

#4116.1

Sex Discrimination and Sexual Harassment

It is the policy of the Madison Board of Education (the “Board”) for the Madison Public Schools (the “District”) that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex.

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

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

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

#4116.1(b)

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

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

65 **#4116.1(c)**

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

69

70 Reporting Sex Discrimination or Sexual Harassment

71

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

77

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

83

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

87

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

96

#4116.1(d)

97

98 also periodically provide training to all Board employees on the topic of sex discrimination and
99 sexual harassment under Title IX, Title VII, and Connecticut Law, which shall include but not be
100 limited to when reports of sex discrimination and/or sexual harassment must be made. The
101 Administration shall distribute this Policy and the Administrative Regulations to employees,
102 union representatives, students, parents and legal guardians and make the Policy and the
103 Administrative Regulations available on the Board's website to promote an environment free of
104 sex discrimination and sexual harassment.

105
106 The Board's Title IX Coordinator is the Director of Special Education. Any individual may
107 make a report of sex discrimination and/or sexual harassment to any Board employee or directly
108 to the Title IX Coordinator as follows:

109
110 ***Director of Special Education***
111 ***10 Campus Drive***
112 ***Madison, CT 06443***
113 ***203-245-6341***

114
115 Any ~~individual individual~~ Board employee in receipt of allegations of sex discrimination or
116 sexual harassment, or in receipt of a formal complaint, shall immediately forward such
117 information to the Title IX Coordinator. Board employees may also make a report of sexual
118 harassment and/or sex discrimination to the U.S. Department of Education:

119
120 Office for Civil Rights, Boston Office,
121 U.S. Department of Education, 8th Floor,
122 5 Post Office Square
123 Boston, MA 02109-3921
124 Telephone: 617-289-0111

125
126 Employees may also make a report of sexual harassment and/or sex discrimination to:

127
128 Connecticut Commission on Human Rights and Opportunities
129 450 Columbus Boulevard
130 Hartford, CT 06103-1835
131 Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

132
133

135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156

Legal References:

- Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).
- Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990.
- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
- Title IX of the Education Amendments of 1972, 34 CFR § 106, et seq.
- Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
- Conn. Gen. Stat. § 46a-54 - Commission powers Connecticut
- General Statutes § 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

Date of Adoption: August 25, 2020
Date of Revision: March 16, 2021
First Reading: