties.
  1. Dismissals may be appealed on the following bases:
    - a. Procedural irregularity that would change the outcome
    - b. New evidence that would change the outcome and that was not reasonably available when the dismissal was issued; and
    - c. 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.
  2. If the dismissal is appealed, an administrator who did not take part in the investigation of the allegations or the dismissal of the complaint will be the appeal decision maker for the dismissal. The District's appeal process for the dismissal of a complaint provides the following:
    - a. The appealing party shall have five (5) school days from the receipt of the dismissal, to submit a written statement in support of, or challenging the outcome of the dismissal;
    - b. The appeal decision maker must promptly notify the other party of the appeal;
    - c. The other party shall have five (5) school days, from receiving notice from the appeal decision makers to submit a written statement in support of, or challenging, the outcome; and



- d. Within ten (10) school days following the other party's opportunity to provide a statement, the appeals decision maker shall provide the parties the result of the appeal and the rationale for the result.
5. Notice of Allegations. Upon receipt or filing by the Title IX Coordinator of a complaint, and after determining that the District retains jurisdiction over the complaint, the Title IX Coordinator must provide a notice of allegations to the parties that includes the following:
  - a. The District's Title IX grievance procedures and availability of the informal resolution process;
  - b. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
  - c. A statement that retaliation is prohibited; and
  - d. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and if the District provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the investigator decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the initial notice of allegations or that are included in a complaint that is consolidated, the District will notify the parties of the additional allegations by issuing an additional notice of allegations.

6. Investigation. The District will provide for the adequate, reliable, and impartial investigation of complaints. In most circumstances, the District will institute a unified investigative model in which an administrator, or a team of administrators, will serve as both the investigator and the decision maker. In rare circumstances, the Title IX Coordinator may implement a bifurcated investigative model in which the investigator and the decisionmaker are separate administrators, or separate teams of administrators. The implementation of a bifurcated investigative model shall be in the sole discretion of the District, based on a review by the Title IX Coordinator of the complexity of the investigation and the resources needed. The following applies to all investigations, except as otherwise provided herein:
  - a. The burden is on the District—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
  - b. The investigator(s) will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.
  - c. The investigator(s) will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

- d. *Disclosure of Evidence:* Prior to making a determination, the investigator(s) will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible.
    1. Access to such evidence shall be accomplished by the investigator(s) providing the parties with a description of such evidence or the actual relevant and not otherwise impermissible evidence.
    2. The parties shall have five (5) school days to review a description of the evidence or the actual evidence.
    3. If not already provided, the parties may request to review the relevant and not otherwise impermissible evidence, rather than a description of the evidence. Parties requesting a review of the evidence must do so within the five (5) school day review period identified above.
    4. The parties may submit a written response to the evidence, which must be received by the investigator(s) no later than the end of the five (5) school day review period identified above.
    5. Based on the complexity and amount of the evidence, the investigator(s) may provide the parties with additional time to review and respond to the evidence.
    6. The District strictly prohibits the unauthorized disclosure of information and evidence obtained solely through the grievance procedures by parties or any other individuals involved in the Title IX grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.
  - e. Only when using a bifurcated investigative model, the investigator(s) will draft an investigative report that summarizes the relevant and not otherwise impermissible evidence. The investigator(s) will provide this report to the parties and to the decision maker(s).
7. Questioning the Parties and Witnesses. The decisionmaker(s) shall question parties and witnesses to adequately assess the credibility of a party or witness, to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. Credibility may be considered to be in dispute where the decision maker(s) must choose between competing narratives to resolve the complaint. The decision maker(s), at their discretion, may conduct individual meetings with the parties or witnesses to evaluate credibility. The decision maker(s) may consider the following factors in making this evaluation:
- a. Plausibility – Whether the testimony is believable on its face; whether the party or witness experienced or perceived the conduct firsthand; and/or whether there are any inconsistencies in any part of the party’s or witness’s testimony;
  - b. Corroboration – Whether there is other testimony or physical evidence that tends to prove or disprove the party’s or witness’s testimony;
  - c. Motive to Falsify – Whether the party or the witness had a motive to lie; whether a bias, interest or other motive exists; and/or whether there is a fear of retaliation;

- d. Demeanor – Evaluating the party’s or witness’s body language, including whether there is a perceived nervousness and/or they make tense body movements.

The decisionmaker(s) shall consider the credibility of any party and witness based on the factors above, as well as the evidence and information gathered during the investigation.

- 8. Determination of Whether Sex Discrimination Occurred. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence and within sixty (60) school days of issuing the initial notice of allegations, the decisionmaker(s) will:
  - a. Use the preponderance of the evidence standard to determine whether sex discrimination occurred. The standard requires the decisionmaker(s) to evaluate relevant and not otherwise impermissible evidence and determine if it is more likely than not that the conduct occurred. If the decisionmaker(s) is not persuaded by a preponderance of the evidence that sex discrimination occurred, the decisionmaker(s) shall not determine that sex discrimination occurred;
  - b. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX and/or the Board’s policy and these Administrative Regulations, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;
  - c. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
  - d. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
  - e. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.
- 9. Remedies and Disciplinary Sanctions. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - a. Coordinate the provision and implementation of remedies to a complainant and other people the District identified as having had equal access to the District’s education program or activity limited or denied by sex discrimination. These remedies may include, but are not limited to: continued supports for the complainant and other people the District identifies; follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation; training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it; counseling supports; other remedies as may be appropriate for a particular circumstance as determined by the Title IX Coordinator.
  - b. Coordinate the imposition of disciplinary sanctions, as appropriate, for a respondent, including notification to the complainant of any such disciplinary

sanctions. The possible sanctions may include, but are not limited to, discipline up to and including expulsion for students and termination of employment for employees; resolution through restorative practices; and/or restrictions from athletics and other extracurricular activities.

- c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
  - d. Communicate with a student's PPT or Section 504 team prior to disciplining a respondent to ensure compliance with the requirements of the IDEA and Section 504 with respect to discipline of students.
  - e. If expulsion is recommended, refer a student respondent to the Board for expulsion proceedings pursuant to Connecticut law.
10. Appeal of Determination. After receiving the written determination of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Title IX Coordinator challenging the outcome of the grievance procedures and explaining the basis for appeal.

Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision maker(s). The decision maker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance procedures.

The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all written statements from the parties.

## **SECTION V: PREGNANCY OR RELATED CONDITIONS**

When any District employee is notified by a student or a student's parent or guardian that the student is pregnant or has a related condition, the District employee must promptly provide the student or 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 sex discrimination and ensure the student's equal access to the District's education program or activity. Once a student or a student's parent or guardian notifies the Title IX Coordinator of the student's pregnancy or related condition, the Title IX Coordinator must take specific actions to prevent discrimination and ensure equal access, as outlined in 34 C.F.R. § 106.40(b)(3) of the Title IX federal regulations.

For Board employees, the District will treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes and follow the provisions outlined in 34 C.F.R. § 106.57 of the Title IX federal regulations. The District will provide reasonable break time for an employee to express breast milk or breastfeed as needed. The District will also ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

## **SECTION VI: RETALIATION**

The District prohibits retaliation, including peer retaliation, in its education program or activity. When the District has information about conduct that reasonably may constitute retaliation under Title IX and/or the Board's policy and these Administrative Regulations, the District must initiate its grievance procedures or, as appropriate, an informal resolution process.

## **SECTION VII: RECORDKEEPING**

The District will maintain for a period of seven (7) years:

1. For each complaint of sex discrimination, records documenting the informal resolution process of the grievance procedures and the resulting outcome;
2. For each notification the Title IX Coordinator received of information about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the District took in response; and
3. 3. All materials used to provide training to employees pursuant to this Administrative Regulation. The District will make these training materials available upon request for inspection by members of the public.

## **SECTION VIII: TRAINING**

The District shall provide the individuals designated below with the following training promptly upon hiring or change of position that alters their duties, and annually thereafter.

1. *All employees.* All employees shall be annually trained on the District's obligation to address sex discrimination in its education program or activity; the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment; and all applicable notification and information requirements related to pregnancy and related conditions and the District's response to sex discrimination.
2. *Investigators, decisionmakers, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures.* Any employee who will act as an investigator, decisionmaker, or is responsible for supportive measures shall be annually trained 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 issue, conflicts of interest, and bias; and the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the grievance procedures.
3. *Informal Resolution Facilitator.* Any employee who will act as an informal resolution facilitator shall be annually trained on the topics in subsection (1) and the rules and

practices associated with the District's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

4. *Title IX Coordinator.* Any employee who will serve as the Title IX coordinator must be trained on above subsections (1)-(3) and must be trained on their specific responsibilities under Title IX, the District's recordkeeping system and the requirements recordkeeping under Title IX.

#### **SECTION IX: FURTHER REPORTING**

At any time, a complainant alleging sex discrimination may also file a complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 9th 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).

7/29/2024

**FORM 1: COMPLAINT FORM REGARDING SEX DISCRIMINATION, INCLUDING  
SEX-BASED HARASSMENT**

Name of the complainant \_\_\_\_\_

Date of the alleged conduct \_\_\_\_\_

Name(s) of the alleged perpetrator(s):

\_\_\_\_\_

Location where such conduct occurred

\_\_\_\_\_

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

\_\_\_\_\_

Detailed statement of the circumstances

COMMITTEE SEPTEMBER 2024



Remedy requested:

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

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



Personnel

4650 P

**~~POLICY REGARDING PROHIBITION OF SEX DISCRIMINATION,  
INCLUDING SEX BASED HARASSMENT-  
AND SEXUAL HARASSMENT IN THE WORKPLACE (PERSONNEL)~~**

~~It is the policy of the Branford Board of Education (the “Board”) for the Branford 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 Branford Board of Education and Branford Public Schools (the “District”) do not discriminate on the basis of sex in the and prohibit sex discrimination in any education programs or activities that it operates and program or activity that the Board is and/or District operate, as required by 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”), as it may be amended from time to time, 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.~~

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~~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.~~

~~Inquiries about Title IX may be referred to the District’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. The District’s Title IX Coordinator is:~~

Assistant Superintendent  
185 Damascus Road  
Branford, CT 06405  
bpstitle9@branfordschools.org  
(203) 315-1786

The Superintendent of Schools shall develop ~~Administrative Regulations implementing this Policy and in accordance with~~ and adopt grievance procedures that provide for the prompt and equitable resolution of complaints made (1) by students, employees, or other individuals who are participating or attempting to participate in the District's education program or activity, or (2) by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, ~~and~~ or Connecticut law (the "Administrative Regulations") ~~The Administrative Regulations [are located hereafter and report to the Board on any substantive changes to the content and implementation of the 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. 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, as defined below. Sex discrimination includes actions taken on the basis of an individual's gender identity or expression or sexual orientation.~~

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

~~Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:~~

~~(1) An employee of the Board conditioning Quid pro quo harassment, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly conditions 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);~~

~~Hostile environment harassment, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) 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. Whether a hostile~~

environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. the degree to which the conduct affected the complainant's ability to access the District's education program or activity;
- b. the type, frequency, and duration of the conduct;
- c. 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;
- d. the location of the conduct and the context in which the conduct occurred; and
- e. other sex-based harassment in the District's education program or activity; or

A specific offense, as follows:

Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

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

Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) 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; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

¶

~~(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.~~

Harassment that denigrates other parts of a person’s identity, including but not limited to race, religion, or ability, may contain elements of sexual harassment.

#### Reporting Sex Discrimination or Sexual Harassment

The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:

A “complainant,” which includes:

- a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the Board’s education program or activity;

2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; and

~~It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Employees are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with~~

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

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

### ~~3. The District's Title IX Coordinator.~~

~~For clarity, a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.~~

~~With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:~~

- ~~• Any student of the District or employee of the Board; or~~
- ~~• Any person other than a student of the District or employee of the Board who was participating or attempting to participate in the Board's education program or activity at the time of the alleged sex discrimination.~~

~~The Branford 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.~~

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the District's Title IX Coordinator or an administrator.

~~The Board's Title IX Coordinator is the Assistant Superintendent. 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:~~

~~Assistant Superintendent  
185 Damascus Road  
Branford, CT 06405  
bpstitle9@branfordschools.org  
(203) 315-1786~~

Any Board employee in receipt of allegations of who has information about conduct that reasonably may constitute sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to as practicable notify the Title IX Coordinator. If the Title IX Coordinator is alleged to have engaged in sex discrimination, Board employee shall instead notify their building principal or the Superintendent of Schools, if the employee is not assigned to a school building.

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

Employees may also make a report of sexual harassment and/or sex discrimination and/or 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,~~  
C.F.R § 106.1 et seq.

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a)

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

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

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

Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990

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

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

Brittell v. Department of Correction, 247 Conn. 148 (1998)

Fernandez v. Mac Motors, Inc., 205 Conn. App. 669 (2021)

ADOPTED: ~~10-19-2022~~ ¶

REVISED: ¶

~~7/29/24~~  
~~7/30/2021~~

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REDLINE SEPTEMBER 2024

Series 4000

[Note: The following administrative ~~procedures~~ regulations are not part of the sex discrimination and ~~sexual~~ sex-based harassment policy and need not be approved by the Board, unless such approval is required by the Board's bylaws. However, because a complaint procedure is legally required, these administrative regulations are included for your convenience.]

In investigating conduct pursuant to these administrative regulations, districts are permitted to use a unified investigative model or a bifurcated investigative model. In a unified investigative model, one person—or multiple people working as a team—act as both the investigator and the decision maker for a matter. In a bifurcated investigative model, the investigator and the decision maker are separate people, or teams of people. These administrative regulations provide for a unified investigative model in most cases but allow a bifurcated investigative model to be implemented in certain circumstances. However, districts can choose to use a bifurcated investigative model for all matters, and the language in these administrative regulations is only one option.

Section IV.10 includes an appeals process. The appeals process regarding the determination of sex discrimination must, at minimum, be the same as the appeals processes in the district's nondiscrimination policies.

Districts are permitted but not required to designate “confidential employees” for purposes of this policy and administrative regulations. If so designated, confidential employees are not required to report allegations of sex discrimination to the Title IX Coordinator, but they must follow specific requirements of the federal regulations. We recommend that the district consult with counsel prior to making such designations to ensure legal compliance.

For alleged conduct that occurred before August 1, 2024, districts are required to follow the applicable policy in place at the time the conduct allegedly occurred.]

¶

**Personnel**

**4650R**

**ADMINISTRATIVE REGULATIONS REGARDING  
THE PROHIBITION OF SEX DISCRIMINATION AND SEXUAL, INCLUDING  
SEX-BASED HARASSMENT (PERSONNEL)**

¶

~~It is the policy of the Branford Board of Education (the “Board”) for the Branford 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. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex that has the effect of creating an~~

~~intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.~~

The \_\_\_\_\_ Board of Education (the “Board”) and \_\_\_\_\_ Public Schools (the “District”) do not discriminate on the basis of sex and prohibit sex discrimination in any education program or activity that the Board and/or District operate, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. and its implementing regulations (“Title IX”), as it may be amended from time to time, Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law. The District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the District’s education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, or Connecticut law. Any reference in these Administrative Regulations to the Title IX coordinator or to an administrator includes such person’s designee.

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

**Sex discrimination** occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance. ~~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, as defined below.~~ Sex discrimination includes actions taken on the basis of an individual’s gender identity or expression or sexual orientation.

