

## **Policy Committee Meeting**

Tuesday, September 17, 2024 6:30 PM

Town Campus Hammonasset Room/Zoom, 10 Campus Drive , Madison, CT 06443

### **I. Rescind**

- **6080.21 Bilingual Instruction**
- **6080.21.1 English Learner Students**
- **6080.24.2 Magnet Schools**
- **6080.25 Early Childhood Education**
- **6080.25.2 School Readiness**
- **6110.2 Classroom Observations**
- **6130.7 Animal Dissection-Dissection Alternatives**
- **6141.312 Migrant Students**
- **6146.1 Student Assessment**
- **6161.3 Comparability of Services**

### **II. Review**

- **5070 Promotion/Acceleration/Retention**
- **5090.9 Use of Private Technological Devices by Students (Regulation)**
- **5120.4.2.4 Title IX of the Education Amendments of 1972 – Prohibitions of Sex Discrimination and Sexual Harassment**
- **4116.1 Sexual Harassment**

### **III.**

### **IV. Public Comment**

- V. **The Town of Madison does not discriminate on the basis of disability, and the meeting facilities are ADA accessible. Individuals who need assistance are invited to make their needs known by contacting the Town ADA/Human Resources Director, Debra Ferrante, at 203-245-6310 or by email at [ferranted@madisonct.org](mailto:ferranted@madisonct.org) at least five (5) business days prior to the meeting.**

Policy Committee Meeting  
Tuesday, September 17, 2024 6:30 PM

Town Campus Hammonasset Room/Zoom  
10 Campus Drive  
Madison, CT 06443

## **Meeting Agenda**

### I. Rescind

- 6080.21 Bilingual Instruction
- 6080.21.1 English Learner Students
- 6080.24.2 Magnet Schools
- 6080.25 Early Childhood Education
- 6080.25.2 School Readiness
- 6110.2 Classroom Observations
- 6130.7 Animal Dissection-Dissection Alternatives
- 6141.312 Migrant Students
- 6146.1 Student Assessment
- 6161.3 Comparability of Services

### II. Review

- 5070 Promotion/Acceleration/Retention
- 5090.9 Use of Private Technological Devices by Students (Regulation)
- 5120.4.2.4 Title IX of the Education Amendments of 1972 – Prohibitions of Sex Discrimination and Sexual Harassment
- 4116.1 Sexual Harassment

### III. Public Comment

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Policy Summary  
Sept. 17, 2024

## **Rescind**

### 6080.21 Bilingual Instruction

This policy is not mandatory and may be repealed. The policy generally reflects the requirements of state law and regulations. If the Board wishes to maintain the policy, we recommend legal review to ensure consistency with current law.

### 6080.21.1 English Learner Students

This policy is not mandatory and may be repealed. While the district must comply with federal and state requirements concerning English Learners, a Board-level policy is not required. If the Board elects to maintain this policy, we recommend legal review to ensure compliance with current laws and guidance.

### 6080.24.2 Magnet Schools

This policy is not mandatory and may be repealed. If the Board wishes to maintain a policy on this topic, we recommend legal review and revision. Students apply directly to magnet schools, rather than through the Board's regulations (there are no regulations on the Board's website). Further, it is the District's responsibility to hold the PPT meeting for students with special needs.

### 6080.25 Early Childhood Education

We recommend repealing this policy because it is not mandatory and is outdated. Since 1997, the law has expanded significantly concerning services and education provided to preschool and kindergarten students.

### 6080.25.2 School Readiness

We recommend repealing this policy because it is not mandatory and is outdated. Since 1998, the law has expanded significantly concerning services and education provided to preschool students.

### 6110.2 Classroom Observations

We recommend that the Board repeal this policy because it is duplicative of policy and administrative regulations 1361 Visitors to the Schools, adopted in Jan 2022.

### 6130.7 Animal Dissection-Dissection Alternatives

We recommend that the Board repeal this policy because it is duplicative of policy 6130.2.2 Curricular Exemptions

### 6141.312 Migrant Students

This policy is not mandatory and may be repealed. CT does not participate in the federal Migrant Education Program. Migrant children are included in the definition of homeless children under the McKinney Vento Act (and the Board's Homeless policy), if they meet additional aspects of

the definition. Unless the District receives another specific grant that requires a Board-approved policy on this topic, the policy should be repealed.

#### 6146.1 Student Assessment

We recommend that the Board delete this policy because it is unnecessary. The provisions of this policy are governed by state (testing requirements) and federal law (confidentiality of student records).

#### 6161.3 Comparability of Services

We recommend that this policy be repealed because it is unnecessary. In its grant application, the Superintendent must certify that the district complies with the comparability of services requirements under Title I. However, there is no legal requirement for a Board policy on this topic and the existing policy simply mirrors select language from the federal law, without regard to the grant requirements of the state, which administers the funding.

## **Review**

#### 5070 Promotion/Acceleration/Retention

Recommend that the Board repeal this policy and replace it with the updated model Promotion and Retention policy for consistency and legal compliance. Further recommend relocating this policy to the 6000 series.

#### 5090.9 Use of Private Technological Devices by Students (Regulation)

A regulation has been added to specifically address student use of personal cellular phones.

#### 5120.4.2.4 Title IX of the Education Amendments of 1972 – Prohibitions of Sex Discrimination and Sexual Harassment

The federal requirements under Title IX have changed and the S&G model is legally updated. Recommend that the Board address this policy (and the related series 4000 policy) as soon as possible.

#### 4116.1 Sexual Harassment

The federal requirements under Title IX have changed and the S&G model is legally updated. Recommend that the Board address this policy (and the related series 5000 policy) as soon as possible.

**#6080.21****Bilingual Instruction**

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The Superintendent of Schools, or his / her designee, shall ascertain annually the number of children of limited and non-English speaking ability within the school district and classify them according to their dominant language and report them to the Board of Education.

Whenever it is ascertained that there are in any public school building within Madison twenty or more eligible students classified as dominant in any one language other than English, the Board of Education shall provide a program of bilingual education for such eligible students for the following school year.

The Superintendent of Schools will require each School Principal to conduct a preliminary assessment of dominant language of all students in the district as follows:

1. From parents/guardians by personal contact in the student's presumed dominant language.
2. From parents/guardians by use of questionnaires in the student's dominant language.
3. From personal interviews in the presumed dominant language (grades 4-12 only).
4. From school records (only when unable to use one of the methods described above).

The Superintendent shall apply annually for a grant of funds to support such a program. The Superintendent shall also submit annual reports of progress as required by law.

A meeting shall be held with the parents / guardians of eligible students to explain the benefits of the language program options available in the district. A student will be placed in a bilingual program if the parent(s) / guardian(s) elect this option.

An eligible student for the bilingual program shall be limited to no more than thirty (30) months, excluding summer school and time spent in two-way language programs, in a bilingual program. The program must continuously increase the use of English for instruction and provide that more than 50% of instruction be in English by the end of a student's first year in the program.

Beginning September 1, 2000, the progress made by each student in the bilingual education program in meeting the English mastery standard developed by the State Department of Education shall be assessed annually. Students not meeting the English mastery standard or those demonstrating limited progress shall be provided with additional language support services which may include, but are not limited to, summer school, after-school assistance and tutoring. Students meeting the state standard shall leave the program. The date of initiation into the district's bilingual program and the date and results of the required assessments shall be documented on the student's permanent record card.

Students participating in the bilingual education program or English as a Second Language program for a period of ten (10) months or less may be exempted from participation in the Connecticut Mastery Test (CMT) or Connecticut Academic Performance Test (CAPT) programs.

Eligible students enrolling in a secondary school with less than thirty (30) months remaining before graduation shall be assigned to an English as a Second Language program. He / she may also be provided with additional services designed to enable the student to speak, write, and comprehend English by the time the student graduates and to assist the student meet the course requirements for graduation.

The district, when required to provide a bilingual education program, shall also investigate the feasibility of instituting two-way language programs starting in kindergarten.

