

#5120.4.2.4

Title IX of the Education Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment

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

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

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

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

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

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

30 (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive,
31 and objectively offensive that it effectively denies a person equal access to the Board’s
32 education programs or activities; or

33 (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as
34 defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C.
35 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

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

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42 Reporting Sex Discrimination or Sexual Harassment

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

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

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58 The Madison Public Schools administration (the “Administration”) shall provide training to Title
59 IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal
60 resolution process (as set forth in the Administrative Regulations) on the definitions of sex
61 discrimination and sexual harassment, the scope of the Board’s education program and activity,

62 how to conduct an investigation and grievance process, and how to serve impartially, including
63 by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration
64 shall make the training materials used to provide these trainings publicly available on the
65 Board’s website. The Administration shall also periodically provide training to all Board
66 employees on the topic of sex discrimination and sexual harassment under Title IX and
67 Connecticut Law, which shall include but not be limited to when reports of sex discrimination
68 and/or sexual harassment must be made. The Administration shall distribute this Policy and the
69 Administrative Regulations to staff, students and parents and legal guardians and make the
70 Policy and the Administrative Regulations available on the Board’s website to promote an
71 environment free of sex discrimination and sexual harassment.

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73 The Board’s Title IX Coordinator is the Director of Special Education. Any individual may
74 make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator
75 as follows:

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77 ***Director of Special Education***
78 ***10 Campus Drive***
79 ***Madison, CT 06443***
80 ***203-245-6341***

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82 Any individual may also make a report of sexual harassment and/or sex discrimination to the
83 U.S. Department of Education:

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85 Office for Civil Rights Boston Office,
86 U.S. Department of Education,
87 8th Floor, 5 Post Office Square,
88 Boston, MA 02109-3921
89 Telephone (617) 289-0111

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91 **Legal References:**

- 92 Title IX of the Education Amendments of 1972, 20 U.S.C. §
93 1681, et seq.
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95 Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.
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97 Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
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99 Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

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Date of Adoption: August 25, 2020

First Reading: February 9, 2021

Second Reading: March 2, 2021