~~**Sexual**~~ **Sex-based harassment under Title IX** ~~means conduct~~ is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex that satisfies one or more of the following: including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- ~~(1) An employee of the Board conditioning~~ Quid pro quo harassment, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly condition the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct (i.e., *quid pro quo*); ¶

~~(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education programs or activities; or ¶~~

~~(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations.~~

2. Hostile environment harassment, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) 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. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. the degree to which the conduct affected the complainant's ability to access the District's education program or activity;
- b. the type, frequency, and duration of the conduct;
- c. 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;
- d. the location of the conduct and the context in which the conduct occurred; and
- e. other sex-based harassment in the District's education program or activity; or

3. A specific offense, as follows:

- f. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- g. Dating violence, meaning violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
- h. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) 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; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or
- i. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.



~~“Sex” under Title IX includes gender identity or expression or sexual orientation.~~

~~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.~~

#### SECTION I: REPORTING SEX DISCRIMINATION

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination, please contact the District's Title IX Coordinator or an administrator. The District's Title IX Coordinator is:

[Must include all of this contact information: name or title, office address, email address, and telephone number]

The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX and under the Board's policy and these Administrative Regulations:

1. A “complainant,” which includes:

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

- a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - ~~1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;~~
- b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District's education program or activity;
- c. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant (collectively, “parent or guardian”); and
  - ~~2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;~~

- 3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;
- 4. The threat or suggestion that continued employment, advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
- 5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;
- 6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

#### **NOTICE OF THE TITLE IX COORDINATOR**

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

Assistant Superintendent  
185 Damascus Road  
Branford, CT 06405  
[bpstitle9@branfordschools.org](mailto:bpstitle9@branfordschools.org)  
(203) 315-1786

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

#### **EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE**





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

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

~~The obligation to comply with District's Title IX is not obviated or alleviated by the FERPA. Coordinator.~~

For clarity, a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following people have a right to make a complaint:

Any student of the District or employee of the Board; or

Any person other than a student of the District or employee of the Board who was participating or attempting to participate in the District's education program or activity 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, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. Consolidation shall not violate the Family Educational Rights and Privacy Act ("FERPA"), and thus requires that prior written consent is obtained from the parents or eligible students to the disclosure of their education records. Where the District is unable to obtain prior written consent, complaints cannot be consolidated. When more than one complainant or more than one respondent is involved, references in these Administrative Regulations to a party, complainant, or respondent include the plural, as applicable.

## SECTION II: DEFINITIONS

¶

**SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT UNDER TITLE IX**

¶

**A. Definitions**

1. **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), ~~and/or decision-maker~~ decisionmaker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

2. Complainant means (1) a student of the District or 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 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 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, reference in these Administrative Regulations to complainant includes the student's parent or guardian.
3. Complaint means oral or written requests 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 and under the Board's policy and these Administrative Regulations.
4. A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), ~~and/or decision-maker~~ decisionmaker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
5. **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as "affirmative consent").

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

- ~~A.—~~ Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
  - ~~B.—~~ Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
  - ~~C.—~~ It is the responsibility of each person engaging in sexual activity to ensure that the person has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
  - ~~D.—~~ It shall not be a valid excuse to an alleged lack of affirmative consent that ~~the~~ a respondent to the alleged violation believed that the complainant consented to the sexual activity:
    - ~~(i)~~ because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant ~~affirmatively~~ consented, or
    - ~~(ii)~~ if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
  - ~~E.—~~ The existence of a past or current dating or sexual relationship between ~~the~~ a complainant and ~~the~~ a respondent, in and of itself, shall not be determinative of a finding of consent.
6. Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX or under the Board's policy and these Administrative Regulations that the respondent violated the District's prohibition on sex discrimination.

7. For purposes of investigations and complaints of ~~sexual harassment~~, sex discrimination, **education program or activity** includes ~~locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.~~ buildings owned or controlled by the Board and conduct that is subject to the District's disciplinary authority. The District has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the District's education program or activity or outside the United States.

**8. Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of the individual's duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

~~**Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined under Title IX) against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A "document filed by a complainant" means a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.~~

9. Party means a complainant or respondent.

10. Pregnancy or related conditions mean (A) pregnancy, childbirth, termination of pregnancy, or lactation; (B) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (C) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

11. Relevant means related to the allegations of sex discrimination under investigation as a part of the District's Title IX grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

12. 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 the District determines that sex discrimination occurred.

**13. Respondent** means an individual who ~~has been alleged to be the perpetrator of conduct that could constitute sexual harassment~~ is alleged to have violated the District's prohibition on sex discrimination. When a respondent is a student of the District, reference in these Administrative Regulations to respondent includes the student's parent or guardian.¶

**14. Retaliation** means intimidation, threats, coercion, or discrimination against any person by 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 Title VII or their regulations or Connecticut law, 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, hearing or informal resolution process conducted pursuant to federal Title IX regulations or under the Board's policy and these Administrative Regulations. This also includes peer retaliation, which means retaliation by a student against another student.

**15. School days** means the days that school is in session as designated on the calendar posted on the ~~Board's~~ District's website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as "school days" if such designation facilitates the prompt resolution of the grievance ~~process~~ procedures.

**16. Supportive measures** means ~~non-disciplinary, non-punitive individualized services~~ ~~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 ~~the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.~~ Such measures are designed to ~~to:~~ (1) restore or preserve ~~equal~~ ~~that party's~~ access to the District's education program or activity without unreasonably burdening the other party, including measures ~~that are~~ designed to protect the safety of ~~all the parties or the District's educational environment, or deter sexual harassment~~ or (2) provide support during the District's grievance ~~procedures or during the informal resolution process.~~ Supportive measures may include counseling; extensions of deadlines or other course-related adjustments, ~~modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring,;~~ ~~restrictions on contact; changes to class schedules or extracurriculars; training and education programs related to sex-based harassment, and other similar measures~~ as determined appropriate by the Title IX Coordinator.



Reporting Sexual Harassment



- ~~1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a person in the District's education program or activity, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant files a formal complaint, and will consider the complainant's wishes with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator will explain to the complainant the process for doing so.~~

### SECTION III: RESPONSE TO SEX DISCRIMINATION

1. Notification of Procedures. When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator shall notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures, and the informal resolution process, if available and appropriate. If a complaint is made, the Title IX Coordinator shall also notify the respondent of the grievance procedures and the informal resolution process, if available and appropriate.
2. Supportive Measures. When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, an administrator will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education program or activity or provide support during the District's Title IX grievance procedures or during the informal resolution process. The District will not disclose information about any supportive measures to persons other than the person to whom they apply and their parent or guardian unless necessary to provide the supportive measure or restore or preserve a party's access to the educational program or activity.
  - a. Where a supportive measure has been implemented, a party may seek the modification or termination of the supportive measure, if the supportive measure is applicable to them and if the party's circumstances have materially changed. The District may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process.
  - b. Challenge to Supportive Measures. Upon an administrator's decision to provide, deny, modify or terminate a supportive measure, either a respondent or a complainant may challenge that decision. The challenged supportive measure must be applicable to the challenging party. A party's



challenge may be based on, but is not limited to, concerns regarding whether the supportive measure is reasonably burdensome; reasonably available; being imposed for punitive or disciplinary reasons; imposed without fee or charge; or otherwise effective in meeting the purposes for which it is intended, including to restore or preserve access to the education program or activity, provide safety, or provide support during the grievance procedures. Such challenge shall be made in writing to the Title IX Coordinator.

Promptly and without undue delay after receiving a party's challenge, the Title IX Coordinator shall determine if the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures in this Administrative Regulation. When there is a change to a supportive measure currently in place, including the termination of the supportive measure, or where a new supportive measure is implemented or a requested supportive measure has been denied, the Title IX Coordinator shall notify the affected party of the determination.

In the event that the Title IX Coordinator made the decision to provide, deny, modify or terminate a supportive measure, the challenge will be assigned to a disinterested administrator.

3. Informal Resolution Process. In lieu of resolving a complaint of sex discrimination through the District's formal grievance procedures (outlined below), the parties may instead elect to participate in an informal resolution process. The District has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to offer informal resolution despite one or more of the parties' wishes. The District does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with the law. Upon the District offering the informal resolution process to both parties, that parties shall have seven (7) school days to decide if they would like to participate in the process. The District shall obtain the parties' voluntary consent to proceed with the informal resolution process. If the informal resolution process proceeds, the Title IX Coordinator shall appoint an informal resolution facilitator, who will not be the same person as the investigator or the decisionmaker.

c. Notice of Informal Resolution Process. Promptly upon obtaining the parties' voluntary consent to process with the informal resolution process and before initiation of the informal resolution process, the District must provide to the parties written notice that explains:

- 1) the allegations;
- 2) the requirements of the informal resolution process;



- 3) that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the formal 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 (which may include, but are not limited to, restrictions on contact, restrictions on the respondent's participation in the District's programs or activities, other disciplinary sanctions, and/or sensitivity training), 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 formal grievances procedures.

d. Intake Meeting(s). From the date of the written notice provided in subsection III.3.a, above, the parties will have thirty (30) school days to reach a resolution. The Title IX Coordinator may extend this timeframe for the same reasons identified in subsection IV.1.d, below. If a resolution is not reached, the District will continue resolving the complaint through the grievance procedures as outlined below. The informal resolution process will be designed to be collaborative, focusing on the needs of both parties. When the parties have agreed to pursue the informal resolution process, the informal resolution facilitator shall have a separate intake meeting with each party to determine the appropriate path for resolution. During the intake meeting(s), each party will have the opportunity to share their perspective on the allegations, and the informal resolution facilitator will ascertain the party's goals and motivation in pursuing an informal resolution process.

e. Informal Resolution Process. Depending on the allegations of sex discrimination, the District may offer, or the parties may request (subject to the District's approval), one or more of the following types of informal resolution processes:

- 7) Facilitated Dialogue: After the intake meeting(s), the parties engage in a direct conversation about the alleged sex discrimination with the assistance of the informal resolution facilitator. In a facilitated dialogue, the parties are communicating directly and sharing the same space (virtually or in-person). During a facilitated dialogue, the parties will have the opportunity to discuss their individual experiences and listen to the experiences of others with the intention of reaching a mutually agreeable resolution.

8) Mediation: After the intake meeting, the parties will engage in back-and-forth communication to reach an agreed-upon resolution. Mediation may take place electronically or in-person or virtually, with the parties in different locations (e.g. not face-to-face). The parties will have the opportunity to speak with the informal resolution facilitator, and the informal resolution facilitator will communicate each party's perspective to the opposing party. Mediation may be completed in one session or may require multiple sessions.

f. Informal Resolution Agreement. After the parties have reached an agreed-upon resolution, the informal resolution facilitator shall memorialize such agreement in writing. Such resolutions may include, but are not limited to, mutual no-contact orders; agreed upon sensitivity training; restrictions on the respondent's participation in the District's programs or activities or other disciplinary sanctions; or other mutually agreed upon resolutions. Both parties shall sign the informal resolution agreement, at which point the matter will be considered resolved.

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

4.2- ~~Emergency Removal.~~ The District will ~~treat complainants and respondents equitably. A not impose discipline on a respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in these Administrative Regulations shall preclude the District from placing an employee respondent on administrative leave during the pendency of the grievance process. Further, nothing in these Administrative Regulations shall limit or preclude the District from removing procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate than an imminent and serious threat to the physical health or safety of any student the complainant or any students, employees or other individual persons arising from the allegations of sexual harassment sex discrimination justifies removal. If a respondent is removed on an emergency basis, the District shall provide, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.~~

#### B. Formal Complaint and Grievance Process



~~A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the formal complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.~~

5. Students with Disabilities. If a complainant or respondent is a student with a disability, the Title IX Coordinator 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 Section 504 of the Rehabilitation Act throughout the implementation of the grievance procedures, including in the implementation of supportive measures.

~~The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a formal complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.~~

6. Absence of a Complaint. In the absence of a complaint, or the withdrawal of any or all allegations in the complaint, and in the absence or termination of the informal resolution process, the Title IX Coordinator shall make a fact-specific determination regarding whether the Title IX Coordinator should initiate a complaint of sex discrimination. In making this determination, the Title IX Coordinator shall consider, at a minimum, the following factors:

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

~~Upon receipt of a formal complaint, if the Title IX Coordinator has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the~~

~~extent that maintaining such confidentiality would not impair the ability of the District to provide such supportive measures.~~

c. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;

~~¶~~

~~Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment under Title IX and a copy of this grievance process. The written notice must also include the following:~~

d. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from the District's program or activity or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;

~~e. The identities, age and relationship of the parties involved in the incident, if known; including whether the respondent is a Board employee; The conduct allegedly constituting sexual harassment as defined above;~~

f. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;

g. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and

h. 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 alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other person, or that the alleged conduct 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.

#### SECTION IV: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX DISCRIMINATION

##### 1. Basic Requirements for the Grievance Procedures.

a. The District will treat complainants and respondents equitably.

~~The date and the location of the alleged incident, if known;~~

~~¶~~

b. The District prohibits any Title IX Coordinator, investigator, or decision maker from having a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

~~c. A statement~~ The District presumes that the respondent is ~~presumed~~ not responsible for the alleged ~~conduct and that~~ sex discrimination until a determination ~~regarding responsibility~~ is made at the conclusion of the grievance ~~process; procedures.~~

~~v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and ¶~~

~~vi. A statement of any provision in the District's policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. ¶~~

d. The District has established timeframes for the major stages of the grievance procedures. The District has also established the following process that allows for the reasonable extension of time frames on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:

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

- 1) When determining whether a reasonable extension of time frames is appropriate, the Title IX Coordinator shall pursue a two-step inquiry. When appropriate, the Title IX Coordinator shall make this determination in consultation with the investigator, decisionmaker, appeal decision maker and/or the informal resolution facilitator.

~~The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.~~

2) First, the Title IX Coordinator shall determine whether good cause exists. Good cause shall include, but is not limited to, the absence or illness of a party or a witness; concurrent law enforcement activity and/or activity by the Department of Children and Families; school being out of session; or particular circumstances based on the Title IX Coordinator's experience and familiarity with the complaint that constitute good cause. Reasonable modifications for those with disabilities and language assistance for those with limited proficiency in English should be provided within the established timeframes without need for a reasonable extension.

3) The existence of good cause will not always require a reasonable extension. When evaluating whether such good cause warrants a reasonable extension of time, the Title IX Coordinator shall, in part, determine whether there is a reasonable alternative that may be pursued in lieu of an extension. Where no such alternative exists and where a reasonable extension is necessary to properly effectuate the District's grievance procedures, the Title

IX Coordinator shall determine an appropriate extension of time and provide notice of the period of extension to the parties in writing.

e. The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will be designed to not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members or confidential resources; or otherwise preparing for or participating in the grievance procedures. The District prohibits retaliation by or against any parties, including against witnesses.