Legal Reference:            Connecticut General Statutes  
   10- 17 English language to be medium of instruction. Exception.  
   10-17a Establishment of bilingual and bicultural program.  
   10-17d Application for and receipt of federal funds.  
   10-17e Definitions.  
   10- 17f Required bilingual education. (as amended by PA 98-168 & PA 01-205)  
   10- 17g Application for grant. Annual evaluation report.  
   10-76e Definitions  
   10-146f Waiver of certification requirements for bilingual teachers.  
   State Board of Education Regulations  
   10- 17h-1 to 10-17h-15. Programs of bilingual education.  
   P.A. 99-211. An Act Improving Bilingual Education.

Date of Adoption:            January 7, 1997  
Date of Revision:            October 20, 1998  
Date of Second Revision:    December 7, 1999  
Date of Third Revision:      November 20, 2001

## #6080.21.1

**English Learner Students**

The Board of Education (Board) recognizes the need to provide equal educational opportunities for all students in the District. Therefore, if the inability to speak and understand the English excludes a student from effective participation in the District's educational programs, the District shall take appropriate action to rectify the English language deficiency in order to provide the student with equal access to its programs. Students in a language minority (LM) or who have limited English Proficiency (LEP) will be identified, assessed and provided appropriate services. No child will be admitted to or excluded from any program based solely on surname or LM status.

The Board believes that high-quality, comprehensive, and effective English as a Second Language (ESL) program is essential to acquire English language proficiency and academic proficiency for students who are English Learners (ELs).

The Superintendent or his/her designee is directed to develop and implement procedures, consistent with the requirements of the Every Student Succeeds Act (ESSA) and the Connecticut State Department of Education (CSDE) ESSA plan.

**Definitions**

**Language Minority (LM)** refers to a student whose linguistic background, such as country of birth or home environment, includes languages other than English. Language minority is based solely on the student's background and not on proficiency.

**English Learner (EL)** refers to an LM student whose proficiency in reading, writing, listening or speaking English is below that of grade and age-level peers. Limited English proficiency is based on the assessment of a student's English language proficiency.

**English for Speakers of Other Languages (ESOL)** refers to an instructional approach that can include structured ESOL immersion, content-based ESOL or pull-out ESOL instruction.

Parents who are not able to use English in a manner that allows effective, relevant participation in educational planning for their child will be provided with written, verbal or signed communication in a language they can understand.

*The goal of the ESOL program is to assist students to achieve fluency, including listening, comprehension, speaking, reading, and writing, in English. Parents/guardians of students of limited English speaking ability shall be notified by mail that their child is eligible for enrollment in ESOL or English language services education program. The written notice shall include the information that the parents may choose to enroll their child into the program.*

*Communications with parent/guardians of students in these programs shall be in writing, in both English and their primary speaking language.*

**Legal Reference: Connecticut General Statutes**

[10 17](#) English language to be medium of instruction. Exception.

[10 17a](#) Establishment of bilingual and bicultural program.

[10 17d](#) Application for and receipt of federal funds.

[10 17e](#) Definitions.

[10 17f](#) Required bilingual education. (as amended by PA 98-168, PA 01-205 and June Special Session PA 15-5)

[10 17g](#) Application for grant. Annual evaluation report.

[10-76e](#) Definitions.

[10 146f](#) Waiver of certification requirements for bilingual teachers.

P.A. 99-211 An Act Improving Bilingual Education.

State Board of Education Regulations

[10 17h 1](#) to [10 17h 15](#). Programs of bilingual education.

Title VI, Civil Rights Act of 1964

Equal Education Opportunities Act as an amendment to the Education Amendments of 1974

Bilingual Education Act. 20 U.S.C. §§7401 et seq. as amended by the English Language Acquisition, Language Enhancement, and Academic Achievement Act.

34 CFR, Part 200 Regulations appearing in Federal Register, 9/13/06.

Title III, Language Instruction for English Learners and Immigrant Students, P.L. 114-95, ESSA, Sections 3001-3121

(20 U.S.C. 6812, 20 U.S.C. 6823)

Policy adopted: January 21, 1997

Date of revision: February 13, 2018

**#6080.24.2  
Magnet Schools**

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The Board recognizes that students may benefit from choosing a magnet school to attend within the public school system that is not limited by school district boundaries.

Madison students who apply pursuant to the regulations approved by the Board may enroll in particular schools beyond this district on a space available basis without payment of tuition, except as otherwise provided by law and subject to such policies as may be stipulated by the magnet school.

**Nondiscrimination**

The Board, the Superintendent, other administrators and teachers shall not make any distinction on account of race, sex, sexual preference, ethnic group, religion or disability of any student who may seek admission to any magnet school.

**Special Education**

Requests from the parents of special education students for admission shall be considered in accordance with applicable state and federal laws. The student's current Individual Education Plan (IEP) shall be used to determine if the requested school can meet the student's needs. Once the student is admitted, the magnet school staff shall conduct a meeting to update the IEP.

**Transportation**

Transportation for Madison students who enroll in a magnet school shall be at the discretion of the Board of Education. Transportation may be provided from a central location.

Date of Adoption: May 23, 2000

**#6080.25****Early Childhood Education**

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The critical importance of the early years in determining the educational development of children is recognized by the Board. Insofar as resources permit, programs designed to help meet the physical, emotional, social, and intellectual needs of young children are encouraged.

**Prekindergarten Program**

The prekindergarten program shall be based on the premise that the district's teachers, support staff, and physical facilities can offer a quality early educational experience. In that it presently is not possible for the district to provide extensive services, such as a program for all four-year-old children in the district, those children in greatest need will be sought and identified for services delivered through the prekindergarten program.

The objectives of the program shall be to:

- identify children with incipient problems of a social, emotional, and / or physical nature, regardless of whether they are related to maturational development;
- provide an educational experience that will ameliorate or eliminate these problems at an early age, thereby deterring adjustment and / or learning problems from developing in subsequent years;
- identify children who do not have facility in the English language and provide experiences that enhance and accelerate the development of such a facility;
- identify children who would not otherwise attend a nursery school prior to entering public school and provide them with equal learning opportunities;
- provide experiences for the parents of these children through a volunteer aide program whereby they can become oriented to the objectives of the school and how their role as parents might relate to that task as it affects their children; and

**6080.25** (continued)

- provide learning experiences in early childhood education and child care for high school students through cooperative arrangements with the secondary schools.

The Board encourages the Superintendent to explore and implement collaborative programming efforts for the pre-school program with neighboring school districts and the educational service center.

**Kindergarten Program**

The school district subscribes to the philosophy of the developmental all-day kindergarten that recognizes developmental stages and provides curriculum for the full range of each child's abilities. These abilities include cognitive skills, ways of finding and using information, perceptual ability, motor skills, social skills, and affective sensitivity.

The district further subscribes to the concept of continuous progress for each child based on the diagnosed needs of individuals and groups. Inherent in the intent to encourage continuous as well as maximum development for each kindergarten child is the organization of classroom program, personnel, and facilities to ensure small group and individual instruction whenever needed.

The objectives of the program shall be to provide:

- time for children to develop self-awareness and thereby to develop strong, positive self-images, as well as greater respect for themselves and others;
- blocks of uninterrupted time for learning experiences in a more relaxed atmosphere;
- time for play / discovery activities and for the development of readiness skills;

**6080.25 (continued)**

- opportunities for children to develop language skills through language experience activities which are an acknowledged part of reading;
- opportunities for children to receive individual attention from the classroom teacher and / or from supportive service personnel;
- time for creative and enriching experiences such as cooking, field trips, art, music, dramatics and physical education;
- opportunities for children to develop social relationships with their peers and adults;
- time for children to talk about experiences, to solve problems, to engage in critical thinking, to organize ideas and to arrive at conclusions, as well as to capitalize on spontaneous learning situations when they arise;
- participation and involvement of children in school activities such as school assemblies, "buddy" programs with older students, field days, etc.;
- a lunch time in which sound nutrition, good eating habits and social skills can be stressed;
- opportunities for children of limited English proficiency to increase fluency in English;
- time for the teacher to observe and discover a child's individual needs, strengths and problems, in anticipation of planning an appropriate program for each child;

**6080.25 (continued)**

- balance between child-initiated and teacher-directed activities;
- opportunity for help and attention for handicapped children;
- time for working with individual parents in developing a parent-teacher partnership for the benefit of their children; and
- consistent day for the child who otherwise would have a fragmented day, moving from place to place for needed child care services in addition to his / her kindergarten experience.

