

#4116.1

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. 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 does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”), Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law not to discriminate in such a manner. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of all parties. Any employee or student who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including termination or expulsion, respectively. Third parties who engage in conduct prohibited by this Policy shall be subject to other sanctions, which may include exclusion from Board property and/or activities. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

For conduct to violate ~~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 Title VII, Connecticut law, and/or another Board policy.

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

34
35 **Sex discrimination** occurs when an employer refuses to hire, disciplines or discharges any
36 individual, or otherwise discriminates against an individual with respect to his or her
37 compensation, terms, conditions, or privileges of employment on the basis of the individual’s
38 sex. Sex discrimination also occurs when a person, because of the person’s sex, is denied
39 participation in or the benefits of any education program or activity receiving federal financial
40 assistance.

41
42 **Sexual harassment under Title IX** means conduct on the basis of sex that satisfies one or more
43 of the following:

44
45 (1) An employee of the Board conditioning the provision of an aid, benefit, or service of
46 the Board on an individual’s participation in unwelcome sexual conduct (*i.e., quid pro*
47 *quo*);

48
49 (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive,
50 and objectively offensive that it effectively denies a person equal access to the Board’s
51 education programs or activities; or

52
53 (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as
54 defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C.
55 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

56
57 **Sexual harassment under Title VII and Connecticut law** means unwelcome sexual advances,
58 requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

59 (1) Submission to such conduct is made either explicitly or implicitly a term or condition
60 of an individual's employment;

61
62 (2) Submission to or rejection of such conduct by an individual is used as the basis for
63 employment decisions affecting such individual; or

65 (3) Such conduct has the purpose or effect of unreasonably interfering with an
66 individual's work performance or creating an intimidating, hostile, or offensive working
67 environment.

68
69 Reporting Sex Discrimination or Sexual Harassment

70
71 It is the express policy of the Board to encourage victims of sex discrimination and/or sexual
72 harassment to report such claims. Employees are encouraged to report complaints of sex
73 discrimination and/or sexual harassment promptly in accordance with the appropriate process set
74 forth in the Administrative Regulations. The Board directs its employees to respond to such
75 complaints in a prompt and equitable manner.

76 Violations of this Policy by employees will not be permitted and may result in discipline up to
77 and including discharge from employment. Individuals who engage in acts of sex discrimination
78 or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any
79 employee for complaining about sex discrimination or sexual harassment is prohibited under this
80 Policy and illegal under state and federal law.

81
82 Any Board employee with notice of sex discrimination and/or sexual harassment allegations
83 shall immediately report such information to the building principal and/or the Title IX
84 Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

85
86 The Madison Public Schools administration (the "Administration") shall provide training to Title
87 IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal
88 resolution process (as set forth in the Administrative Regulations). ~~Such which~~ training ~~will~~
89 ~~shall include, but not be limited to information on~~ the definition of sex discrimination and sexual
90 harassment, the scope of the Board's education program and activity, how to conduct an
91 investigation and implement the grievance process, and how to serve impartially, including by
92 avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration
93 shall make the training materials used to provide these trainings publicly available on the
94 Board's website. The Administration shall also periodically provide training to all Board
95 employees on the topic of sex discrimination and sexual harassment under Title IX, Title VII,
96 and Connecticut Law, which shall include but not be limited to when reports of sex

97 discrimination and/or sexual harassment must be made. The Administration shall distribute this
98 Policy and the Administrative Regulations to employees, union representatives, students, parents
99 and legal guardians and make the Policy and the Administrative Regulations available on the
100 Board's website to promote an environment free of sex discrimination and sexual harassment.

101
102 The Board's Title IX Coordinator is the Director of Special Education. Any individual may
103 make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator
104 as follows:

105
106 ***Director of Special Education***
107 ***10 Campus Drive***
108 ***Madison, CT 06443***
109 ***203-245-6341***
110

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

113
114 Office for Civil Rights, Boston Office,
115 U.S. Department of Education, 8th Floor,
116 5 Post Office Square
117 Boston, MA 02109-3921
118 Telephone: 617-289-0111
119

120 Employees may also make a report of sexual harassment and/or sex discrimination to:

121
122 Connecticut Commission on Human Rights and Opportunities
123 450 Columbus Boulevard
124 Hartford, CT 06103-1835
125 Telephone: 860-514-3400
126
127

128 **Legal References:**

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

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

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

133 Title IX of the Education Amendments of 1972, 34 CFR § 106, et seq.

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

135 Conn. Gen. Stat. § 46a-54 - Commission powers Connecticut

- 136 General Statutes § 46a-60 - Discriminatory employment practices prohibited.
- 137 Conn. Gen. Stat. § 46a-81c - Sexual orientation discrimination: Employment
- 138 Conn. Gen. Stat. § 10-153 - Discrimination on the basis of sex, gender identity or
- 139 expression or marital status prohibited
- 140 Conn. Agencies Regs. §§ 46a-54-200 through § 46a-54-207
- 141
- 142
- 143 Date of Adoption: August 25, 2020
- 144 First Reading: February 9, 2021
- 145 Second Reading: March 2, 2021