~~The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.~~

~~f. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other District will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory (tending to prove sex discrimination) and exculpatory evidence (tending to disprove sex discrimination).. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a witness) written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. ¶¶~~

~~Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this Subsection. ¶¶~~

~~The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or~~



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

¶  
¶

g. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

4. Evidence that is protected under a privilege recognized by Federal or Connecticut law, unless the person to whom the privilege is owed has voluntarily waived the privilege;

5. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection 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 its grievance procedures; and

~~The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the formal complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the formal complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about Evidence that relates to the complainant's sexual predisposition interests or prior sexual behavior are not relevant conduct unless such questions and evidence about the complainant's prior sexual behavior are conduct is offered to prove that someone other than the respondent committed the alleged conduct alleged by the complainant, or if the questions and or is evidence concern about specific incidents of the complainant's prior sexual behavior conduct with respect to the respondent and are that is offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant 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.~~

h. The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex



discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, as discussed above.

~~The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.~~

2. Filing a Complaint. A complainant (as defined above) and/or their parent or guardian may file a written or oral complaint with the Title IX Coordinator or an administrator to initiate the District's grievance procedures. Complaints should be filed within thirty (30) school days of the alleged occurrence. If a complaint is filed after thirty (30) school days of the alleged occurrence, the District may be limited in its ability to investigate the complaint.

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

3. Notice of District Grievance Procedures. If not already done, within five (5) school days of receiving a complaint, the Title IX Coordinator shall inform the complainant and their parent or guardian about the District's Title IX grievance procedures, offer the complainant supportive measures, and, where appropriate, inform the complainant and their parent or guardian about the District's informal

resolution process. Through this notification, the Title IX Coordinator shall confirm that the complainant is requesting the District to conduct an investigation and make a determination regarding their allegations of sex discrimination. When the Title IX Coordinator is named as the respondent, the building principal or administrator responsible for the program shall notify the complainant and their parent or guardian.

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

4. Jurisdiction and Dismissal. Prior to initiating an investigation into the alleged sex discrimination and prior to issuing the notice of allegations, the Title IX Coordinator shall review the complaint and determine jurisdiction. If the alleged conduct occurred in the District's program or activity or the conduct is otherwise subject to the District's disciplinary authority, then the District has jurisdiction. If there is no jurisdiction, the Title IX Coordinator must dismiss the complaint. The Title IX Coordinator shall make a determination regarding jurisdiction within five (5) school days of receiving the complaint.

#### ~~D. Informal Resolution ¶~~

~~a. The Title IX Coordinator or the investigator may dismiss a complaint of sex discrimination prior to issuing the notice of allegations and prior to reaching a determination regarding responsibility where:~~

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

7. The District is unable to identify the respondent after taking reasonable steps to do so;

8. The respondent is not participating in the District's education program or activity and/or is not employed by the Board;

9. 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 even if proven; or

10. The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations by communicating with the complainant to discuss the allegations in the complaint.

i. Upon dismissal of the complaint, the Title IX Coordinator will 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 will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. When a complaint is dismissed, the District will, at a minimum:

- 1) Offer supportive measures to the complainant as appropriate;
- 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.

j. Appeal of Dismissal. The Title IX Coordinator will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. The District's appeal procedures will be implemented equally for all parties.

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

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

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

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

#### ~~E. Appeal Process~~ ¶



~~After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s) or initial decision-maker(s).~~

#### ~~1) Appeals will be appropriate only in Dismissals may be appealed on the following circumstances bases:~~

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

**2) If the dismissal is appealed, an administrator who did not take part in the investigation of the allegations or the dismissal of the complaint will be the appeal decision maker for the dismissal. The District's appeal process for the dismissal of a complaint provides the following:**

- a) ~~The District will provide the other party with written notice of such appeal. The appealing party will then~~ **shall have ten (10) five (5) school days from the receipt of the dismissal, to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal will provide the appealing party's written statement to the other party dismissal .**
- b) **The appeal decision maker must promptly notify the other party of the appeal;**

- ~~c) The other party will then shall have ten (10) five (5) school days to submit to the decision-maker for , from receiving notice from the appeal decision makers to submit a written a statement in support of, or challenging, the outcome and~~
- ~~d) Within ten (10) school days following the other party's opportunity to provide a statement, the appeals decision maker shall provide the parties the result of the appeal and the rationale for the result. of the grievance process. The decision-maker(s) for the appeal, in their discretion, will determine any additional necessary and appropriate procedures for the appeal. ¶¶~~
- ~~e) After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. The decision-maker(s) for the appeal will attempt to issue the written decision within thirty (30) school days of receipt of all written statements from the parties. If it is found that one of the basis bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy. ¶¶~~
- ~~f) Supportive measures for either or both parties may be continued throughout the appeal process.~~

~~F. Dismissal of a Formal Complaint~~

5. Notice of Allegations. Upon receipt or filing by the Title IX Coordinator of a complaint, and after determining that the District retains jurisdiction over the complaint, the Title IX Coordinator must provide a notice of allegations to the parties that includes the following:

- a. The District's Title IX grievance procedures and availability of the informal resolution process;
- b. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- c. A statement that retaliation is prohibited; and
- d. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and if the District provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the investigator decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the initial notice of allegations or that are included in a complaint that is consolidated, the District will notify the parties of the additional allegations by issuing an additional notice of allegations.

6. Investigation. The District will provide for the adequate, reliable, and impartial investigation of complaints. In most circumstances, the District will institute a unified investigative model in which an administrator, or a team of administrators, will serve

as both the investigator and the decision maker. In rare circumstances, the Title IX Coordinator may implement a bifurcated investigative model in which the investigator and the decisionmaker are separate administrators, or separate teams of administrators. The implementation of a bifurcated investigative model shall be in the sole discretion of the District, based on a review by the Title IX Coordinator of the complexity of the investigation and the resources needed. The following applies to all investigations, except as otherwise provided herein:

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

- a. The burden is on the District—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
- b. The investigator(s) will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.
- c. The investigator(s) will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
- d. Disclosure of Evidence: Prior to making a determination, the investigator(s) will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible.
  - 1) Access to such evidence shall be accomplished by the investigator(s) providing the parties with a description of such evidence or the actual relevant and not otherwise impermissible evidence.
  - 2) The parties shall have five (5) school days to review a description of the evidence or the actual evidence.
  - 3) If not already provided, the parties may request to review the relevant and not otherwise impermissible evidence, rather than a description of the evidence. Parties requesting a review of the evidence must do so within the five (5) school day review period identified above.
  - 4) The parties may submit a written response to the evidence, which must be received by the investigator(s) no later than the end of the five (5) school day review period identified above.
  - 5) Based on the complexity and amount of the evidence, the investigator(s) may provide the parties with additional time to review and respond to the evidence.
  - 6) The District strictly prohibits the unauthorized disclosure of information and evidence obtained solely through the grievance procedures by parties or any other individuals involved in the Title IX grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.



e. Only when using a bifurcated investigative model, the investigator(s) will draft an investigative report that summarizes the relevant and not otherwise impermissible evidence. The investigator(s) will provide this report to the parties and to the decision maker(s).

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

7. Questioning the Parties and Witnesses. The decisionmaker(s) shall question parties and witnesses to adequately assess the credibility of a party or witness, to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. Credibility may be considered to be in dispute where the decision maker(s) must choose between competing narratives to resolve the complaint. The decision maker(s), at their discretion, may conduct individual meetings with the parties or witnesses to evaluate credibility. The decision maker(s) may consider the following factors in making this evaluation:

- a. Plausibility – Whether the testimony is believable on its face; whether the party or witness experienced or perceived the conduct firsthand; and/or whether there are any inconsistencies in any part of the party's or witness's testimony;
- b. Corroboration – Whether there is other testimony or physical evidence that tends to prove or disprove the party's or witness's testimony;
- c. Motive to Falsify – Whether the party or the witness had a motive to lie; whether a bias, interest or other motive exists; and/or whether there is a fear of retaliation;
- d. Demeanor – Evaluating the party's or witness's body language, including whether there is a perceived nervousness and/or they make tense body movements.

The decisionmaker(s) shall consider the credibility of any party and witness based on the factors above, as well as the evidence and information gathered during the investigation.

8. Determination of Whether Sex Discrimination Occurred. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence and within sixty (60) school days of issuing the initial notice of allegations, the decisionmaker(s) will:

- a. Use the preponderance of the evidence standard to determine whether sex discrimination occurred. The standard requires the decisionmaker(s) to evaluate relevant and not otherwise impermissible evidence and determine if it is more likely than not that the conduct occurred. If the decisionmaker(s) is not persuaded by a preponderance of the evidence that sex discrimination occurred, the decisionmaker(s) shall not determine that sex discrimination occurred;



- b. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX and/or the Board's policy and these Administrative Regulations, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;
  - c. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
  - d. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
  - e. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.
9. Remedies and Disciplinary Sanctions. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
- a. Coordinate the provision and implementation of remedies to a complainant and other people the District identified as having had equal access to the District's education program or activity limited or denied by sex discrimination. These remedies may include, but are not limited to: continued supports for the complainant and other people the District identifies; follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation; training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it; counseling supports; other remedies as may be appropriate for a particular circumstance as determined by the Title IX Coordinator.
  - b. Coordinate the imposition of disciplinary sanctions, as appropriate, for a respondent, including notification to the complainant of any such disciplinary sanctions. The possible sanctions may include, but are not limited to, discipline up to and including expulsion for students and termination of employment for employees; resolution through restorative practices; and/or restrictions from athletics and other extracurricular activities.
  - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
  - d. Communicate with a student's PPT or Section 504 team prior to disciplining a respondent to ensure compliance with the requirements of the IDEA and Section 504 with respect to discipline of students.
  - e. If expulsion is recommended, refer a student respondent to the Board for expulsion proceedings pursuant to Connecticut law.
10. Appeal of Determination. After receiving the written determination of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if

they so choose, to the Title IX Coordinator challenging the outcome of the grievance procedures and explaining the basis for appeal.

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

Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision maker(s). The decision maker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance procedures.

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

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

## SECTION V: PREGNANCY OR RELATED CONDITIONS

When any District employee is notified by a student or a student's parent or guardian that the student is pregnant or has a related condition, the District employee must promptly provide the student or 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 sex discrimination and ensure the student's equal access to the District's education program or activity. Once a student or a student's parent or guardian notifies the Title IX Coordinator of the student's pregnancy or related condition, the Title IX Coordinator must take specific actions to prevent discrimination and ensure equal access, as outlined in 34 C.F.R. § 106.40(b)(3) of the Title IX federal regulations. For Board employees, the District will treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes and follow the provisions outlined in 34 C.F.R. § 106.57 of the Title IX federal regulations. The District will provide reasonable break time for an employee to express break milk or breastfeed as needed. The District will also ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

## ~~G. Miscellaneous~~

### SECTION VI: RETALIATION

The District prohibits retaliation, including peer retaliation, in its education program or activity. When the District has information about conduct that reasonably may constitute retaliation under Title IX and/or the Board's policy and these Administrative Regulations, the District must initiate its grievance procedures or, as appropriate, an informal resolution process.

- ~~1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence or illness of a party, a party's advisor, or a witness, concurrent law enforcement activity, concurrent activity by the Department of Children and Families, or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.~~

### SECTION VII: RECORDKEEPING

- ~~2. If a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.~~  
~~¶~~
- ~~3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.~~  
~~¶~~
- ~~4. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege~~

~~secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.~~

The District will maintain for a period of seven (7) years ~~records of:~~

~~Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;~~

~~Any appeal and the result therefrom;~~

- ~~i. Any~~ For each complaint of sex discrimination, records documenting the informal resolution process of the grievance procedures and the ~~result therefrom~~ resulting outcome; and
- ~~ii. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.~~

2. For each notification the Title IX Coordinator received of information about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the District took in response; and

3. All materials used to provide training to employees pursuant to this Administrative Regulation. The District will make these training materials available upon request for inspection by members of the public.

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

## SECTION VIII: TRAINING

The District shall provide the individuals designated below with the following training promptly upon hiring or change of position that alters their duties, and annually thereafter.

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

1. All employees. All employees shall be annually trained on the District's obligation to address sex discrimination in its education program or activity; the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment; and all applicable notification and information requirements related to pregnancy and related conditions and the District's response to sex discrimination.

A. Definitions

~~**Complainant** means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.~~

~~**Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.~~

2. Investigators, decisionmakers, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures. Any employee who will act as an investigator, decisionmaker, or is responsible for supportive measures shall be annually trained 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 issue, conflicts of interest, and bias; and the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the grievance procedures.

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

~~¶~~

~~It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sex discrimination or alleged sex discrimination against a person in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance~~

~~process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Title VII or Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.~~

#### ~~C. Grievance Procedures~~

~~As soon as an employee feels that the employee has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Title VII or Connecticut law), the employee should make a written complaint to the Title IX Coordinator or to the building principal, or designee. The employee will be provided a copy of the Board's Policy and Administrative Regulations and made aware of the employee's rights under this Policy and Administrative Regulations. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.~~

~~The complaint should state the:~~

- ~~i. Name of the complainant;~~
- ~~ii. Date of the complaint;~~
- ~~iii. Date(s) of the alleged discrimination;~~
- ~~iv. Name(s) of the discriminator(s);~~
- ~~v. Location where such discrimination occurred;~~
- ~~vi. Names of any witness(es) to the discrimination;~~
- ~~vii. Detailed statement of the circumstances constituting the alleged discrimination; and~~

#### ~~D. Remedy requested:~~

~~Any employee who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.~~

~~All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.~~

~~The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against an employee, regardless of whether the conduct occurred on or off school grounds. Complaints will be investigated promptly within the timeframes~~



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

3. ~~Informal Resolution Facilitator.~~ Any employee who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the employee requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the employee insists that this information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited. ~~will act as an informal resolution facilitator shall be annually trained on the topics in subsection (1) and the rules and practices associated with the District's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.~~

4. ~~Title IX Coordinator.~~ Any employee who will serve as the Title IX coordinator must be trained on above subsections (1)-(3) and must be trained on their specific responsibilities under Title IX, the District's recordkeeping system and the requirements recordkeeping under Title IX.

~~Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:~~

- ~~i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;~~
- ~~ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;~~

#### ~~SECTION IX: FURTHER REPORTING~~

- ~~iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;~~
- ~~iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;~~



~~¶~~  
~~v. consider whether alleged sex discrimination has created a hostile work environment, including consideration of the effects of off-campus conduct on the school; ¶~~

~~¶~~  
~~vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and ¶~~

~~¶~~  
~~vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or designee, and take steps to remedy the effects of the sex discrimination. ¶~~

~~¶~~  
~~If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.~~

~~If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, the complainant or respondent may file a written appeal within five (5) school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the investigation, to the Superintendent of Schools. The Title IX Coordinator or Superintendent shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.~~

~~¶~~  
~~D. Miscellaneous ¶~~

- ¶
1. ~~If a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.~~ ¶
  - ¶
  2. ~~If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.~~ ¶
  - ¶
  3. ~~Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.~~

### ~~Section III. Further Reporting~~ ¶

At any time, a complainant alleging sex discrimination ~~or sexual harassment~~ may also file a complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, ~~8<sup>th</sup>~~ 9<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Employees **Individuals** 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).

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

¶

ff  
ff  
1/17/2022 ff

ff

REDLINE SEPTEMBER 2024

## **Appendix A**

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

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

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

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

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

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

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

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

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving

~~grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.¶~~

~~¶~~

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

REDLINE SEPTEMBER 2024

**FORM 1: COMPLAINT FORM REGARDING ~~SEXUAL HARASSMENT UNDER~~  
~~TITLE IX (PERSONNEL)~~ SEX DISCRIMINATION, INCLUDING  
SEX-BASED HARASSMENT**

~~*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 \_\_\_\_\_

~~ff~~

Date of the alleged sexual harassment conduct  
\_\_\_\_\_

Name or names of the sexual harasser(s) \_\_\_\_\_

~~ff~~

\_\_\_\_\_

~~ff~~

Location where such sexual harassment occurred \_\_\_\_\_

Name(s) of any witness(es) to the sexual harassment \_\_\_\_\_  
the alleged perpetrator (s):

Detailed statement of the circumstances constituting the alleged sexual harassment ~~ff~~

~~ff~~

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remedy requested \_\_\_\_\_

~~ff~~  
Signature of Complainant or Title IX Coordinator: \_\_\_\_\_

~~ff~~

11/23/2020 \_\_\_\_\_

**~~FORM 2: 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 conduct occurred

\_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) to the sex discrimination conduct \_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sex discrimination

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remedy requested \_\_\_\_\_

requested:

\_\_\_\_\_



Signature:

---

~~11/23/2020~~

REDLINE SEPTEMBER 2024

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

~~**SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT**~~

[LETTERHEAD]

## 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.~~

Assistant Superintendent

~~185 Damascus Road~~

~~Branford, CT 06405~~

[bpstitle9@branfordschools.org](mailto:bpstitle9@branfordschools.org)

~~(203) 315-1786~~

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

~~information during this grievance process will be subject to sanctions pursuant to the Board's Student Discipline Policy.~~ ¶

¶

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

11/23/2020

¶

REDLINE SEPTEMBER 2024

~~SAMPLE WRITTEN NOTICE FOR THE INFORMAL RESOLUTION PROCESS  
FOR SEXUAL HARASSMENT COMPLAINTS~~

~~[LETTERHEAD]~~

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

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

~~The conduct allegedly constituting sexual  
harassment:~~

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

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

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

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

~~\_\_\_\_\_~~

~~I voluntarily consent to the informal resolution process:~~

~~\_\_\_\_\_~~

~~Complainant \_\_\_\_\_ Date \_\_\_\_\_~~

~~\_\_\_\_\_~~

~~Respondent \_\_\_\_\_ Date \_\_\_\_\_~~

~~11/23/2020~~

~~[Note: Although we have included this sample notice in our model policy documents for the convenience of our Board of Education clients, the notice does not need to be approved as a Board policy.]~~

~~¶~~

~~¶~~

~~[To be posted in a conspicuous place readily available  
for viewing by employees and emailed to employees within three months of hire  
with the subject line "Sexual Harassment Policy" or words of similar import]~~

~~¶~~

~~SEXUAL HARASSMENT IS ILLEGAL  
AND IS PROHIBITED~~

~~BY~~

~~THE CONNECTICUT DISCRIMINATION EMPLOYMENT PRACTICES ACT  
(Section 46a-60(a)(8) of the Connecticut General Statutes)~~

~~AND~~

~~TITLE VII OF THE CIVIL RIGHTS ACT OF 1964  
(42 United States Code Section 2000e et seq.)~~

~~¶~~

~~SEXUAL HARASSMENT MEANS ANY UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL  
FAVORS OR ANY 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 SUBSTANTIALLY INTERFERING WITH AN  
INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE, OR  
OFFENSIVE WORKING ENVIRONMENT.~~

~~¶~~

~~¶~~

~~EXAMPLES OF SEXUAL HARASSMENT INCLUDE:~~

~~¶~~

~~UNWELCOME SEXUAL ADVANCES~~

~~SUGGESTIVE OR LEWD REMARKS~~

~~UNWANTED HUGS, TOUCHES, KISSES~~

~~REQUESTS FOR SEXUAL FAVORS~~

~~RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT~~

~~DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS, OR DRAWINGS.~~

~~¶~~

~~¶~~

~~¶~~

~~¶~~

~~REMEDIES FOR SEXUAL HARASSMENT MAY INCLUDE:~~

~~CEASE AND DESIST ORDERS~~

~~BACK PAY~~

~~COMPENSATORY DAMAGES~~

~~PUNITIVE DAMAGES~~

~~HIRING, PROMOTION, OR REINSTATEMENT~~

~~RETALIATION AGAINST ANY EMPLOYEE FOR COMPLAINING ABOUT SEXUAL HARASSMENT IS PROHIBITED UNDER THIS POLICY AND ILLEGAL.~~

~~VIOLATION OF THIS POLICY IS GROUNDS FOR DISCIPLINE, INCLUDING DISCHARGE.~~

~~INDIVIDUALS WHO ENGAGE IN ACTS OF SEXUAL HARASSMENT MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.~~

~~AN INFRACTION OF THIS POLICY BY SUPERVISORS OR CO-WORKERS SHOULD BE REPORTED IMMEDIATELY TO THE TITLE IX COORDINATOR (ASSISTANT SUPERINTENDENT), OR THE SUPERINTENDENT IF THE TITLE IX COORDINATOR IS THE SUBJECT OF THE COMPLAINT. CONFIDENTIALITY WILL BE MAINTAINED TO THE EXTENT POSSIBLE.~~

~~ANY EMPLOYEE WHO BELIEVES THAT HE OR SHE HAS BEEN HARASSED OR DISCRIMINATED AGAINST IN THE WORKPLACE IN VIOLATION OF THIS POLICY MAY ALSO CONTACT:~~

~~THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
WEST CENTRAL REGIONAL OFFICE  
ROWLAND GOVERNMENT CENTER  
55 W. MAIN STREET, SUITE 210  
(203) 805-6530~~

~~AND/ OR:~~

~~THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
BOSTON AREA OFFICE  
JOHN F. KENNEDY FEDERAL BUILDING  
475 GOVERNMENT CENTER  
BOSTON, MA 02203  
PHONE (800) 669-4000~~

~~CONNECTICUT LAW REQUIRES THAT A FORMAL WRITTEN COMPLAINT BE FILED WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES WITHIN THREE HUNDRED (300) DAYS OF THE DATE WHEN THE ALLEGED HARASSMENT/ DISCRIMINATION OCCURRED.~~

REDLINE SEPTEMBER 2024





Students

5250 P

## PROHIBITION OF SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT

The Branford Board of Education (the “Board”) and Branford Public Schools (the “District”) do not discriminate on the basis of sex and prohibit sex discrimination in any education programs or activities that it operates and the Board and/or District operate, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. and its implementing regulations (“Title IX”), as it may be amended from time to time, Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law. Inquiries about Title IX may be referred to the District’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. The District’s Title IX Coordinator is:

Assistant Superintendent  
185 Damascus Road  
Branford, CT 06405  
bpstitle9@branfordschools.org  
(203) 315-1786

The Superintendent of Schools shall develop and adopt grievance procedures that provide for the prompt and equitable resolution of complaints made (1) by students, employees, or other individuals who are participating or attempting to participate in the District’s education program or activity, or (2) by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, or Connecticut law (the “Administrative Regulations”). The Administrative Regulations [are located hereafter/can be found at [insert link or describe location]] Title VII, and Connecticut law (the “Administrative Regulations”) and report to the Board on any substantive changes to the content and implementation of the 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. 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, as defined below.

**Sex-based harassment** is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. *Quid pro quo harassment*, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity



explicitly or impliedly conditions the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct;

2. *Hostile environment harassment*, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) 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. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - a. the degree to which the conduct affected the complainant's ability to access the District's education program or activity;
  - b. the type, frequency, and duration of the conduct;
  - c. 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;
  - d. the location of the conduct and the context in which the conduct occurred; and other sex-based harassment in the District's education program or activity; or
3. *A specific offense*, as follows:
  - f. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
  - g. Dating violence, meaning violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
  - h. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) 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; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or
  - i. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

### **Reporting Sex Discrimination**

The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:

1. A "complainant," which includes:



- a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the Board's education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; and
3. The District's Title IX Coordinator.

For clarity, a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student of the District or employee of the Board; or
- Any person other than a student of the District or employee of the Board who was participating or attempting to participate in the Board's education program or activity at the time of the alleged sex discrimination.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the District's Title IX Coordinator or an administrator.

Any Board employee who has information about conduct that reasonably may constitute sex discrimination must as immediately as practicable notify the Title IX Coordinator. If the Title IX Coordinator is alleged to have engaged in sex discrimination, Board employees shall instead notify their building principal or the Superintendent of Schools, if the employee is not assigned to a school building.

Individuals may also make a report of sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 9th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111) and/or 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.

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a)

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

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

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

Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990

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

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

*Brittell v. Department of Correction*, 247 Conn. 148 (1998)

*Fernandez v. Mac Motors, Inc.*, 205 Conn. App. 669 (2021)

ADOPTED: 10-19-2022

REVISED:

07/29/24



**Students**

**5250 R**

## **ADMINISTRATIVE REGULATIONS PROHIBITION OF SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT**

The Branford Board of Education (the “Board”) and Branford Public Schools (the “District”) do not discriminate on the basis of sex and prohibit sex discrimination in any education program or activity that the Board and/or District operate, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. and its implementing regulations (“Title IX”), as it may be amended from time to time, Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law.

The District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the District’s education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, or Connecticut law. Any reference in these Administrative Regulations to the Title IX coordinator or to an administrator includes such person’s designee.

**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. 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, as defined below.

**Sex-based harassment under Title IX** is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. *Quid pro quo harassment*, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly conditions the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education programs or activities; or
2. *Hostile environment harassment*, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) 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. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. the degree to which the conduct affected the complainant's ability to access the District's education program or activity;
  - b. the type, frequency, and duration of the conduct;
  - c. 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;
  - d. the location of the conduct and the context in which the conduct occurred; and
  - e. other sex-based harassment in the District's education program or activity; or
3. A specific offense, as follows:
- f. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
  - g. Dating violence, meaning violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
  - h. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) 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; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or
  - i. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

## **SECTION I: REPORTING SEX DISCRIMINATION**

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination, please contact the District's Title IX Coordinator or an administrator. The District's Title IX Coordinator is:

Assistant Superintendent  
185 Damascus Road  
Branford, CT 06405  
bpstitle9@branfordschools.org  
(203) 315-1786





The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX and under the Board's policy and these Administrative Regulations:

1. A "complainant," which includes:
  - a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District's education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant (collectively, "parent or guardian"); and
3. The District's Title IX Coordinator.

For clarity, a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following people have a right to make a complaint:

- Any student of the District or employee of the Board; or
- Any person other than a student of the District or employee of the Board who was participating or attempting to participate in the District's education program or activity 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, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. Consolidation shall not violate the Family Educational Rights and Privacy Act ("FERPA"), and thus requires that prior written consent is obtained from the parents or eligible students to the disclosure of their education records. Where the District is unable to obtain prior written consent, complaints cannot be consolidated. When more than one complainant or more than one respondent is involved, references in these Administrative Regulations to a party, complainant, or respondent include the plural, as applicable.

## SECTION II: DEFINITIONS

1. **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal





animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.

2. **Complainant** means (1) a student of the District or 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 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 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, reference in these Administrative Regulations to complainant includes the student's parent or guardian.
3. **Complaint** means oral or written requests 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 and under the Board's policy and these Administrative Regulations.
4. A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
5. **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as "affirmative consent").

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

- Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
- Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- It is the responsibility of each person engaging in a sexual activity to ensure that the person has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- It shall not be a valid excuse to an alleged lack of affirmative consent that a respondent to the alleged violation believed that a complainant consented to the sexual activity:
  - because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant consented, or
  - if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable



to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.

- The existence of a past or current dating or sexual relationship between a complainant and a respondent, in and of itself, shall not be determinative of a finding of consent.
6. **Disciplinary sanctions** means consequences imposed on a respondent following a determination under Title IX or under the Board's policy and these Administrative Regulations that the respondent violated the District's prohibition on sex discrimination.
  7. For purposes of investigations and complaints of, **sex discrimination education program or activity** includes s buildings owned or controlled by the Board and conduct that is subject to the District's disciplinary authority. The District has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the District's education program or activity or outside the United States.
  8. **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of the individual's duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.
  9. **Party** means a complainant or respondent.
  10. **Pregnancy or related conditions** mean (A) pregnancy, childbirth, termination of pregnancy, or lactation; (B) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (C) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
  11. **Relevant** means related to the allegations of sex discrimination under investigation as a part of the District's Title IX grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
  12. **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 the District determines that sex discrimination occurred.
  13. **Respondent** means an individual who is alleged to have violated the District's prohibition on sex discrimination. When a respondent is a student of the District, reference in these Administrative Regulations to respondent includes the student's parent or guardian.



14. **Retaliation** means intimidation, threats, coercion, or discrimination against any person by 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 Title VII or their regulations or Connecticut law, 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, hearing or informal resolution process conducted pursuant to federal Title IX regulations or under the Board's policy and these Administrative Regulations. This also includes peer retaliation, which means retaliation by a student against another student.
15. **School days** means the days that school is in session as designated on the calendar posted on the Board's website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as "school days" if such designation facilitates the prompt resolution of the grievance process.
16. **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. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments: increased security and monitoring; restrictions on contact; changes to class schedules or extracurriculars; training and education programs related to sex-based harassment, and other similar measures as determined appropriate by the Title IX Coordinator.

### SECTION III: RESPONSE TO SEX DISCRIMINATION

1. **Notification of Procedures.** When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator shall notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures, and the informal resolution process, if available and appropriate. If a complaint is made, the Title IX Coordinator shall also notify the respondent of the grievance procedures and the informal resolution process, if available and appropriate.
2. **Supportive Measures.** When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, an administrator will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education program or activity or provide support during the District's Title IX grievance procedures or during the informal



resolution process. The District will not disclose information about any supportive measures to persons other than the person to whom they apply and their parent or guardian unless necessary to provide the supportive measure or restore or preserve a party's access to the educational program or activity.

- a. Where a supportive measure has been implemented, a party may seek the modification or termination of the supportive measure, if the supportive measure is applicable to them and if the party's circumstances have materially changed. The District may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process.
- b. *Challenge to Supportive Measures.* Upon an administrator's decision to provide, deny, modify or terminate a supportive measure, either a respondent or a complainant may challenge that decision. The challenged supportive measure must be applicable to the challenging party. A party's challenge may be based on, but is not limited to, concerns regarding whether the supportive measure is reasonably burdensome; reasonably available; being imposed for punitive or disciplinary reasons; imposed without fee or charge; or otherwise effective in meeting the purposes for which it is intended, including to restore or preserve access to the education program or activity, provide safety, or provide support during the grievance procedures. Such challenge shall be made in writing to the Title IX Coordinator.

Promptly and without undue delay after receiving a party's challenge, the Title IX Coordinator shall determine if the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures in this Administrative Regulation. When there is a change to a supportive measure currently in place, including the termination of the supportive measure, or where a new supportive measure is implemented or a requested supportive measure has been denied, the Title IX Coordinator shall notify the affected party of the determination.

In the event that the Title IX Coordinator made the decision to provide, deny, modify or terminate a supportive measure, the challenge will be assigned to a disinterested administrator.