Date of Adoption: June 10, 1997

**Regulation #6080.25  
Early Childhood Education**

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No regulations required.

**#6080.25.2  
School Readiness**

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The critical importance of the early years in determining the educational development of children is recognized by the Board of Education. Insofar as resources permit, additional programs beyond those mandated by state law to help meet the physical, emotional, social and intellectual needs of preschool children ages three and four are encouraged. Such programs shall promote the health and safety of children and prepare them for formal schooling. In the utilization of resources, however, including available space, first priority is assigned to the grades K through 12 program. A cooperative arrangement with another school district may be considered.

Legal Reference: Connecticut General Statutes  
17b-748a Establishment of a school readiness program. Council as amended by  
PA 97-259 An Act Concerning School Readiness and Child Day Care.

Date of Adoption: April 21, 1998

**Regulation #6080.25.2  
School Readiness**

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No regulations required.

**#6110.2****Classroom Observations**

The Madison Board of Education encourages parents to participate in their children's education. The Board also takes seriously its obligation to educate students in an environment conducive to learning, and therefore permits parents to observe their children in the classroom in accordance with this policy.

For purposes of this policy, the term "observer" means either a parent or guardian, or a third party, such as an evaluator, who has been asked to observe a specific student at a parent or guardian's request. A parent or guardian's right to observe extends only to his/her child.

All observations must be scheduled in advance, in order to limit disruption to the educational process. The school shall provide the parent or other observer with a request form to complete for this purpose detailing the purpose, specific questions being addressed, location, requested length of observation, requested date and time. The parent shall inform the school principal who the observer will be, and the school principal or his/her designee will work with the observer to schedule a mutually convenient time for the observation. All observations shall be limited to one half hour, unless additional time is specifically requested and there is a legitimate reason for granting additional time. If the observer has a legitimate reason for needing additional observation time, such request shall be made in advance, and the building principal shall have the discretion to grant such a request. To avoid disruption to the educational process, multiple observations may need to be scheduled to accommodate the need for additional observation time. While observations need not be limited to academic classrooms, certain locations and settings may not be appropriate for observation, such as counseling sessions. The building administrator will have the ultimate authority to control observations in their building.

In order to avoid disruption of the classroom environment, the number of people observing a student at any one time shall be limited to two persons. In addition, a school staff person will accompany the observer(s) at all times during the course of the observation. The observer(s) shall report to the main office and sign in upon arrival, and wait in the main office for the staff person who will accompany the observer. The observer(s) must wear a visitor's badge at all times while inside the school building. The observer(s) must maintain the confidentiality of any and all student information regarding other students not the subject of the observation, and may not disclose confidential

information regarding other students observed during this process. The observer(s) will be required to sign a statement to this effect.

The Board expects that observers will be respectful of the instruction that is occurring in the classroom. Observers must turn off all cellphones and discontinue the use of all electronic devices, sit quietly, and not engage the students in conversation. If at any point, the observation becomes disruptive to the educational process, the school staff may end the observation. Once the observation has concluded, the observer(s) shall sign out in the main office and leave school grounds, unless she/he has other legitimate business at the school.

An observer should not expect to conference with the student's teacher before, during or after the observation, as the teacher has responsibilities for a classroom full of students. Instead, the parent or guardian may make a separate appointment to meet with the teacher at another time.

Legal Reference:

C.G.S. § 10-220

Date Adopted: May 7, 2019

**#6130.7****Animal Dissection - Dissection Alternatives**

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**Dissection Alternative in Life Science**

Dissection is one of many tools utilized in the instruction of the life sciences. Dissection is supplemented by the use of lecture, classroom discussion, videos, films, filmstrips, models, transparencies, charts, diagrams, texts, resource books and interactive programs.

When dissection is used all specimens are to be treated with respect. All lab safety rules for dissection are to be followed at all times. When a dissection is completed the specimen should be disposed of appropriately.

**Choice of Alternatives**

Students may elect not to participate in dissection activities. They may request and choose an alternative to dissection if they are opposed to dissection for any reason.

Date of Adoption: April 21, 1998

**#6130.7****Animal Dissection - Dissection Alternatives - Regulation**

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**Choices: Dissection and Alternative**

I. Student participates in dissection and is graded on lab sheet or report.

II. Alternative to Dissection: (3 choices)

A. Create a report on the animal with special attention to:

1. Organs, organ systems and organism
2. Adaptation to environment

Students will conduct research in the appropriate areas of the school while the dissection lab activity is conducted in the classroom.

B. Complete a lab sheet or worksheet through models or computer simulations.

C. Any other alternative approved by the science teacher.

**Choice of Alternatives**

Parents / guardians will be contacted by letter prior to dissection activities. The parent / guardian will be provided the opportunity to request an alternative activity or confirm approval of the dissection activities. Parents / guardians are invited to contact the teacher if they have any questions. Student grades will NOT be affected by the choice of alternatives. The alternative chosen will be graded and that score will replace the lab dissection grade in the student's academic grade.

**#6130.7 - Regulation (continued)**

\_\_\_\_\_  
Date

Dear Parent / Guardian:

In a few days we will begin dissection activities in class. While we prefer that your child participate in these activities, it is optional. We can provide comparable activities.

Your child's grade will not be affected by choosing alternate activities.

Please complete the form below indicating your request by: \_\_\_\_\_  
Date

I request that my child take part in the alternate activities.

\_\_\_\_\_  
Parent / Guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent / Guardian Signature

\_\_\_\_\_  
Date

**Another Version  
#6130.7****Animal Dissection - Dissection Alternatives - Regulation**

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**Choice of Alternatives**

Parents / guardians will be contacted by letter prior to dissection activities. The parent / guardian will be provided the opportunity to request an alternative activity or confirm approval of the dissection activities. Parents / guardians are invited to contact the teacher if they have any questions. Student grades will NOT be affected by the choice of alternatives. The alternative chosen will be graded and that score will replace the lab dissection grade in the student's academic grade.

**#6141.312****Migrant Students**

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**Migrant Students**

The Superintendent will develop and implement a program to address the needs of migrant children in the District.

This program will include a means to:

1. Identify migrant students and assess their educational and related health and social needs.
2. Provide a full range of services to migrant students including applicable Title I programs, special education, gifted education, vocational education, language programs, counseling programs and elective classes.
3. Provide migrant children with the opportunity to meet the same statewide assessment standards that all children are expected to meet.
4. Provide advocacy and outreach programs to migrant children and their families and professional development for District staff.
5. Provide parents/guardians an opportunity for meaningful participation in the program.

**Migrant Education Program for Parent(s) / Guardian(s) Involvement**

Parent(s) / guardian(s) of migrant students will be involved in and regularly consulted about the development, implementation, operation, and evaluation of the migrant program.

Parent(s)/guardian(s) of migrant students will receive instruction regarding their role in improving the academic achievement of their children.

**Migratory Child / Student Definition**

- A. A “migratory child” means a child who:
- (1) is a migratory agricultural worker or a migratory fisher; or
  - (2) in the preceding 36 months, in order to accompany a parent, spouse, or guardian who is a migratory agricultural worker or a migratory fisher –
    - (i) Has moved from one school district to another;

**#6141.312 (cont.)**

- (ii) As the child of a migratory fisher, resides in a school district or more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence.
- B. Move or Moved means a change from one residence to another residence that occurs due to economic necessity.
- C. Migratory Agricultural Worker means a person has moved from one school district to another in order to obtain temporary employment or seasonal employment in agricultural work, including dairy work.
- D. Migratory Fisher means a person who, in the preceding 36 months has moved from one district or another in order to obtain temporary employment or seasonal employment in fishing work.

## Legal Reference:

No Child Left Behind Act of 2001, §1301 et seq., 20 U.S.C. §6391 et seq.,  
34 C.F.R. §200.40 - 200.45.  
Federal Register – July 29, 2008 – Final Rule  
34 C.F.R. Part 2000

Date of Adoption: April 1, 2014

**#6146.1****Student Assessment**

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The Madison Public Schools will utilize those assessment measures which will provide information necessary for the planning of the educational program of students in the Madison Public Schools.

In accordance with current legal determinations, all testing information as deemed necessary to be part of a student's cumulative record, will be accessible to parents and/or legal guardians.

The development and implementation of appropriate procedures for the administration of a comprehensive assessment program are the administrative responsibilities of the Superintendent.

Date Adopted: 4/7/95

Date Policy

Number Changed: 10/1/91 from #6162.5

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**#6161.3**  
**Comparability of Services**

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In the event that educational grant funding under Title I of the Federal Strengthening and Improving of Elementary and Secondary Schools Act is available to the Madison Public Schools, said funding shall be expended to promote comparability of services to improve the educational opportunities of educationally disadvantaged or deprived children.

Title I funded teachers, administrators and other staff shall be assigned to schools in a manner that ensures equivalency in programming / services among the District's schools. Curriculum materials and instructional supplies shall be provided in a manner that ensures equivalency among the District's schools.

It shall be the policy of the Board of Education to ensure comparability of services funded by state and local sources in both Title I project schools and non-project schools. The Board of Education will therefore:

1. Maintain a districtwide salary schedule, that is applicable to all staff whether assigned to Title I or non-Title I schools.
2. Provide services with federal, state and local funds in schools serving Title I project areas that are at least comparable to services in non-project areas.
3. Use federal, state and local funds to provide for equivalence among all schools in all schools with the same grade levels in teachers, administrators, and auxiliary personnel.
4. Use federal, state and local funds to provide for equivalence among all schools with the same grade levels in the provision of curriculum and instructional materials, books and supplies.

The District shall maintain records that are updated annually documenting its compliance with this ESSA requirement.

<p>Note: The district will be considered to have met the comparability requirements of Title I, Part A if it has filed with the State Board of Education a written assurance that it has established and implemented (1) a district-wide salary schedule and (2) policies to ensure equivalence in resources (U.S.C. 6321©(2))</p>
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**#6161.3 (cont'd.)**

For the purposes of determining comparability in compliance with 20 U.S.C. 6321©, the District may exclude:

- State and local funds expended for English Learners language instruction education programs.
- Excess costs associated with providing services to students with disabilities.
- Unexpected changes in enrollment or personnel assignments occurring after the beginning of the school year.
- Staff salary differentials for years of employment.
- Other expenditures from supplemental state or local funds consistent with the intent of Title I (serving only children who are failing, or most at risk of failing, to meet the State's standards).

The Superintendent or his/her designee shall provide in a timely manner all assurances, documentation, or other information required by the State Department of Education to demonstrate the District's compliance with Title I fiscal requirements.

The superintendent or his/her designee shall maintain reports and other documentation demonstrating compliance with the requirements of this policy.

Nothing in this policy will prohibit the administration from addressing identified problems at individual schools.

Legal Reference: Title I Improving Basic Programs Operated by State and Local Education Agencies, Improving Every Student Succeeds Act, P.L. 114-95, Section 1118c or Title I, ESEA/ESSA

20 U.S.C. Section 6321(c)

Agostini v. Felton 521 U.S. 203(1997)

Date of Adoption: September 20, 2001  
Date of Revision: August 28, 2018

Promotion / Acceleration / and Retention

~~It is the policy of the Madison Board of Education that student promotion shall be determined by academic performance and social and emotional maturity. The Administration and faculty shall apply these criteria when determining whether to promote or retain a student. The Board of Education believes that a critical dimension of a quality educational program is the extent to which it offers courses, activities, experiences, and instruction tailored to the particular needs of each student. The Board recognizes its responsibility to educate all students to their highest academic potential. The Board also recognizes that student promotion is dependent on each student's mastery and acquisition of basic student learning goals. Normally, students will progress annually from grade to grade. The Board desires to minimize the practice of social promotion and wants to ensure that promotion is based on demonstrated mastery of grade level material.~~

In each grade level, appropriate assessments will chronicle the skills, knowledge, and understandings in the curriculum. Results of such assessments shall be made known to students and their parent(s) / guardian(s). Expected levels of performance on these student learning goals shall be established and tests or other assessment devices shall be obtained or written as appropriate to measure each student's degree of attainment of these standards. If a student is failing to meet standards or mastering at a consistent accelerated rate, efforts to differentiate instruction shall be taken immediately and parent(s) / guardian(s) should be advised.

Retention or acceleration will only be considered if multiple indicators point to a successful outcome for the student. Retention and acceleration decisions will be the responsibility of the building principal, after discussion and review with parents / guardians, other school officials, and with the Student Support Team when necessary. The student's social and emotional growth shall be taken into consideration in making a determination to accelerate or retain. The building principal will review the consideration in accordance with established regulations and inform the parent(s) / guardian(s) in writing of the decision. Such decisions may be appealed first to the building principal and then to the Superintendent or ~~his / her~~ Superintendent's -designee.

~~(c.f. 5080.4 Exclusions and Exemptions from School Attendance)~~

~~(c.f. 6110.1.3.1 Parent Conferences)~~

~~(c.f. 6146 Graduation Requirements)~~

Legal Reference:

Connecticut General Statutes § 10-221(b)

Connecticut General Statutes § 10-223a

Date of Adoption: June 4, 1996

Date of Revision: February 2, 1999

Date of Revision: May 6, 2014



**Use of Private Technology Devices by Students  
(formerly Electronic Communication Device)**

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Students may possess privately-owned technological devices on school property and/or during school-sponsored activities, in accordance with the mandates of this policy and any applicable administrative regulations as may be developed by the Superintendent of Schools.

**Definitions**Board Technology Resources

For the purposes of this policy, “Board technology resources” refers to the Madison Board of Education’s (the “Board’s”) computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources owned and/or used by the school district and accessible by students.

Privately-owned Technological Devices

For the purposes of this policy, “privately-owned technological devices” refers to, but is not limited to, privately-owned desktop computers, personal computing devices, cellular phones, Smartphones, network access devices, radios, personal audio players, tablets, walkie-talkies, personal gaming systems, Bluetooth speakers, personal data assistants, and other electronic signaling devices.

**Use of Privately-Owned Technological Devices**

Privately-owned technological devices may not be used during instructional time, except as specifically permitted by instructional staff or unless necessary for a student to access the district’s digital learning platform or otherwise engage in remote learning if remote learning has been authorized in accordance with applicable law.

On school property, at a school-sponsored activity, while in use for a remote learning activity if remote learning has been authorized in accordance with applicable law, or while being used to access or utilize

Board technology resources, the use of any such device for an improper purpose is prohibited. Improper purposes include, but are not limited to:

- Sending any form of a harassing, threatening, or intimidating message, at any time, to any person (such communications may also be a crime);
- Gaining or seeking to gain unauthorized access to Board technology resources;
- Damaging Board technology resources;
- Accessing or attempting to access any material that is obscene, obscene as to minors, or contains pornography;
- Cyberbullying;
- Using such device to violate any school rule, including the unauthorized recording (photographic, video, or audio) of another individual without the permission of the individual or a school staff member; or
- Taking any action prohibited by any Federal or State law.

### **Search of Privately-Owned Technological Devices**

A student's privately-owned technological device may be searched if the device is on Board property or in a student's possession at a school-sponsored activity and if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Any such search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

### **Responsibility for Privately-owned Technological Devices**

Students are responsible for the safety and use of their privately-owned technological devices. If a privately-owned technological device is stolen, lost, or damaged while the device is on school property or during a school-sponsored activity, a report should be made to the building principal, who will investigate the loss in a manner consistent with procedures for stolen or damaged personal property. Students and parents should be aware that the Board is not liable for any privately-owned technological device that is stolen, lost, or damaged while at school or during a school-sponsored activity. For that reason, students are advised not to share or loan their privately-owned technological devices with other students.

### **Disciplinary Action**

Misuse of the Board's technology resources and/or the use of privately-owned technological devices to access or utilize the Board's technology resources in an inappropriate manner or the use of such devices in any manner inconsistent with this policy will not be tolerated and will result in disciplinary action. For students, a violation of this policy may result in loss of access privileges, a prohibition on the use and/or possession of privately-owned technological devices on school property or at school-sponsored activities, and/or suspension or expulsion in accordance with the Board's policies related to student discipline.

### **Access to Board Technology Resources**

The Board may permit students, using their privately-owned technological devices, to access the Board's computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources used by the school district and accessible by students. Students using privately-owned technological devices will agree to access the District's technology resources only through the designated Wi-Fi network. Additionally, it is the expectation of the Board that students who access these resources while using privately-owned technology devices will act at all times appropriately in ways that are fully in accord with applicable policies concerning technology use as well as all local, state, and federal laws.

Through the publication and dissemination of this policy statement and others related to use of the Board's computer systems, as well as other instructional means, the Board educates students about the Board's expectations for technology users.

The Board's technology resources shall only be used to access educational information and to promote learning activities both at home and at school. Students are expected to act at all times appropriately in ways that are fully in accord with applicable policies concerning technology use as well as all local, state, and federal laws when using the Board technology resources. Failure to do so will result in the consequences outlined herein and in other applicable policies (including, but not limited to, the Safe School Climate Plan, the Student Discipline Policy and the Use of Computers Policy).

Students must abide by the procedures outlined in this policy and all policies and applicable regulations outlined in the Board's computer use and other applicable policies. Students will be given specific information for log-on and access procedures for using school accounts. No user may deviate from these log-on/access procedures. **Students are advised that the Board's network administrators have the capability to identify users and to monitor all privately-owned technological devices while they are logged on to the network.** Students must understand that the Board has reserved the right to conduct monitoring of Board technology resources and can do so *despite* the assignment to individual users of passwords for system security. Any password systems implemented by the Board are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user. The system's security aspects, message delete function and personal passwords can be bypassed for monitoring purposes. Therefore, students should be aware that they should not have any expectation of personal privacy in the use of privately-owned technological devices to access Board technology resources. This provision applies to any and all uses of the Board's technology resources and any privately-owned technological devices that access the same.

### **Harm to Board Technology Resources**

Any act by a student using a privately-owned technological device that harms the Board technology resources or otherwise interferes with or compromises the integrity of Board technology resources will be considered vandalism and will be subject to discipline and/or appropriate criminal or civil action.

### **Closed Forum**

This policy shall not be construed to establish a public forum or a limited open forum.

### **Legal References:**

Conn. Gen. Stat. § 10-233j

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250, *et seq.*

Electronic Communication Privacy Act of 1986, Public Law 99-508, codified at 28 U.S.C. §§ 2510 through 2520

Date of Adoption: September 5, 1995  
Date of Revision: October 15, 1996  
Date of Revision: December 1, 1998  
Date of Revision: April 23, 2002  
Date of Revision: June 1, 2010  
Date of Revision: June 5, 2012  
Date of Revision: October 15, 2013  
Date of Revision: June 21, 2022  
Date of Revision: June 6, 2023

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**Regulation #5090.9**  
**Use of Private Technology Devices by Students**

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**Cellular Phones**

The use of privately-owned technological devices at school is considered a privilege, not a right. Therefore, students may possess cellular phones and other wireless communication devices on school property and school-sponsored transportation, providing students adhere to the restrictions contained within this regulation and specific school building restrictions outlined in the student handbook.

**High School:** Students are permitted to bring cellular phones and other wireless communication devices to school. Such devices should remain on silent throughout the school day. Device use, including earbuds, is not permitted, bell to bell, during class time. A teacher may allow use of such devices for course-specific educational purposes. Students may use cellular phones and other wireless communication devices during non-class times in areas designated by the school administration.

**Middle School:** Students are permitted to bring cellular phones and other wireless communication devices to school. Devices must be placed, on silent, in lockers prior to the start of the academic school day and can be collected at the end of the academic day. Students may use cellular phones and other wireless communication devices before and after the academic day in areas designated by the school administration.

**PreK-5:** Students are discouraged from bringing cellular phones and other wireless communication devices to school. If a parent/guardian sends their student to school with a device, the device must remain on silent for the entire day and remain out of sight and in a student's bag for the entirety of the school day and while on school-sponsored transportation.

**Other Acceptable Uses**

Cellular phones and other wireless communication devices are permissible in the following circumstances:

**a. IEP, 504, or Health Care/Medical Plan.**

Students may use cellular phones, wireless communication devices and other electronic devices during class time when authorized pursuant to an Individual Education Plan (IEP), a Section 504 Accommodation Plan, or a Health Care/Medical Plan with supportive documentation from the student's physician.

**b. Other Reasons.**

Other reasons determined appropriate by a school administrator or school administrator's designee.

Prohibition of Sex Discrimination and Sexual Harassment

The Madison Board of Education (the “Board”) and Madison 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.

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:

Director of Special Education  
10 Campus Drive  
Madison, CT 06443  
203-245-6341  
[battaglia.elizabeth@madisonps.org](mailto:battaglia.elizabeth@madisonps.org)

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:

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

3. *A specific offense*, as follows:

- a. 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;
- b. 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;
- c. 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
- d. 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, 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)

124  
125  
126

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

## Regulation #5120.5

## Prohibition of Sex Discrimination, Including Sex-based Harassment

The Madison Board of Education (the “Board”) and Madison 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. *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:*

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

61 **SECTION I: REPORTING SEX DISCRIMINATION**

62  
63 To report information about conduct that may constitute sex discrimination or make a complaint of sex  
64 discrimination, please contact the District’s Title IX Coordinator or an administrator. The District’s Title  
65 IX Coordinator is:

66 Director of Special Education  
67 10 Campus Drive  
68 Madison, CT 06443  
69 203-245-6341  
70 [battaglia.elizabeth@madisonps.org](mailto:battaglia.elizabeth@madisonps.org)

71  
72 The following people have a right to make a complaint of sex discrimination, including a complaint of  
73 sex-based harassment, requesting that the District investigate and make a determination about alleged  
74 discrimination under Title IX and under the Board’s policy and these Administrative Regulations:

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

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

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

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

95 The District may consolidate complaints of sex discrimination against more than one respondent, or by  
96 more than one complainant against one or more respondents, or by one party against another party, when  
97 the allegations of sex discrimination arise out of the same facts or circumstances. Consolidation shall  
98 not violate the Family Educational Rights and Privacy Act (“FERPA”), and thus requires that prior  
99 written consent is obtained from the parents or eligible students to the disclosure of their education  
100 records. Where the District is unable to obtain prior written consent, complaints cannot be consolidated.  
101 When more than one complainant or more than one respondent is involved, references in these  
102 Administrative Regulations to a party, complainant, or respondent include the plural, as applicable.

103 **SECTION II: DEFINITIONS**

- 104
- 105 1. **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or  
106 decisionmaker(s) demonstrate actual bias, rather than the appearance of bias. Actual  
107 bias includes, but is not limited to, demonstrated personal animus against the  
108 respondent or the complainant and/or prejudgment of the facts at issue in the  
109 investigation.
  - 110 2. **Complainant** means (1) a student of the District or employee of the Board who is alleged to  
111 have been subjected to conduct that could constitute sex discrimination under Title IX or its  
112 regulations; or (2) a person other than a student of the District or employee of the Board who is  
113 alleged to have been subjected to conduct that could constitute sex discrimination under Title IX  
114 or its regulations and who was participating or attempting to participate in the District’s  
115 education program or activity at the time of the alleged sex discrimination. When a complainant  
116 is a student of the District, reference in these Administrative Regulations to complainant includes  
117 the student’s parent or guardian.
  - 118 3. **Complaint** means oral or written requests to the District that objectively can be understood as a  
119 request for the District to investigate and make a determination about alleged discrimination  
120 under Title IX or its regulations and under the Board’s policy and these Administrative  
121 Regulations.
  - 122 4. A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s),  
123 and/or decisionmaker(s) have personal, financial and/or familial interests that affected the  
124 outcome of the investigation.

