

#5120.4.2.4

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

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

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

22 The Superintendent of Schools shall develop Administrative Regulations implementing this  
23 Policy and in accordance with Title IX and Connecticut Law (the “Administrative Regulations”).  
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25 **Sex discrimination** occurs when a person, because of the person’s sex, is denied participation in  
26 or the benefits of any education program or activity receiving federal financial assistance.

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

30 #5120.4.2.4(b)

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

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

37 (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as  
38 defined in 34 U.S.C. 12291(a) (10), “domestic violence” as defined in 34 U.S.C.  
39 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

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

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46 Reporting Sex Discrimination or Sexual Harassment

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

#5120.4.2.4(c)

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

The Madison 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) on 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.

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

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

Any ~~individual~~ Board employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to

#5120.4.2.4(d)

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the Title IX Coordinator. Students may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education:

Office for Civil Rights Boston Office,  
U.S. Department of Education,  
8<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 to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

**Legal References:**

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

Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.

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

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

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

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