3. *Informal Resolution Process.* In lieu of resolving a complaint of sex discrimination through the District's formal grievance procedures (outlined below), the parties may instead elect to participate in an informal resolution process. The District has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to offer informal resolution despite one or more of the parties' wishes. The District does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with the law. Upon the District



offering the informal resolution process to both parties, that parties shall have seven (7) school days to decide if they would like to participate in the process. The District shall obtain the parties' voluntary consent to proceed with the informal resolution process. If the informal resolution process proceeds, the Title IX Coordinator shall appoint an informal resolution facilitator, who will not be the same person as the investigator or the decisionmaker.

- c. *Notice of Informal Resolution Process.* Promptly upon obtaining the parties' voluntary consent to process with the informal resolution process and before initiation of the informal resolution process, the District must provide to the parties written notice that explains:
  1. the allegations;
  2. the requirements of the informal resolution process;
  3. that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the formal 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 (which may include, but are not limited to, restrictions on contact, restrictions on the respondent's participation in the District's programs or activities, other disciplinary sanctions, and/or sensitivity training), 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 formal grievances procedures.
- d. *Intake Meeting(s).* From the date of the written notice provided in subsection III.3.a, above, the parties will have thirty (30) school days to reach a resolution. The Title IX Coordinator may extend this timeframe for the same reasons identified in subsection IV.1.d, below. If a resolution is not reached, the District will continue resolving the complaint through the grievance procedures as outlined below. The informal resolution process will be designed to be collaborative, focusing on the needs of both parties. When the parties have agreed to pursue the informal resolution process, the informal resolution facilitator shall have a separate intake meeting with each party to determine the appropriate path for resolution. During the intake meeting(s), each party will have the opportunity to share their perspective on the allegations, and the informal resolution facilitator will ascertain the party's goals and motivation in pursuing an informal resolution process.





- e. *Informal Resolution Process.* Depending on the allegations of sex discrimination, the District may offer, or the parties may request (subject to the District's approval), one or more of the following types of informal resolution processes:
    - 7. *Facilitated Dialogue:* After the intake meeting(s), the parties engage in a direct conversation about the alleged sex discrimination with the assistance of the informal resolution facilitator. In a facilitated dialogue, the parties are communicating directly and sharing the same space (virtually or in-person). During a facilitated dialogue, the parties will have the opportunity to discuss their individual experiences and listen to the experiences of others with the intention of reaching a mutually agreeable resolution.
    - 8. *Mediation:* After the intake meeting, the parties will engage in back-and-forth communication to reach an agreed-upon resolution. Mediation may take place electronically or in-person or virtually, with the parties in different locations (e.g. not face-to-face). The parties will have the opportunity to speak with the informal resolution facilitator, and the informal resolution facilitator will communicate each party's perspective to the opposing party. Mediation may be completed in one session or may require multiple sessions.
  - f. *Informal Resolution Agreement.* After the parties have reached an agreed-upon resolution, the informal resolution facilitator shall memorialize such agreement in writing. Such resolutions may include, but are not limited to, mutual no-contact orders; agreed upon sensitivity training; restrictions on the respondent's participation in the District's programs or activities or other disciplinary sanctions; or other mutually agreed upon resolutions. Both parties shall sign the informal resolution agreement, at which point the matter will be considered resolved.
  - g. *Retaliation and Subsequent Conduct.* Nothing in this section precludes an individual from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.
4. *Emergency Removal.* The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of the complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.



5. 5. Students with Disabilities. If a complainant or respondent is a student with a disability, the Title IX Coordinator 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 Section 504 of the Rehabilitation Act throughout the implementation of the grievance procedures, including in the implementation of supportive measures.
6. Absence of a Complaint. In the absence of a complaint, or the withdrawal of any or all allegations in the complaint, and in the absence or termination of the informal resolution process, the Title IX Coordinator shall make a fact-specific determination regarding whether the Title IX Coordinator should initiate a complaint of sex discrimination. In making this determination, the Title IX Coordinator shall consider, at a minimum, the following factors:
  - a. The complainant's request not to proceed with initiation of a complaint;
  - b. The complainant's reasonable safety concerns regarding initiation of a complaint;
  - c. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
  - d. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from the District's program or activity or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
  - e. The age and relationship of the parties including whether the respondent is a Board employee;
  - f. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
  - g. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
  - h. 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 alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other person, or that the alleged conduct 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.

#### **SECTION IV: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX DISCRIMINATION**

1. Basic Requirements for the Grievance Procedures.
  - a. District will treat complainants and respondents equitably.





- b. The District prohibits any Title IX Coordinator, investigator, or decision maker from having a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- c. 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 procedures.
- d. The District has established timeframes for the major stages of the grievance procedures. The District has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:
  - 1. When determining whether a reasonable extension of time frames is appropriate, the Title IX Coordinator shall pursue a two-step inquiry. When appropriate, the Title IX Coordinator shall make this determination in consultation with the investigator, decisionmaker, appeal decision maker and/or the informal resolution facilitator.
  - 2. First, the Title IX Coordinator shall determine whether good cause exists. Good cause shall include, but is not limited to, the absence or illness of a party or a witness; concurrent law enforcement activity and/or activity by the Department of Children and Families; school being out of session; or particular circumstances based on the Title IX Coordinator's experience and familiarity with the complaint that constitute good cause. Reasonable modifications for those with disabilities and language assistance for those with limited proficiency in English should be provided within the established timeframes without need for a reasonable extension.
  - 3. The existence of good cause will not always require a reasonable extension. When evaluating whether such good cause warrants a reasonable extension of time, the Title IX Coordinator shall, in part, determine whether there is a reasonable alternative that may be pursued in lieu of an extension. Where no such alternative exists and where a reasonable extension is necessary to properly effectuate the District's grievance procedures, the Title IX Coordinator shall determine an appropriate extension of time and provide notice of the period of extension to the parties in writing.
- e. The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will be designed to not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members or confidential resources; or otherwise preparing for or participating in the grievance procedures. The District prohibits retaliation by or against any parties, including against witnesses.
- f. The District will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory (tending to prove sex



discrimination) and exculpatory evidence (tending to disprove sex discrimination). Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

- g. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
    4. Evidence that is protected under a privilege recognized by Federal or Connecticut law, unless the person to whom the privilege is owed has voluntarily waived the privilege;
    5. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection 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 its grievance procedures; and
    6. 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.
  - h. The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, as discussed above.
2. Filing a Complaint. A complainant (as defined above) and/or their parent or guardian may file a written or oral complaint with the Title IX Coordinator or an administrator to initiate the District's grievance procedures. Complaints should be filed within thirty (30) school days of the alleged occurrence. If a complaint is filed after thirty (30) school days of the alleged occurrence, the District may be limited in its ability to investigate the complaint.
3. Notice of District Grievance Procedures. If not already done, within five (5) school days of receiving a complaint, the Title IX Coordinator shall inform the complainant and their parent or guardian about the District's Title IX grievance procedures, offer the complainant supportive measures, and, where appropriate, inform the complainant and their parent or guardian about the District's informal resolution process. Through this



notification, the Title IX Coordinator shall confirm that the complainant is requesting the District to conduct an investigation and make a determination regarding their allegations of sex discrimination. When the Title IX Coordinator is named as the respondent, the building principal or administrator responsible for the program shall notify the complainant and their parent or guardian.

4. Jurisdiction and Dismissal. Prior to initiating an investigation into the alleged sex discrimination and prior to issuing the notice of allegations, the Title IX Coordinator shall review the complaint and determine jurisdiction. If the alleged conduct occurred in the District's program or activity or the conduct is otherwise subject to the District's disciplinary authority, then the District has jurisdiction. If there is no jurisdiction, the Title IX Coordinator must dismiss the complaint. The Title IX Coordinator shall make a determination regarding jurisdiction within five (5) school days of receiving the complaint.
  - a. The Title IX Coordinator or the investigator may dismiss a complaint of sex discrimination prior to issuing the notice of allegations and prior to reaching a determination regarding responsibility where:
    7. The District is unable to identify the respondent after taking reasonable steps to do so;
    8. The respondent is not participating in the District's education program or activity and/or is not employed by the Board;
    9. 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 even if proven; or
    10. The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations by communicating with the complainant to discuss the allegations in the complaint.
  - i. Upon dismissal of the complaint, the Title IX Coordinator will 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 will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. When a complaint is dismissed, the District will, at a minimum:
    1. Offer supportive measures to the complainant as appropriate;
    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.
- j. Appeal of Dismissal. The Title IX Coordinator will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. The District's appeal procedures will be implemented equally for all parties.
  1. Dismissals may be appealed on the following bases:
    - a. Procedural irregularity that would change the outcome
    - b. New evidence that would change the outcome and that was not reasonably available when the dismissal was issued; and
    - c. The Title IX Coordinator, investigator or decision maker 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 of the matter. A conflict of interest or bias does not exist solely because the Title IX Coordinator, investigators(s), and/or decision-maker(s) previously worked with or disciplined the complainant or respondent.
  2. If the dismissal is appealed, an administrator who did not take part in the investigation of the allegations or the dismissal of the complaint will be the appeal decisionmaker for the dismissal. The District's appeal process for the dismissal of a complaint provides the following:
    - a. The appealing party shall have five (5) school days, from the receipt of the dismissal, to submit a written statement in support of, or challenging, the outcome of the dismissal;
    - b. The appeal decision maker must promptly notify the other party of the appeal;
    - c. The other party shall have five (5) school days, from receiving notice from the appeal decision maker to submit a written statement in support of, or challenging, the outcome and
    - d. Within ten (10) school days following the other party's opportunity to provide a statement, the appeals decisionmaker shall provide the parties the result of the appeal and the rationale for the result.
5. Notice of Allegations. Upon receipt or filing by the Title IX Coordinator of a complaint, and after determining that the District retains jurisdiction over the complaint, the Title IX Coordinator must provide a notice of allegations to the parties that includes the following:
  - a. The District's Title IX grievance procedures and availability of the informal resolution process;



- b. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- c. A statement that retaliation is prohibited; and
- d. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and if the District provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the investigator decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the initial notice of allegations or that are included in a complaint that is consolidated, the District will notify the parties of the additional allegations by issuing an additional notice of allegations.

- 6. Investigation. The District will provide for the adequate, reliable, and impartial investigation of complaints. In most circumstances, the District will institute a unified investigative model in which an administrator, or a team of administrators, will serve as both the investigator and the decisionmaker. In rare circumstances, the Title IX Coordinator may implement a bifurcated investigative model in which the investigator and the decisionmaker are separate administrators, or separate teams of administrators. The implementation of a bifurcated investigative model shall be in the sole discretion of the District, based on a review by the Title IX Coordinator of the complexity of the investigation and the resources needed. The following applies to all investigations, except as otherwise provided herein:
  - a. The burden is on the District—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
  - b. The investigator(s) will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.
  - c. The investigator(s) will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
  - d. Disclosure of Evidence: Prior to making a determination, the investigator(s) will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible.
    - 1. Access to such evidence shall be accomplished by the investigator(s) providing the parties with a description of such evidence or the actual relevant and not otherwise impermissible evidence.
    - 2. The parties shall have five (5) school days to review a description of the evidence or the actual evidence.



3. If not already provided, the parties may request to review the relevant and not otherwise impermissible evidence, rather than a description of the evidence. Parties requesting a review of the evidence must do so within the five (5) school day review period identified above.
4. The parties may submit a written response to the evidence, which must be received by the investigator(s) no later than the end of the five (5) school day review period identified above.
5. Based on the complexity and amount of the evidence, the investigator(s) may provide the parties with additional time to review and respond to the evidence.
6. The District strictly prohibits the unauthorized disclosure of information and evidence obtained solely through the grievance procedures by parties or any other individuals involved in the Title IX grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.
- e. Only when using a bifurcated investigative model, the investigator(s) will draft an investigative report that summarizes the relevant and not otherwise impermissible evidence. The investigator(s) will provide this report to the parties and to the decisionmaker(s).
7. Questioning the Parties and Witnesses. The decisionmaker(s) shall question parties and witnesses to adequately assess the credibility of a party or witness, to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. Credibility may be considered to be in dispute where the decisionmaker(s) must choose between competing narratives to resolve the complaint. The decisionmaker(s), at their discretion, may conduct individual meetings with the parties or witnesses to evaluate credibility. The decisionmaker(s) may consider the following factors in making this evaluation:
  - a. Plausibility – Whether the testimony is believable on its face; whether the party or witness experienced or perceived the conduct firsthand; and/or whether there are any inconsistencies in any part of the party's or witness's testimony;
  - b. Corroboration – Whether there is other testimony or physical evidence that tends to prove or disprove the party's or witness's testimony;
  - c. Motive to Falsify – Whether the party or the witness had a motive to lie; whether a bias, interest or other motive exists; and/or whether there is a fear of retaliation;
  - d. Demeanor – Evaluating the party's or witness's body language, including whether there is a perceived nervousness and/or they make tense body movements.

The decisionmaker(s) shall consider the credibility of any party and witness based on the factors above, as well as the evidence and information gathered during the investigation.





8. Determination of Whether Sex Discrimination Occurred. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence and within sixty (60) school days of issuing the initial notice of allegations, the decisionmaker(s) will:
  - a. Use the preponderance of the evidence standard to determine whether sex discrimination occurred. The standard requires the decisionmaker(s) to evaluate relevant and not otherwise impermissible evidence and determine if it is more likely than not that the conduct occurred. If the decisionmaker(s) is not persuaded by a preponderance of the evidence that sex discrimination occurred, the decisionmaker(s) shall not determine that sex discrimination occurred;
  - b. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX and/or the Board's policy and these Administrative Regulations, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;
  - c. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
  - d. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
  - e. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.
9. Remedies and Disciplinary Sanctions. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - a. Coordinate the provision and implementation of remedies to a complainant and other people the District identified as having had equal access to the District's education program or activity limited or denied by sex discrimination. These remedies may include, but are not limited to: continued supports for the complainant and other people the District identifies; follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation; training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it; counseling supports; other remedies as may be appropriate for a particular circumstance as determined by the Title IX Coordinator.
  - b. Coordinate the imposition of disciplinary sanctions, as appropriate, for a respondent, including notification to the complainant of any such disciplinary sanctions. The possible sanctions may include, but are not limited to, discipline up to and including expulsion for students and termination of employment for employees; resolution through restorative practices; and/or restrictions from athletics and other extracurricular activities.





- c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
  - d. Communicate with a student's PPT or Section 504 team prior to disciplining a respondent to ensure compliance with the requirements of the IDEA and Section 504 with respect to discipline of students.
  - e. If expulsion is recommended, refer a student respondent to the Board for expulsion proceedings pursuant to Connecticut law.
10. Appeal of Determination. After receiving the written determination of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Title IX Coordinator challenging the outcome of the grievance procedures and explaining the basis for appeal.

Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decisionmaker(s). The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance procedures.

The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all written statements from the parties.

## **SECTION V: PREGNANCY OR RELATED CONDITIONS**

When any District employee is notified by a student or a student's parent or guardian that the student is pregnant or has a related condition, the District employee must promptly provide the student or 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 sex discrimination and ensure the student's equal access to the District's education program or activity. Once a student or a student's parent or guardian notifies the Title IX Coordinator of the student's pregnancy or related condition, the Title IX Coordinator must take specific actions to prevent discrimination and ensure equal access, as outlined in 34 C.F.R. § 106.40(b)(3) of the Title IX federal regulations.