125 5. **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity  
126 with another person (also referred to hereafter as “affirmative consent”).

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

- 130 ○ Affirmative consent is the standard used in determining whether consent to engage in  
131 sexual activity was given by all persons who engaged in the sexual activity.
- 132 ○ Affirmative consent may be revoked at any time during the sexual activity by any  
133 person engaged in the sexual activity.
- 134 ○ It is the responsibility of each person engaging in a sexual activity to ensure that the  
135 person has the affirmative consent of all persons engaged in the sexual activity to  
136 engage in the sexual activity and that the affirmative consent is sustained throughout  
137 the sexual activity.
- 138 ○ It shall not be a valid excuse to an alleged lack of affirmative consent that a  
139 respondent to the alleged violation believed that a complainant consented to the  
140 sexual activity:
  - 141 ■ because the respondent was intoxicated or reckless or failed to take reasonable  
142 steps to ascertain whether the complainant consented, or
  - 143 ■ if the respondent knew or should have known that the complainant was unable  
144 to consent because such individual was unconscious, asleep, unable to  
145 communicate due to a mental or physical condition, unable to consent due to  
146 the age of the individual or the age difference between the individual and the  
147 respondent, or incapacitated due to the influence of drugs, alcohol or  
148 medication.
- 149 ○ The existence of a past or current dating or sexual relationship between a complainant  
150 and a respondent, in and of itself, shall not be determinative of a finding of consent.

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

154  
155 7. For purposes of investigations and complaints of sex discrimination, **education program or**  
156 **activity** includes buildings owned or controlled by the Board and conduct that is subject to the  
157 District’s disciplinary authority. The District has an obligation to address a sex-based hostile  
158 environment under its education program or activity, even when some conduct alleged to be  
159 contributing to the hostile environment occurred outside the District’s education program or  
160 activity or outside the United States.

161  
162 8. **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent,  
163 guidance counselor, school counselor, psychologist, social worker, nurse, physician, school  
164 paraprofessional or coach employed by the Board or working in a public elementary, middle or  
165 high school; or (B) any other individual who, in the performance of the individual’s duties, has  
166 regular contact with students and who provides services to or on behalf of students enrolled in a  
167 public elementary, middle or high school, pursuant to a contract with the Board.

- 168 9. **Party** means a complainant or respondent.
- 169 10. **Pregnancy or related conditions** mean (A) pregnancy, childbirth, termination of pregnancy, or  
170 lactation; (B) medical conditions related to pregnancy, childbirth, termination of pregnancy, or  
171 lactation; or (C) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or  
172 related medical conditions.
- 173 11. **Relevant** means related to the allegations of sex discrimination under investigation as a part of  
174 the District’s Title IX grievance procedures. Questions are **relevant** when they seek evidence  
175 that may aid in showing whether the alleged sex discrimination occurred, and evidence is  
176 relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination  
177 occurred.
- 178 12. **Remedies** means measures provided, as appropriate, to a complainant or any other person the  
179 District identifies as having had their equal access to the District’s education program or activity  
180 limited or denied by sex discrimination. These measures are provided to restore or preserve that  
181 person’s access to the District’s education program or activity after the District determines that  
182 sex discrimination occurred.
- 183 13. **Respondent** means an individual who is alleged to have violated the District’s prohibition on sex  
184 discrimination. When a respondent is a student of the District, reference in these Administrative  
185 Regulations to respondent includes the student’s parent or guardian.
- 186 14. **Retaliation** means intimidation, threats, coercion, or discrimination against any person by a  
187 student or an employee or other person authorized by the District to provide aid, benefit, or  
188 service under the District’s education program or activity, for the purpose of interfering with any  
189 right or privilege secured by Title IX or Title VII or their regulations or Connecticut law, or  
190 because the person has reported information, made a complaint, testified, assisted, or participated  
191 or refused to participate in any manner in an investigation, proceeding, hearing or informal  
192 resolution process conducted pursuant to federal Title IX regulations or under the Board’s policy  
193 and these Administrative Regulations. This also includes **peer retaliation**, which means  
194 retaliation by a student against another student.
- 195 15. **School days** means the days that school is in session as designated on the calendar posted on the  
196 District’s website. In its discretion, and when equitably applied and with proper notice to the  
197 parties, the District may consider business days during the summer recess as “school days” if  
198 such designation facilitates the prompt resolution of the grievance procedures.
- 199 16. **Supportive measures** means individualized measures offered as appropriate, as reasonably  
200 available, without unreasonably burdening a complainant or respondent, not for punitive or  
201 disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) restore or  
202 preserve that party’s access to the District’s education program or activity, including measures  
203 that are designed to protect the safety of the parties or the District’s educational environment; or  
204 (2) provide support during the District’s grievance procedures or during the informal resolution

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

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

- 210
- 211 1. Notification of Procedures. When notified of conduct that reasonably may constitute sex  
 212 discrimination, including sex-based harassment, the Title IX Coordinator shall notify the  
 213 complainant or, if the complainant is unknown, the individual who reported the conduct, of the  
 214 grievance procedures, and the informal resolution process, if available and appropriate. If a  
 215 complaint is made, the Title IX Coordinator shall also notify the respondent of the grievance  
 216 procedures and the informal resolution process, if available and appropriate.  
 217
  - 218 2. Supportive Measures. When notified of conduct that reasonably may constitute sex  
 219 discrimination, including sex-based harassment, an administrator will offer and coordinate  
 220 supportive measures as appropriate for the complainant and/or respondent to restore or preserve  
 221 that person’s access to the District’s education program or activity or provide support during the  
 222 District’s Title IX grievance procedures or during the informal resolution process. The District  
 223 will not disclose information about any supportive measures to persons other than the person to  
 224 whom they apply and their parent or guardian unless necessary to provide the supportive  
 225 measure or restore or preserve a party’s access to the educational program or activity.
    - 226 a. Where a supportive measure has been implemented, a party may seek the modification or  
 227 termination of the supportive measure, if the supportive measure is applicable to them and if  
 228 the party’s circumstances have materially changed. The District may, as appropriate, modify  
 229 or terminate supportive measures at the conclusion of the grievance procedures or at the  
 230 conclusion of the informal resolution process.
    - 231 b. *Challenge to Supportive Measures*. Upon an administrator’s decision to provide, deny,  
 232 modify or terminate a supportive measure, either a respondent or a complainant may  
 233 challenge that decision. The challenged supportive measure must be applicable to the  
 234 challenging party. A party’s challenge may be based on, but is not limited to, concerns  
 235 regarding whether the supportive measure is reasonably burdensome; reasonably available;  
 236 being imposed for punitive or disciplinary reasons; imposed without fee or charge; or  
 237 otherwise effective in meeting the purposes for which it is intended, including to restore or  
 238 preserve access to the education program or activity, provide safety, or provide support  
 239 during the grievance procedures. Such challenge shall be made in writing to the Title IX  
 240 Coordinator.

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

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

251 3. Informal Resolution Process. In lieu of resolving a complaint of sex discrimination through the  
 252 District’s formal grievance procedures (outlined below), the parties may instead elect to  
 253 participate in an informal resolution process. The District has discretion to determine whether it  
 254 is appropriate to offer an informal resolution process and may decline to offer informal  
 255 resolution despite one or more of the parties’ wishes. The District does not offer informal  
 256 resolution to resolve a complaint that includes allegations that an employee engaged in sex-based  
 257 harassment of a student, or when such a process would conflict with the law. Upon the District  
 258 offering the informal resolution process to both parties, that parties shall have seven (7) school  
 259 days to decide if they would like to participate in the process. The District shall obtain the  
 260 parties’ voluntary consent to proceed with the informal resolution process. If the informal  
 261 resolution process proceeds, the Title IX Coordinator shall appoint an informal resolution  
 262 facilitator, who will not be the same person as the investigator or the decisionmaker.  
 263

- 264 a. *Notice of Informal Resolution Process*. Promptly upon obtaining the parties’ voluntary  
 265 consent to process with the informal resolution process and before initiation of the informal  
 266 resolution process, the District must provide to the parties written notice that explains:  
 267 1) the allegations;  
 268 2) the requirements of the informal resolution process;  
 269 3) that, prior to agreeing to a resolution, any party has the right to withdraw from the  
 270 informal resolution process and to initiate or resume the formal grievance procedures;  
 271 4) that the parties’ agreement to a resolution at the conclusion of the informal resolution  
 272 process would preclude the parties from initiating or resuming the formal grievance  
 273 procedures arising from the same allegations;  
 274 5) the potential terms that may be requested or offered in an informal resolution agreement  
 275 (which may include, but are not limited to, restrictions on contact, restrictions on the  
 276 respondent’s participation in the District’s programs or activities, other disciplinary  
 277 sanctions, and/or sensitivity training), including notice that an informal resolution  
 278 agreement is binding only on the parties; and  
 279 6) what information the District will maintain and whether and how the District could  
 280 disclose such information for use in formal grievances procedures.