For Board employees, the District will treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes and follow the provisions outlined in



34 C.F.R. § 106.57 of the Title IX federal regulations. The District will provide reasonable break time for an employee to express breast milk or breastfeed as needed. The District will also ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

## **SECTION VI: RETALIATION**

The District prohibits retaliation, including peer retaliation, in its education program or activity. When the District has information about conduct that reasonably may constitute retaliation under Title IX and/or the Board's policy and these Administrative Regulations, the District must initiate its grievance procedures or, as appropriate, an informal resolution process.

## **SECTION VII: RECORDKEEPING**

The District will maintain for a period 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 received of information about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the District took in response; and
3. All materials used to provide training to employees pursuant to this Administrative Regulation. The District will make these training materials available upon request for inspection by members of the public.

## **SECTION VIII: TRAINING**

The District shall provide the individuals designated below with the following training promptly upon hiring or change of position that alters their duties, and annually thereafter.

1. *All employees.* All employees shall be annually trained on the District's obligation to address sex discrimination in its education program or activity; the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment; and all applicable notification and information requirements related to pregnancy and related conditions and the District's response to sex discrimination.
2. *Investigators, decisionmakers, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures.* Any employee who will act as an investigator, decisionmaker, or is responsible for supportive measures shall be annually trained 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 issue, conflicts of interest, and bias; and the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the grievance procedures.



3. *Informal Resolution Facilitator.* Any employee who will act as an informal resolution facilitator shall be annually trained on the topics in subsection (1) and the rules and practices associated with the District's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.
4. *Title IX Coordinator.* Any employee who will serve as the Title IX coordinator must be trained on above subsections (1)-(3) and must be trained on their specific responsibilities under Title IX, the District's recordkeeping system and the requirements recordkeeping under Title IX.

### **SECTION IX: FURTHER REPORTING**

At any time, a complainant alleging sex discrimination may also file a complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 9th 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).



**COMPLAINT FORM REGARDING SEX DISCRIMINATION, INCLUDING  
SEX-BASED HARASSMENT**

Name of the complainant \_\_\_\_\_

Date of the alleged conduct \_\_\_\_\_

Name(s) of the alleged perpetrator(s):  
\_\_\_\_\_

Location where such conduct occurred  
\_\_\_\_\_

Name(s) of any witness(es) to the conduct  
\_\_\_\_\_

Detailed statement of the circumstances

COMMITTEE SEPT. 2024



Remedy requested:

COMMITTEE SEPT. 2024

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

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



Students

5250 P

**~~POLICY REGARDING TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 --~~  
~~PROHIBITION OF SEX DISCRIMINATION AND SEXUAL~~, , **INCLUDING**  
**SEX-BASED HARASSMENT (STUDENTS)****

~~It is the policy of the The Branford Board of Education (the “Board”) for the and Branford 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- do not discriminate on the basis of sex in the and prohibit sex discrimination in any education programs or activities that it operates and the Board is and/or District operate, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. and its implementing regulations (“Title IX”) , as it may be amended from time to time, 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 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.¶¶~~

~~Inquiries about Title IX may be referred to the District’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. The District’s Title IX Coordinator is:~~

~~[Must include all of this contact information: name or title, office address, email address, and telephone number]~~

~~The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX, and adopt grievance procedures that provide for the prompt and equitable resolution of complaints made (1) by students, employees, or other individuals who are participating or attempting to participate in the District’s education program or activity, or (2) by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, or Connecticut law (the “Administrative Regulations”). The Administrative Regulations [are located hereafter/can be found at [insert link or describe~~



location]] Title VII, and Connecticut law (the “Administrative Regulations”) and report to the Board on any substantive changes to the content and implementation of the 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. 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, as defined below. ~~Sex discrimination includes actions taken on the basis of an individual’s gender identity or expression and sexual orientation. ¶~~

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

1. ~~(1) An employee of the Board conditioning~~ Quid pro quo harassment, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly conditions 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).~~

“Sex” under Title IX includes gender identity or expression or sexual orientation.

~~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. ¶~~

2. Harassment that denigrates other parts of a person’s identity, including but not limited to race, religion, or ability, may contain elements of sexual harassment. Hostile environment harassment, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) 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. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. the degree to which the conduct affected the complainant’s ability to access the District’s education program or activity;
- b. the type, frequency, and duration of the conduct;





- c. 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;
  - d. the location of the conduct and the context in which the conduct occurred; and
  - e. other sex-based harassment in the District's education program or activity; or
3. A specific offense, as follows:
- f. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
  - g. Dating violence, meaning violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
  - h. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) 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; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or
  - i. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

### Reporting Sex Discrimination or Sexual Harassment

The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:

1. A "complainant," which includes:
  - a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the Board's education program or activity;

~~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.~~ ¶

2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; and

3. 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 ~~The District's~~ Title IX Coordinator.

¶

For clarity, a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student of the District or employee of the Board; or

~~The Branford 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.~~ Any person other than a student of the District or employee of the Board who was participating or attempting to participate in the Board's education program or activity at the time of the alleged sex discrimination.

~~The Board's Title IX Coordinator is the Assistant Superintendent. 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:~~ ¶

¶

~~Assistant Superintendent~~ ¶

~~185 Damascus Road~~ ¶



~~Branford, CT 06405~~  
~~bpstitle9@branfordschools.org~~  
~~(203) 315-1786~~

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the District's Title IX Coordinator or an administrator.

Any Board employee ~~in receipt of allegations of~~ who has information about conduct that reasonably may constitute sex discrimination or sexual harassment, or in receipt of a formal complaint, shall ~~must as~~ immediately forward such information to as practicable notify the Title IX Coordinator. ~~Students~~ If the Title IX Coordinator is alleged to have engaged in sex discrimination, Board employees shall instead notify their building principal or the Superintendent of Schools, if the employee is not assigned to a school building. Individuals 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, 8<sup>th</sup>-9<sup>th</sup> 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 and/or 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.

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a)

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

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

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

Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990

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

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

Brittell v. Department of Correction, 247 Conn. 148 (1998)

Fernandez v. Mac Motors, Inc., 205 Conn. App. 669 (2021)

ADOPTED: 10-19-2022

REVISED:

~~7/15/2021~~

07/29/24

## Students

**5250 R**

In investigating conduct pursuant to these administrative regulations, districts are permitted to use a unified investigative model or a bifurcated investigative model. In a unified investigative model, one person—or multiple people working as a team—act as both the investigator and the decisionmaker for a matter. In a bifurcated investigative model, the investigator and the decisionmaker are separate people, or teams of people. These administrative regulations provide for a unified investigative model in most cases but allow a bifurcated investigative model to be implemented in certain circumstances. However, districts can choose to use a bifurcated investigative model for all matters, and the language in these administrative regulations is only one option.

Section IV.10 includes an appeals process. The appeals process regarding the determination of sex discrimination must, at minimum, be the same as the appeals processes in the district's nondiscrimination policies.

Districts are permitted but not required to designate “confidential employees” for purposes of this policy and administrative regulations. If so designated, confidential employees are not required to report allegations of sex discrimination to the Title IX Coordinator, but they must follow specific requirements of the federal regulations. We recommend that the district consult with counsel prior to making such designations to ensure legal compliance.

For alleged conduct that occurred before August 1, 2024, districts are required to follow the applicable policy in place at the time the conduct allegedly occurred.]



**ADMINISTRATIVE REGULATIONS REGARDING**  
**TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 – PROHIBITION OF SEX**  
**DISCRIMINATION AND SEXUAL , INCLUDING SEX-BASED HARASSMENT**  
**(STUDENTS)**

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

The Branford Board of Education (the “Board”) and Branford Public Schools (the “District”) do not discriminate on the basis of sex and prohibit sex discrimination in any education program or activity that the Board and/or District operate, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. and its implementing regulations (“Title IX”), as it may be amended from time to time, Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law.

The District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the District’s education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, or Connecticut law. Any reference in these Administrative Regulations to the Title IX coordinator or to an administrator includes such person’s designee.

**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. 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, as defined below. Sex discrimination includes actions taken on the basis of an individual's gender identity or expression or sexual orientation.

~~Sexual~~ **Sex-based harassment under Title IX means conduct** is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex that satisfies one or more of the following, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. ~~(1) An employee of the Board conditioning-~~ Quid pro quo harassment, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly conditions 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. ~~(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education programs or activities; or~~
- ~~(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations. ¶~~

~~"Sex" under Title IX includes gender identity or expression or sexual orientation. ¶~~

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

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

2. Hostile environment harassment, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) 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. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. the degree to which the conduct affected the complainant's ability to access the District's education program or activity;
- b. the type, frequency, and duration of the conduct;
- c. 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;
- d. the location of the conduct and the context in which the conduct occurred; and





- e. other sex-based harassment in the District's education program or activity; or

3. A specific offense, as follows:

- f. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- g. Dating violence, meaning violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
- h. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) 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; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or
- i. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

## SECTION I: REPORTING SEX DISCRIMINATION



- 1. ~~Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.~~

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination, please contact the District's Title IX Coordinator or an administrator. The District's Title IX Coordinator is:

[Must include all of this contact information: name or title, office address, email address, and telephone number]

The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX and under the Board's policy and these Administrative Regulations:

- 1. A "complainant," which includes:
- 2. ~~Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.~~





3. ~~Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.~~¶

b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District's education program or activity;

2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant (collectively, "parent or guardian"); and

4. ~~Touching of a sexual nature or telling sexual or dirty jokes.~~¶

5. ~~Transmitting or displaying emails or websites of a sexual nature.~~¶

6. ~~Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972 Prohibition of Sex Discrimination and Sexual Harassment (Students).~~¶

¶  
~~Harassment that denigrates other parts of a person's identity, including but not limited to race, religion, or ability, may contain elements of sexual harassment.~~¶

¶  
**NOTICE OF THE TITLE IX COORDINATOR**¶

¶  
~~The District's Title IX Coordinator is the Assistant Superintendent. Any individual may make a report of sex discrimination and/or sexual harassment to any District employee or directly to the Title IX Coordinator or a School Title IX Coordinator using any one, or multiple, of the following points of contact:~~¶

~~Assistant Superintendent~~¶  
~~185 Damascus Road~~¶  
~~Branford, CT 06405~~¶  
~~[bpstitle9@branfordschools.org](mailto:bpstitle9@branfordschools.org)~~¶  
~~(203) 315-1786~~¶

¶  
***School Title IX Coordinators***¶

¶  
~~Branford High School Title IX Coordinator~~¶  
~~185 East Main Street~~¶  
~~Branford, CT 06405~~¶  
~~203-488-7291~~¶



~~BHStitle9@branfordschools.org~~

~~¶~~

~~Walsh Intermediate School Title IX Coordinator~~

~~185 Damascus Road~~

~~Branford, CT 06405~~

~~203-488-8317~~

~~WIStitle9@branfordschools.org~~

~~¶~~

~~John B. Sliney Elementary School Title IX Coordinator~~

~~23 Eades Street~~

~~Branford, CT 06405~~

~~JBStitle9@branfordschools.org~~

~~¶~~

~~Mary R. Tisko Elementary School Title IX Coordinator~~

~~118 Damascus Road~~

~~Branford, CT 06405~~

~~203-483-1826~~

~~MRTtitle9@branfordschools.org~~

~~¶~~

~~Mary T. Murphy Elementary School Title IX Coordinator~~

~~14 Brushy Plain Road~~

~~Branford, CT 06405~~

~~203-483-1832~~

~~MTMtitle9@branfordschools.org~~

~~¶~~

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

~~¶~~

## ~~EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE~~

~~¶~~

~~The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems: a grievance process for complaints of sex discrimination involving allegations of sexual harassment and grievance procedures for complaints of sex discrimination that are not sexual harassment. Accordingly, the Administration will process any complaints of~~



~~sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the grievance process set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the grievance procedures set forth in Section II of these regulations.~~

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

~~3. The obligation to comply with District's Title IX is not obviated or alleviated by the FERPA Coordinator.~~

## ~~**SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT UNDER TITLE IX**~~

### ~~**A. Definitions¶**~~

~~For clarity, a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.~~

~~With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following people have a right to make a complaint:~~

- ~~• Any student of the District or employee of the Board; or~~
- ~~• Any person other than a student of the District or employee of the Board who was participating or attempting to participate in the District's education program or activity 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, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. Consolidation shall not violate the Family Educational Rights and Privacy Act ("FERPA"), and thus requires that prior written consent is obtained from the parents or eligible students to the disclosure of their education records. Where the District is unable to obtain prior written consent, complaints cannot be consolidated. When more than one complainant or more than one respondent is involved, references in these Administrative Regulations to a party, complainant, or respondent include the plural, as applicable.~~

## ~~**SECTION II: DEFINITIONS**~~



1. **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or ~~decision-maker~~ decision maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudice of the facts at issue in the investigation.

~~Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.~~

2. Complainant means (1) a student of the District or 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 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 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, reference in these Administrative Regulations to complainant includes the student's parent or guardian.
3. Complaint means oral or written requests 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 and under the Board's policy and these Administrative Regulations.
4. A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or ~~decision-maker~~ decision maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
5. **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as "affirmative consent").

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

- ~~A.~~ Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.



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

6. Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX or under the Board's policy and these Administrative Regulations that the respondent violated the District's prohibition on sex discrimination.

7. For purposes of investigations and complaints of ~~sexual harassment, sex discrimination~~ **education program or activity** includes ~~locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs; buildings owned or controlled by the Board and conduct that is subject to the District's disciplinary authority.~~ The District has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the District's education program or activity or outside the United States.



**8. Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of the individual's duties, has regular contact with students and who provides services to or on behalf of



students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

~~**Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined under Title IX) against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.¶¶~~

9. Party means a complainant or respondent.

10. Pregnancy or related conditions mean (A) pregnancy, childbirth, termination of pregnancy, or lactation; (B) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (C) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

11. Relevant means related to the allegations of sex discrimination under investigation as a part of the District’s Title IX grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

12. 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 the District determines that sex discrimination occurred.

**13. Respondent** means an individual who ~~has been alleged to be the perpetrator of conduct that could constitute sexual harassment~~ is alleged to have violated the District’s prohibition on sex discrimination. When a respondent is a student of the District, reference in these Administrative Regulations to respondent includes the student’s parent or guardian.¶

14. Retaliation means intimidation, threats, coercion, or discrimination against any person by 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 Title VII or their regulations or Connecticut law, 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, hearing or informal





resolution process conducted pursuant to federal Title IX regulations or under the Board's policy and these Administrative Regulations. This also includes peer retaliation, which means retaliation by a student against another student.

**15. School days** means the days that school is in session as designated on the calendar posted on the Board's website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as "school days" if such designation facilitates the prompt resolution of the grievance process.

**16. Supportive measures** means ~~non-disciplinary, non-punitive individualized services~~ 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 the respondent ~~before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to to:~~ (1) restore or preserve equal that party's access to the District's education program or activity ~~without unreasonably burdening the other party,~~ including measures that are designed to protect the safety of all the parties or the District's educational environment; ~~or deter sexual harassment;~~ or (2) provide support during the District's grievance procedures or during the informal resolution process. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, ~~modifications of work or class schedules, mutual restrictions on contact between the parties,~~ increased security and monitoring; restrictions on contact; changes to class schedules or extracurriculars; training and education programs related to sex-based harassment, and other similar measures as determined appropriate by the Title IX Coordinator.