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

290 on the allegations, and the informal resolution facilitator will ascertain the party's goals and  
291 motivation in pursuing an informal resolution process.

292  
293 c. *Informal Resolution Process.* Depending on the allegations of sex discrimination, the District  
294 may offer, or the parties may request (subject to the District's approval), one or more of the  
295 following types of informal resolution processes:

296  
297 1) Facilitated Dialogue: After the intake meeting(s), the parties engage in a direct  
298 conversation about the alleged sex discrimination with the assistance of the informal  
299 resolution facilitator. In a facilitated dialogue, the parties are communicating directly and  
300 sharing the same space (virtually or in-person). During a facilitated dialogue, the parties  
301 will have the opportunity to discuss their individual experiences and listen to the  
302 experiences of others with the intention of reaching a mutually agreeable resolution.

303  
304 2) Mediation: After the intake meeting, the parties will engage in back-and-forth  
305 communication to reach an agreed-upon resolution. Mediation may take place  
306 electronically or in-person or virtually, with the parties in different locations (e.g. not  
307 face-to-face). The parties will have the opportunity to speak with the informal resolution  
308 facilitator, and the informal resolution facilitator will communicate each party's  
309 perspective to the opposing party. Mediation may be completed in one session or may  
310 require multiple sessions.

311  
312 d. *Informal Resolution Agreement.* After the parties have reached an agreed-upon resolution,  
313 the informal resolution facilitator shall memorialize such agreement in writing. Such  
314 resolutions may include, but are not limited to, mutual no-contact orders; agreed upon  
315 sensitivity training; restrictions on the respondent's participation in the District's programs or  
316 activities or other disciplinary sanctions; or other mutually agreed upon resolutions. Both  
317 parties shall sign the informal resolution agreement, at which point the matter will be  
318 considered resolved.

319  
320 e. *Retaliation and Subsequent Conduct.* Nothing in this section precludes an individual from  
321 filing a complaint of retaliation for matters related to an informal resolution, nor does it  
322 preclude either party from filing complaints based on conduct that is alleged to occur  
323 following the District's facilitation of the informal resolution.

324  
325 4. Emergency Removal. The District will not impose discipline on a respondent for sex  
326 discrimination prohibited by Title IX unless there is a determination at the conclusion of the  
327 grievance procedures that the respondent engaged in prohibited sex discrimination. However, the  
328 District may remove a respondent from the District's program or activity on an emergency basis,  
329 provided that the District undertakes an individualized safety and risk analysis, determines that  
330 an imminent and serious threat to the health or safety of the complainant or any students,  
331 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;
  - 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.

- 374 b. The District prohibits any Title IX Coordinator, investigator, or decisionmaker from having a  
375 conflict of interest or bias for or against complainants or respondents generally or an  
376 individual complainant or respondent.
- 377 c. The District presumes that the respondent is not responsible for the alleged sex  
378 discrimination until a determination is made at the conclusion of the grievance procedures.
- 379 d. The District has established timeframes for the major stages of the grievance procedures. The  
380 District has also established the following process that allows for the reasonable extension of  
381 timeframes on a case-by-case basis for good cause with notice to the parties that includes the  
382 reason for the delay:
- 383 1) When determining whether a reasonable extension of timeframes is appropriate, the Title  
384 IX Coordinator shall pursue a two-step inquiry. When appropriate, the Title IX  
385 Coordinator shall make this determination in consultation with the investigator,  
386 decisionmaker, appeal decisionmaker and/or the informal resolution facilitator.
- 387 2) First, the Title IX Coordinator shall determine whether good cause exists. Good cause  
388 shall include, but is not limited to, the absence or illness of a party or a witness;  
389 concurrent law enforcement activity and/or activity by the Department of Children and  
390 Families; school being out of session; or particular circumstances based on the Title IX  
391 Coordinator’s experience and familiarity with the complaint that constitute good cause.  
392 Reasonable modifications for those with disabilities and language assistance for those  
393 with limited proficiency in English should be provided within the established timeframes  
394 without need for a reasonable extension.
- 395 3) The existence of good cause will not always require a reasonable extension. When  
396 evaluating whether such good cause warrants a reasonable extension of time, the Title IX  
397 Coordinator shall, in part, determine whether there is a reasonable alternative that may be  
398 pursued in lieu of an extension. Where no such alternative exists and where a reasonable  
399 extension is necessary to properly effectuate the District’s grievance procedures, the Title  
400 IX Coordinator shall determine an appropriate extension of time and provide notice of the  
401 period of extension to the parties in writing.
- 402 e. The District will take reasonable steps to protect the privacy of the parties and witnesses  
403 during its grievance procedures. These steps will be designed to not restrict the ability of the  
404 parties to obtain and present evidence, including by speaking to witnesses; consulting with  
405 their family members or confidential resources; or otherwise preparing for or participating in  
406 the grievance procedures. The District prohibits retaliation by or against any parties,  
407 including against witnesses.
- 408 f. The District will objectively evaluate all evidence that is relevant and not otherwise  
409 impermissible—including both inculpatory (tending to prove sex discrimination) and  
410 exculpatory evidence (tending to disprove sex discrimination). Credibility determinations  
411 will not be based on a person’s status as a complainant, respondent, or witness.
- 412 g. The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*,  
413 will not be accessed or considered, except by the District to determine whether one of the  
414 exceptions listed below applies; will not be disclosed; and will not otherwise be used),  
415 regardless of whether they are relevant:

- 416 1) Evidence that is protected under a privilege recognized by Federal or Connecticut law,  
417 unless the person to whom the privilege is owed has voluntarily waived the privilege;
- 418 2) A party's or witness's records that are made or maintained by a physician, psychologist,  
419 or other recognized professional or paraprofessional in connection with the provision of  
420 treatment to the party or witness, unless the District obtains that party's or witness's  
421 voluntary, written consent for use in its grievance procedures; and
- 422 3) Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless  
423 evidence about the complainant's prior sexual conduct is offered to prove that someone  
424 other than the respondent committed the alleged conduct or is evidence about specific  
425 incidents of the complainant's prior sexual conduct with the respondent that is offered to  
426 prove consent to the alleged sex-based harassment. The fact of prior consensual sexual  
427 conduct between the complainant and respondent does not by itself demonstrate or imply  
428 the complainant's consent to the alleged sex-based harassment or preclude determination  
429 that sex-based harassment occurred.
- 430 h. The District will not impose discipline on a respondent for sex discrimination prohibited by  
431 Title IX unless there is a determination at the conclusion of the grievance procedures that the  
432 respondent engaged in prohibited sex discrimination. However, the District may remove a  
433 respondent from the District's program or activity on an emergency basis, as discussed  
434 above.  
435
- 436 2. Filing a Complaint. A complainant (as defined above) and/or their parent or guardian may file a  
437 written or oral complaint with the Title IX Coordinator or an administrator to initiate the District's  
438 grievance procedures. Complaints should be filed within thirty (30) school days of the alleged  
439 occurrence. If a complaint is filed after thirty (30) school days of the alleged occurrence, the District  
440 may be limited in its ability to investigate the complaint.  
441
- 442 3. Notice of District Grievance Procedures. If not already done, within five (5) school days of receiving  
443 a complaint, the Title IX Coordinator shall inform the complainant and their parent or guardian  
444 about the District's Title IX grievance procedures, offer the complainant supportive measures, and,  
445 where appropriate, inform the complainant and their parent or guardian about the District's informal  
446 resolution process. Through this notification, the Title IX Coordinator shall confirm that the  
447 complainant is requesting the District to conduct an investigation and make a determination  
448 regarding their allegations of sex discrimination. When the Title IX Coordinator is named as the  
449 respondent, the building principal or administrator responsible for the program shall notify the  
450 complainant and their parent or guardian.  
451
- 452 4. Jurisdiction and Dismissal. Prior to initiating an investigation into the alleged sex discrimination and  
453 prior to issuing the notice of allegations, the Title IX Coordinator shall review the complaint and  
454 determine jurisdiction. If the alleged conduct occurred in the District's program or activity or the  
455 conduct is otherwise subject to the District's disciplinary authority, then the District has jurisdiction.  
456 If there is no jurisdiction, the Title IX Coordinator must dismiss the complaint. The Title IX  
457 Coordinator shall make a determination regarding jurisdiction within five (5) school days of  
458 receiving the complaint.  
459