## B. ~~Reporting Sexual Harassment~~

### SECTION III: RESPONSE TO SEX DISCRIMINATION

1. Notification of Procedures. When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator shall notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures, and the informal resolution process, if available and appropriate. If a complaint is made, the Title IX Coordinator shall also notify the respondent of the grievance procedures and the informal resolution process, if available and appropriate.

1. ~~It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the~~





~~person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a student in the District's education program or activity, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant files a formal complaint, and will consider the complainant's wishes with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator will explain to the complainant the process for doing so.~~

2. Supportive Measures. When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, an administrator will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education program or activity or provide support during the District's Title IX grievance procedures or during the informal resolution process. The District will not disclose information about any supportive measures to persons other than the person to whom they apply and their parent or guardian unless necessary to provide the supportive measure or restore or preserve a party's access to the educational program or activity.
  - a. Where a supportive measure has been implemented, a party may seek the modification or termination of the supportive measure, if the supportive measure is applicable to them and if the party's circumstances have materially changed. The District may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process.
  - b. Challenge to Supportive Measures. Upon an administrator's decision to provide, deny, modify or terminate a supportive measure, either a respondent or a complainant may challenge that decision. The challenged supportive measure must be applicable to the challenging party. A party's challenge may be based on, but is not limited to, concerns regarding whether the supportive measure is reasonably burdensome; reasonably available; being imposed for punitive or disciplinary reasons; imposed without fee or charge; or otherwise effective in meeting the purposes for which it is intended, including to restore or preserve access to the education program or activity, provide safety, or provide support during the grievance procedures. Such challenge shall be made in writing to the Title IX Coordinator.

Promptly and without undue delay after receiving a party's challenge, the Title IX Coordinator shall determine if the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures in this Administrative Regulation. When there is a change to a supportive measure currently in place, including the termination of the supportive measure, or where a new supportive measure is implemented or a requested



supportive measure has been denied, the Title IX Coordinator shall notify the affected party of the determination.

In the event that the Title IX Coordinator made the decision to provide, deny, modify or terminate a supportive measure, the challenge will be assigned to a disinterested administrator.

3. **Informal Resolution Process.** In lieu of resolving a complaint of sex discrimination through the District's formal grievance procedures (outlined below), the parties may instead elect to participate in an informal resolution process. The District has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to offer informal resolution despite one or more of the parties' wishes. The District does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with the law. Upon the District offering the informal resolution process to both parties, that parties shall have seven (7) school days to decide if they would like to participate in the process. The District shall obtain the parties' voluntary consent to proceed with the informal resolution process. If the informal resolution process proceeds, the Title IX Coordinator shall appoint an informal resolution facilitator, who will not be the same person as the investigator or the decisionmaker.

c. **Notice of Informal Resolution Process.** Promptly upon obtaining the parties' voluntary consent to process with the informal resolution process and before initiation of the informal resolution process, the District must provide to the parties written notice that explains:

- 1) the allegations;
- 2) the requirements of the informal resolution process;
- 3) that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the formal 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 (which may include, but are not limited to, restrictions on contact, restrictions on the respondent's participation in the District's programs or activities, other disciplinary sanctions, and/or sensitivity training), 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 formal grievances procedures.



d. Intake Meeting(s). From the date of the written notice provided in subsection III.3.a, above, the parties will have thirty (30) school days to reach a resolution. The Title IX Coordinator may extend this timeframe for the same reasons identified in subsection IV.1.d, below. If a resolution is not reached, the District will continue resolving the complaint through the grievance procedures as outlined below. The informal resolution process will be designed to be collaborative, focusing on the needs of both parties. When the parties have agreed to pursue the informal resolution process, the informal resolution facilitator shall have a separate intake meeting with each party to determine the appropriate path for resolution. During the intake meeting(s), each party will have the opportunity to share their perspective on the allegations, and the informal resolution facilitator will ascertain the party's goals and motivation in pursuing an informal resolution process.

e. Informal Resolution Process. Depending on the allegations of sex discrimination, the District may offer, or the parties may request (subject to the District's approval), one or more of the following types of informal resolution processes:

- 7) Facilitated Dialogue: After the intake meeting(s), the parties engage in a direct conversation about the alleged sex discrimination with the assistance of the informal resolution facilitator. In a facilitated dialogue, the parties are communicating directly and sharing the same space (virtually or in-person). During a facilitated dialogue, the parties will have the opportunity to discuss their individual experiences and listen to the experiences of others with the intention of reaching a mutually agreeable resolution.
- 8) Mediation: After the intake meeting, the parties will engage in back-and-forth communication to reach an agreed-upon resolution. Mediation may take place electronically or in-person or virtually, with the parties in different locations (e.g. not face-to-face). The parties will have the opportunity to speak with the informal resolution facilitator, and the informal resolution facilitator will communicate each party's perspective to the opposing party. Mediation may be completed in one session or may require multiple sessions.

f. Informal Resolution Agreement. After the parties have reached an agreed-upon resolution, the informal resolution facilitator shall memorialize such agreement in writing. Such resolutions may include, but are not limited to, mutual no-contact orders; agreed upon sensitivity training; restrictions on the respondent's participation in the District's programs or activities or other disciplinary sanctions; or other mutually agreed upon resolutions. Both parties shall sign the informal resolution agreement, at which point the matter will be considered resolved.

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



4. **Emergency Removal.** The District will ~~treat complainants and respondents equitably.~~ ~~A not impose discipline on a respondent is presumed not responsible for the alleged conduct and for sex discrimination prohibited by Title IX unless there is a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in this Regulation shall limit or preclude procedures that the respondent engaged in prohibited sex discrimination.~~ However, the District ~~from removing~~ **may remove** a respondent from the District's ~~education~~ program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, ~~and determines that an immediate~~ **than an imminent and serious** threat to the ~~physical health or safety of any student the complainant or any students, employees, or other individual persons~~ arising from the allegations of ~~sexual harassment~~ **sex discrimination** justifies removal. ~~If a respondent is removed on an emergency basis, the District shall provide~~ **, and provides** the respondent with notice and an opportunity to challenge the decision immediately following the removal. ¶

5. **Formal Complaint and Grievance Process**

1. ~~A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the formal complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.~~

5. **Students with Disabilities.** If a complainant or respondent is a student with a disability, the Title IX Coordinator 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 Section 504 of the Rehabilitation Act throughout the implementation of the grievance procedures, including in the implementation of supportive measures.

¶

2. ~~The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or~~



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

6. Absence of a Complaint. In the absence of a complaint, or the withdrawal of any or all allegations in the complaint, and in the absence or termination of the informal resolution process, the Title IX Coordinator shall make a fact-specific determination regarding whether the Title IX Coordinator should initiate a complaint of sex discrimination. In making this determination, the Title IX Coordinator shall consider, at a minimum, the following factors:

- a. The complainant's request not to proceed with initiation of a complaint;
- b. The complainant's reasonable safety concerns regarding initiation of a complaint;¶
- 3. ~~Upon receipt of a formal complaint, if the Title IX Coordinator has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide such supportive measures.~~

c. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;¶

- 4. ~~Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment under Title IX and a copy of this grievance process. The written notice must also include the following:~~

d. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from the District's program or activity or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;

¶

e. ~~The identities~~ age and relationship of the parties involved in the incident, if known; including whether the respondent is a Board employee;

f. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;

g. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and



h. Whether the District could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

~~The conduct allegedly constituting sexual harassment as defined above;¶~~

~~a. The date and the location of the alleged incident, if known;¶~~

~~A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;¶~~

~~A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and¶~~

~~A statement of any provision in the District's Student Discipline Policy or any other policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.~~

If, after considering these and other relevant factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other person, or that the alleged conduct 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.

#### SECTION IV: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX DISCRIMINATION

1. Basic Requirements for the Grievance Procedures.

~~a. The conduct allegedly constituting sexual harassment as defined above; District will treat complainants and respondents equitably.~~

~~The date and the location of the alleged incident, if known;~~

~~b. The District prohibits any Title IX Coordinator, investigator, or decision maker from having a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.~~

~~c. A statement The District presumes that the respondent is presumed not responsible for the alleged conduct and that sex discrimination until a determination regarding responsibility is made at the conclusion of the grievance process; procedures.~~

~~A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and~~

~~A statement of any provision in the District's Student Discipline Policy or any other policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.~~

~~If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the written notice, the District~~





~~must provide notice of the additional allegations to the parties whose identities are known.~~

- 1) When determining whether a reasonable extension of time frames is appropriate, the Title IX Coordinator shall pursue a two-step inquiry. When appropriate, the Title IX Coordinator shall make this determination in consultation with the investigator, decisionmaker, appeal decision maker and/or the informal resolution facilitator. ¶

~~a. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.~~

2) First, the Title IX Coordinator shall determine whether good cause exists. Good cause shall include, but is not limited to, the absence or illness of a party or a witness; concurrent law enforcement activity and/or activity by the Department of Children and Families; school being out of session; or particular circumstances based on the Title IX Coordinator's experience and familiarity with the complaint that constitute good cause. Reasonable modifications for those with disabilities and language assistance for those with limited proficiency in English should be provided within the established timeframes without need for a reasonable extension.

3) The existence of good cause will not always require a reasonable extension. When evaluating whether such good cause warrants a reasonable extension of time, the Title IX Coordinator shall, in part, determine whether there is a reasonable alternative that may be pursued in lieu of an extension. Where no such alternative exists and where a reasonable extension is necessary to properly effectuate the District's grievance procedures, the Title IX Coordinator shall determine an appropriate extension of time and provide notice of the period of extension to the parties in writing.

e. The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will be designed to not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members or confidential resources; or otherwise preparing for or participating in the grievance procedures. The District prohibits retaliation by or against any parties, including against witnesses.

- ¶
5. ~~The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.~~ ¶

¶





6. ~~The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other~~ District will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory (tending to prove sex discrimination) and exculpatory evidence (tending to disprove sex discrimination).  
Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. ~~The District will provide to a party whose participation is invited or expected (including a witness), written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.~~

¶

7. ~~Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this Subsection.~~ ¶

¶

8. ~~The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.~~

g. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

4. Evidence that is protected under a privilege recognized by Federal or Connecticut law, unless the person to whom the privilege is owed has voluntarily waived the privilege;
5. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection 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 its grievance procedures; and

¶

9. ~~The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or~~



investigator(s). If the formal complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the formal complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about Evidence that relates to the complainant's sexual predisposition interests or prior sexual behavior are not relevant conduct, unless such questions and evidence about the complainant's prior sexual behavior are conduct is offered to prove that someone other than the respondent committed the alleged conduct alleged by the complainant, or if the questions and or is evidence concern about specific incidents of the complainant's prior sexual behavior conduct with respect to the respondent and are that is offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant 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.

h. The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, as discussed above. ¶

¶

10. The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant, and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972 Prohibition of Sex Discrimination and Sexual Harassment (Students), the written determination shall indicate whether the respondent engaged in sexual harassment as



~~defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously. ¶~~

2. Filing a Complaint. A complainant (as defined above) and/or their parent or guardian may file a written or oral complaint with the Title IX Coordinator or an administrator to initiate the District's grievance procedures. Complaints should be filed within thirty (30) school days of the alleged occurrence. If a complaint is filed after thirty (30) school days of the alleged occurrence, the District may be limited in its ability to investigate the complaint.

~~¶~~  
~~¶~~

- ~~11. Student respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972 Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972 Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.~~

3. Notice of District Grievance Procedures. If not already done, within five (5) school days of receiving a complaint, the Title IX Coordinator shall inform the complainant and their parent or guardian about the District's Title IX grievance procedures, offer the complainant supportive measures, and, where appropriate, inform the complainant and their parent or guardian about the District's informal resolution process. Through this notification, the Title IX Coordinator shall confirm that the complainant is requesting the District to conduct an investigation and make a determination regarding their allegations of sex discrimination. When the Title IX Coordinator is named as the respondent, the building principal or administrator responsible for the program shall notify the complainant and their parent or guardian. ¶

~~¶~~

- ~~12. After receiving notification of the decision-maker's decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Subsection E of this Section.~~

4. Jurisdiction and Dismissal. Prior to initiating an investigation into the alleged sex discrimination and prior to issuing the notice of allegations, the Title IX Coordinator shall review the complaint and determine jurisdiction. If the alleged conduct occurred in the District's program or activity or the conduct is otherwise subject to the District's disciplinary authority, then the District has jurisdiction. If there is no jurisdiction, the Title IX Coordinator must dismiss the complaint. The Title IX Coordinator shall make a determination regarding jurisdiction within five (5) school days of receiving the complaint.

#### ~~D. Informal Resolution~~



- a. The Title IX Coordinator or the investigator may dismiss a complaint of sex discrimination prior to issuing the notice of allegations and prior to reaching a determination regarding responsibility where:

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

- 7) The District is unable to identify the respondent after taking reasonable steps to do so;
  - 8) The respondent is not participating in the District's education program or activity and/or is not employed by the Board;
  - 9) 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 even if proven; or
  - 10) The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations by communicating with the complainant to discuss the allegations in the complaint.
- i. Upon dismissal of the complaint, the Title IX Coordinator will 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 will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. When a complaint is dismissed, the District will, at a minimum:
    - 1) Offer supportive measures to the complainant as appropriate;
    - 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.
  - j. Appeal of Dismissal. The Title IX Coordinator will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. The District's appeal procedures will be implemented equally for all parties.

~~Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or designee will provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from~~



~~participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The District must obtain voluntary, written consent to the informal resolution process from both parties.~~ ¶

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

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

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

#### E. Appeal Process ¶

~~After receiving notification of the decision makers decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision-maker(s).~~

- 1) ~~Appeals will be appropriate only in~~ Dismissals may be appealed on the following circumstancesbases :

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

- a) ~~procedural~~ Procedural irregularity that affected would change the outcome of the matter;

b) New evidence that would change the outcome and that was not reasonably available when the dismissal was issued; and

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





The District will provide the other party with written notice of such appeal. The appealing party ~~will then shall~~ have ~~ten (10) five (5)~~ school days , ~~from the receipt of the dismissal~~, to submit to ~~the decision-maker(s) for the appeal~~ a written statement in support of, or challenging, the outcome of the ~~grievance process~~. ~~The decision-maker(s) for the appeal will provide the appealing party's written statement to the other party. dismissal:~~

b) The appeal decision maker must promptly notify the other party of the appeal;

c) The other party ~~will then shall~~ have ~~ten (10) five (5)~~ school days to submit to the ~~decision-maker(s) for~~, ~~from receiving notice from the appeal decision maker to submit~~ a written ~~a~~ statement in support of, or challenging, the outcome of the ~~grievance process~~. ~~The decision-maker(s) for the appeal, in their discretion, will determine any additional necessary and appropriate procedures for the appeal.~~ ¶

and

d) Within ten (10) school days following the other party's opportunity to provide a statement, the appeals decisionmaker shall provide the parties the result of the appeal and the rationale for the result.

~~After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. The decision-maker(s) for the appeal will attempt to issue the written decision within thirty (30) school days of receipt of all written statements from the parties. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.~~ ¶

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

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#### ~~F. Dismissal of a Formal Complaint~~

5. Notice of Allegations. Upon receipt or filing by the Title IX Coordinator of a complaint, and after determining that the District retains jurisdiction over the complaint, the Title IX Coordinator must provide a notice of allegations to the parties that includes the following:

- a. The District's Title IX grievance procedures and availability of the informal resolution process;
- b. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- c. A statement that retaliation is prohibited; and
- d. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and if the District provides a description of the evidence, the parties are entitled to an equal



opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the investigator decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the initial notice of allegations or that are included in a complaint that is consolidated, the District will notify the parties of the additional allegations by issuing an additional notice of allegations.

6. Investigation. The District will provide for the adequate, reliable, and impartial investigation of complaints. In most circumstances, the District will institute a unified investigative model in which an administrator, or a team of administrators, will serve as both the investigator and the decisionmaker. In rare circumstances, the Title IX Coordinator may implement a bifurcated investigative model in which the investigator and the decisionmaker are separate administrators, or separate teams of administrators. The implementation of a bifurcated investigative model shall be in the sole discretion of the District, based on a review by the Title IX Coordinator of the complexity of the investigation and the resources needed. The following applies to all investigations, except as otherwise provided herein:



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

- a. The burden is on the District—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
- b. The investigator(s) will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.
- c. The investigator(s) will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
- d. Disclosure of Evidence: Prior to making a determination, the investigator(s) will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible.
  - 1) Access to such evidence shall be accomplished by the investigator(s) providing the parties with a description of such evidence or the actual relevant and not otherwise impermissible evidence.
  - 2) The parties shall have five (5) school days to review a description of the evidence or the actual evidence.
  - 3) If not already provided, the parties may request to review the relevant and not otherwise impermissible evidence, rather than a description of the evidence. Parties requesting a review of the evidence must do so within the five (5) school day review period identified above.





- 4) The parties may submit a written response to the evidence, which must be received by the investigator(s) no later than the end of the five (5) school day review period identified above.
- 5) Based on the complexity and amount of the evidence, the investigator(s) may provide the parties with additional time to review and respond to the evidence.
- 6) The District strictly prohibits the unauthorized disclosure of information and evidence obtained solely through the grievance procedures by parties or any other individuals involved in the Title IX grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

e. Only when using a bifurcated investigative model, the investigator(s) will draft an investigative report that summarizes the relevant and not otherwise impermissible evidence. The investigator(s) will provide this report to the parties and to the decisionmaker(s).

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

7. Questioning the Parties and Witnesses. The decisionmaker(s) shall question parties and witnesses to adequately assess the credibility of a party or witness, to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. Credibility may be considered to be in dispute where the decisionmaker(s) must choose between competing narratives to resolve the complaint. The decisionmaker(s), at their discretion, may conduct individual meetings with the parties or witnesses to evaluate credibility. The decisionmaker(s) may consider the following factors in making this evaluation:
- a. Plausibility – Whether the testimony is believable on its face; whether the party or witness experienced or perceived the conduct firsthand; and/or whether there are any inconsistencies in any part of the party’s or witness’s testimony;
  - b. Corroboration – Whether there is other testimony or physical evidence that tends to prove or disprove the party’s or witness’s testimony;
  - c. Motive to Falsify – Whether the party or the witness had a motive to lie; whether a bias, interest or other motive exists; and/or whether there is a fear of retaliation;
  - d. Demeanor – Evaluating the party’s or witness’s body language, including whether there is a perceived nervousness and/or they make tense body movements.

The decisionmaker(s) shall consider the credibility of any party and witness based on the factors above, as well as the evidence and information gathered during the investigation.

8. Determination of Whether Sex Discrimination Occurred. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence and within sixty (60) school days of issuing the initial notice of allegations, the decisionmaker(s) will:

- a. Use the preponderance of the evidence standard to determine whether sex discrimination occurred. The standard requires the decisionmaker(s) to evaluate relevant and not



otherwise impermissible evidence and determine if it is more likely than not that the conduct occurred. If the decisionmaker(s) is not persuaded by a preponderance of the evidence that sex discrimination occurred, the decisionmaker(s) shall not determine that sex discrimination occurred;

- b. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX and/or the Board's policy and these Administrative Regulations, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;
- c. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
- d. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- e. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

9. Remedies and Disciplinary Sanctions. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:

- a. Coordinate the provision and implementation of remedies to a complainant and other people the District identified as having had equal access to the District's education program or activity limited or denied by sex discrimination. These remedies may include, but are not limited to: continued supports for the complainant and other people the District identifies; follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation; training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it; counseling supports; other remedies as may be appropriate for a particular circumstance as determined by the Title IX Coordinator.
- b. Coordinate the imposition of disciplinary sanctions, as appropriate, for a respondent, including notification to the complainant of any such disciplinary sanctions. The possible sanctions may include, but are not limited to, discipline up to and including expulsion for students and termination of employment for employees; resolution through restorative practices; and/or restrictions from athletics and other extracurricular activities.
- c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
- d. Communicate with a student's PPT or Section 504 team prior to disciplining a respondent to ensure compliance with the requirements of the IDEA and Section 504 with respect to discipline of students.
- e. If expulsion is recommended, refer a student respondent to the Board for expulsion proceedings pursuant to Connecticut law.

10. Appeal of Determination. After receiving the written determination of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose,



to the Title IX Coordinator challenging the outcome of the grievance procedures and explaining the basis for appeal.

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

Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decisionmaker(s). The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance procedures.

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

The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all written statements from the parties.

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

## SECTION V: PREGNANCY OR RELATED CONDITIONS

When any District employee is notified by a student or a student's parent or guardian that the student is pregnant or has a related condition, the District employee must promptly provide the student or 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 sex discrimination and ensure the student's equal access to the District's education program or activity. Once a student or a student's parent or guardian notifies the Title IX Coordinator of the student's pregnancy or related condition, the Title IX Coordinator must take specific actions to prevent discrimination and ensure equal access, as outlined in 34 C.F.R. § 106.40(b)(3) of the Title IX federal regulations.



For Board employees, the District will treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes and follow the provisions outlined in 34 C.F.R. § 106.57 of the Title IX federal regulations. The District will provide reasonable break time for an employee to express breast milk or breastfeed as needed. The District will also ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

#### ~~G. Miscellaneous~~

##### ~~SECTION VI: RETALIATION~~

The District prohibits retaliation, including peer retaliation, in its education program or activity. When the District has information about conduct that reasonably may constitute retaliation under Title IX and/or the Board's policy and these Administrative Regulations, the District must initiate its grievance procedures or, as appropriate, an informal resolution process.

~~¶~~  
~~¶~~

- ~~1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence or illness of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.~~

##### ~~SECTION VII: RECORDKEEPING~~

- ~~2. If a sexual harassment complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.~~
- ~~3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.~~

~~¶~~



4. ~~Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972 Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein. ¶~~

5. ~~¶~~

6. ~~The District will maintain for a period of seven (7) years records of: ¶ Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity; ¶~~

~~i. Any appeal and the result therefrom; ¶~~

~~ii. Any For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the result therefrom; resulting outcome; and ¶~~

~~iii. All material used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.~~

2. For each notification the Title IX Coordinator received of information about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the District took in response; and

3. All materials used to provide training to employees pursuant to this Administrative Regulation. The District will make these training materials available upon request for inspection by members of the public.

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

## **SECTION VIII: TRAINING**





The District shall provide the individuals designated below with the following training promptly upon hiring or change of position that alters their duties, and annually thereafter.

1. All employees. All employees shall be annually trained on the District's obligation to address sex discrimination in its education program or activity; the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment; and all applicable notification and information requirements related to pregnancy and related conditions and the District's response to sex discrimination.
2. Investigators, decisionmakers, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures. Any employee who will act as an investigator, decisionmaker, or is responsible for supportive measures shall be annually trained 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 issue, conflicts of interest, and bias; and the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the grievance procedures.
3. Informal Resolution Facilitator. Any employee who will act as an informal resolution facilitator shall be annually trained on the topics in subsection (1) and the rules and practices associated with the District's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.
4. Title IX Coordinator. Any employee who will serve as the Title IX coordinator must be trained on above subsections (1)-(3) and must be trained on their specific responsibilities under Title IX, the District's recordkeeping system and the requirements recordkeeping under Title IX.

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

**SECTION IX: FURTHER REPORTING**

**A. Definitions**

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

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

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

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sex discrimination or alleged sex discrimination against a student in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the



~~complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.~~ ¶

¶

### C. ~~Grievance Procedures~~ ¶

¶

- ~~1. As soon as a student feels that the student has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Connecticut law), the student or the student's parent/legal guardian should make a written complaint to the Title IX Coordinator or to the building principal or designee. The student will be provided a copy of the Board's Policy and Administrative Regulations and made aware of the student's rights under this Policy and Administrative Regulations. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.~~ ¶

¶

- ~~2. The complaint should state the:~~ ¶

¶

- ~~i. Name of the complainant;~~ ¶
- ~~ii. Date of the complaint;~~ ¶
- ~~iii. Date(s) of the alleged discrimination;~~ ¶
- ~~iv. Name(s) of the discriminator(s);~~ ¶
- ~~v. Location where such discrimination occurred;~~ ¶
- ~~vi. Names of any witness(es) to the discrimination;~~ ¶
- ~~vii. Detailed statement of the circumstances constituting the alleged discrimination; and~~ ¶
- ~~viii. Remedy requested.~~ ¶

- ~~3. Any student who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, such as due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.~~ ¶
- ~~4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent,~~





~~the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.¶¶~~

- ~~5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against a student, regardless of whether the conduct occurred on or off school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.¶¶~~
- ~~6. Any student who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the student insists that the student's personally identifiable information not be shared with the alleged discriminator(s), the student will be informed that the District's ability to investigate and/or take corrective action may be limited.¶¶~~
- ~~7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:¶¶
  - ~~i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;¶¶~~
  - ~~ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;¶¶~~
  - ~~iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;¶¶~~
  - ~~iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;¶¶~~
  - ~~v. consider whether alleged sex discrimination has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;¶¶~~~~



- ¶
- vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and ¶
  - ¶
  - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or designee, and take steps to remedy the effects of the sex discrimination. ¶

- ¶
- 8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary. ¶
  - 9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, the complainant or respondent may file a written appeal within five (5) school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the investigation, to the Superintendent of Schools. The Title IX Coordinator or Superintendent shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review. ¶

¶

#### D. Miscellaneous ¶

- ¶
- 1. If a sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board



~~policies and state law. Additionally, if a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.~~¶

- ¶
2. ~~If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.~~¶

¶

3. ~~Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972 Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.~~

### **Section III. Further Reporting**

At any time, a complainant alleging sex discrimination ~~or sexual harassment~~ may also file a complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8<sup>th</sup> 9<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

~~Students~~ **Individuals** 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).

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

¶  
1/17/2022 ¶



## Appendix A

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

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

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

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

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

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

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

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

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



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

REDLINE SEPT. 2024



**FORM 1: COMPLAINT REGARDING ~~SEXUAL HARASSMENT UNDER TITLE IX~~  
(~~STUDENTS~~)SEX DISCRIMINATION, INCLUDING  
SEX-BASED HARASSMENT**

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

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged ~~sexual harassment~~ conduct \_\_\_\_\_

Name or names of the sexual harasser(s) \_\_\_\_\_

ff

ff

Location where such sexual harassment occurred \_\_\_\_\_

ff

Name(s) of any witness(es) to the sexual harassment ~~the alleged perpetrator(s)~~

\_\_\_\_\_  
\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sexual harassment ff

ff

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Remedy requested \_\_\_\_\_

Signature of Complainant or Title IX Coordinator: \_\_\_\_\_

11/23/2020 \_\_\_\_\_



**FORM 2: COMPLAINT REGARDING SEX DISCRIMINATION (OTHER THAN  
SEXUAL HARASSMENT UNDER TITLE IX) (STUDENTS)**



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



Name of the complainant \_\_\_\_\_



Date of the complaint \_\_\_\_\_



Date of the alleged sex discrimination \_\_\_\_\_



Name or names of the sex discriminator(s) \_\_\_\_\_



Location where such sex discrimination conduct occurred \_\_\_\_\_

Name(s) of any witness(es) to the sex discrimination conduct  
\_\_\_\_\_  
\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sex discrimination \_\_\_\_\_



Remedy requested  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ requested:

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

11/23/2020

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





~~SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF STUDENT/STUDENT-  
SEXUAL HARASSMENT~~

~~[LETTERHEAD]~~

~~NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX  
AND NOTICE OF BULLYING INVESTIGATION UNDER CONN. GEN. STAT. § 10-222d~~

~~In accordance with the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students), a formal complaint of sexual harassment has been filed with or signed by the Title IX Coordinator. The formal complaint shall also be considered a written report of suspected bullying under the Board's Bullying Prevention and Intervention Policy and Connecticut General Statutes § 10-222d. As such, a bullying investigation pursuant to the foregoing policy and statute will be conducted as part of the Title IX grievance process. This notice shall serve as notification that an investigation of alleged Title IX sexual harassment and bullying has commenced. Please be advised that students are entitled to different and additional procedural rights under the Title IX grievance process than under the Board's Bullying Prevention and Intervention Policy.~~

~~Identities of the parties involved, if known:~~

~~(Complainant(s))~~

~~(Respondent(s))~~

~~The conduct allegedly constituting sexual harassment and bullying:~~

~~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. [INSERT CONTACT INFORMATION FOR TITLE IX COORDINATOR]~~

~~**Procedural Rights Under Title IX**~~

- ~~• The respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility under Title IX is made at the conclusion of the grievance process.~~

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



It is a violation of the Board's Student Discipline Policy to lie to school officials or otherwise engage in dishonest behavior, which includes knowingly making false statements or knowingly submitting false information during the grievance process. Any student who knowingly makes false statements or knowingly submits false information during this grievance process will be subject to sanctions pursuant to the Board's Student Discipline Policy. ¶

¶

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

¶

¶

4/26/2022 ¶

¶

\_\_\_\_\_ ¶



~~SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF STUDENT/EMPLOYEE  
SEXUAL HARASSMENT~~

~~[LETTERHEAD]~~

~~NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX~~

~~In accordance with the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students), a formal complaint of sexual harassment has been filed with or signed by 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. [INSERT CONTACT INFORMATION FOR TITLE IX COORDINATOR]~~

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

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

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



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

~~1/26/2022~~

REDLINE SEPT. 2024



~~SAMPLE WRITTEN NOTICE FOR THE INFORMAL RESOLUTION PROCESS FOR  
SEXUAL HARASSMENT COMPLAINTS~~

~~[LETTERHEAD]~~

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

~~In accordance with the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students), a formal complaint of sexual harassment has been filed with the Title IX Coordinator. The Board has an informal resolution process to promptly and equitably resolve such complaints using mediation ~~[alternatively, could be restorative justice]~~. This informal resolution process will only be utilized if both the Complainant and Respondent agree to do so.~~

~~The conduct allegedly constituting sexual harassment:~~

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

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

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

~~I voluntarily consent to the informal resolution process.~~

~~Complainant~~ \_\_\_\_\_ ~~Date~~ \_\_\_\_\_

~~Parent/Guardian of Complainant~~ \_\_\_\_\_ ~~Date~~ \_\_\_\_\_

~~Respondent~~ \_\_\_\_\_ ~~Date~~ \_\_\_\_\_



Parent/Guardian of Respondent  
11/23/2020

Date

REDLINE SEPT. 2024