- 460 a. The Title IX Coordinator or the investigator may dismiss a complaint of sex discrimination prior  
461 to issuing the notice of allegations and prior to reaching a determination regarding responsibility  
462 where:
- 463
- 464 1) The District is unable to identify the respondent after taking reasonable steps to do so;
- 465 2) The respondent is not participating in the District’s education program or activity and/or is  
466 not employed by the Board;
- 467 3) The complainant voluntarily withdraws any or all of the allegations in the complaint, the  
468 Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator  
469 determines that, without the complainant’s withdrawn allegations, the conduct that remains  
470 alleged in the complaint, if any, would not constitute sex discrimination under Title IX  
471 even if proven; or
- 472 4) The Title IX Coordinator determines the conduct alleged in the complaint, even if proven,  
473 would not constitute sex discrimination under Title IX. Before dismissing the complaint,  
474 the District will make reasonable efforts to clarify the allegations by communicating with  
475 the complainant to discuss the allegations in the complaint.
- 476 b. Upon dismissal of the complaint, the Title IX Coordinator will promptly notify the complainant  
477 of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the  
478 allegations, then the Title IX Coordinator will also notify the respondent of the dismissal and the  
479 basis for the dismissal promptly following notification to the complainant, or simultaneously if  
480 notification is in writing. When a complaint is dismissed, the District will, at a minimum:
- 481 1) Offer supportive measures to the complainant as appropriate;
- 482 2) If the respondent has been notified of the allegations, offer supportive measures to the  
483 respondent as appropriate; and
- 484 3) Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to  
485 ensure that sex discrimination does not continue or recur within the District’s education  
486 program or activity.
- 487 c. Appeal of Dismissal. The Title IX Coordinator will notify the complainant that a dismissal may  
488 be appealed and will provide the complainant with an opportunity to appeal the dismissal of a  
489 complaint. If the dismissal occurs after the respondent has been notified of the allegations, then  
490 the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. The  
491 District’s appeal procedures will be implemented equally for all parties.
- 492
- 493 1) Dismissals may be appealed on the following bases:
- 494 a) Procedural irregularity that would change the outcome;
- 495 b) New evidence that would change the outcome and that was not reasonably available  
496 when the dismissal was issued; and
- 497 c) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias  
498 for or against complainants or respondents generally or the individual complainant or  
499 respondent that would change the outcome.

- 500 2) If the dismissal is appealed, an administrator who did not take part in the investigation of the  
501 allegations or the dismissal of the complaint will be the appeal decisionmaker for the  
502 dismissal. The District’s appeal process for the dismissal of a complaint provides the  
503 following:  
504 a) The appealing party shall have five (5) school days, from the receipt of the dismissal, to  
505 submit a written statement in support of, or challenging the outcome of the dismissal;
- 506 b) The appeal decisionmaker must promptly notify the other party of the appeal;
- 507 c) The other party shall have five (5) school days, from receiving notice from the appeal  
508 decisionmaker to submit a written a statement in support of, or challenging, the outcome;  
509 and
- 510 d) Within ten (10) school days following the other party’s opportunity to provide a  
511 statement, the appeals decisionmaker shall provide the parties the result of the appeal and  
512 the rationale for the result.

513  
514 5. Notice of Allegations. Upon receipt or filing by the Title IX Coordinator of a complaint, and  
515 after determining that the District retains jurisdiction over the complaint, the Title IX  
516 Coordinator must provide a notice of allegations to the parties that includes the following:

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

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

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

- 541  
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543
- 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.
  - 544  
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  - 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.
  - 547  
548
  - 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.
  - 549  
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  - 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.
    - 552  
553  
554
    - 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.
    - 555  
556
    - 2) The parties shall have five (5) school days to review a description of the evidence or the actual evidence.
    - 557  
558  
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560
    - 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.
    - 561  
562  
563
    - 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.
    - 564  
565
    - 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.
    - 566  
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    - 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.
  - 571  
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574
  - 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).
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  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:

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

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

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

- 596 a. Use the preponderance of the evidence standard to determine whether sex discrimination  
597 occurred. The standard requires the decisionmaker(s) to evaluate relevant and not otherwise  
598 impermissible evidence and determine if it is more likely than not that the conduct occurred.  
599 If the decisionmaker(s) is not persuaded by a preponderance of the evidence that sex  
600 discrimination occurred, the decisionmaker(s) shall not determine that sex discrimination  
601 occurred;
- 602 b. Notify the parties in writing of the determination whether sex discrimination occurred under  
603 Title IX and/or the Board’s policy and these Administrative Regulations, including the  
604 rationale for such determination, and the procedures and permissible bases for the  
605 complainant and respondent to appeal;
- 606 c. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless  
607 there is a determination at the conclusion of the grievance procedures that the respondent  
608 engaged in prohibited sex discrimination;
- 609 d. Comply with the grievance procedures before the imposition of any disciplinary sanctions  
610 against a respondent; and
- 611 e. Not discipline a party, witness, or others participating in the grievance procedures for making  
612 a false statement or for engaging in consensual sexual conduct based solely on the  
613 determination whether sex discrimination occurred.

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

- 616 a. Coordinate the provision and implementation of remedies to a complainant and other people  
617 the District identified as having had equal access to the District’s education program or  
618 activity limited or denied by sex discrimination. These remedies may include, but are not  
619 limited to: continued supports for the complainant and other people the District identifies;  
620 follow-up inquiries with the complainant and witnesses to ensure that the  
621 discriminatory/harassing conduct has stopped and that they have not experienced any

622 retaliation; training or other interventions for the larger school community designed to ensure  
623 that students, staff, parents, Board members and other individuals within the school  
624 community understand the types of behavior that constitute discrimination/harassment, that  
625 the District does not tolerate it, and how to report it; counseling supports; other remedies as  
626 may be appropriate for a particular circumstance as determined by the Title IX Coordinator.

- 627 b. Coordinate the imposition of disciplinary sanctions, as appropriate, for a respondent,  
628 including notification to the complainant of any such disciplinary sanctions. The possible  
629 sanctions may include, but are not limited to, discipline up to and including expulsion for  
630 students and termination of employment for employees; resolution through restorative  
631 practices; and/or restrictions from athletics and other extracurricular activities.
- 632 c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not  
633 continue or recur within the District's education program or activity.
- 634 d. Communicate with a student's PPT or Section 504 team prior to disciplining a respondent to  
635 ensure compliance with the requirements of the IDEA and Section 504 with respect to  
636 discipline of students.
- 637 e. If expulsion is recommended, refer a student respondent to the Board for expulsion  
638 proceedings pursuant to Connecticut law.

- 639 10. Appeal of Determination. After receiving the written determination of the outcome, parties shall  
640 have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the  
641 Title IX Coordinator challenging the outcome of the grievance procedures and explaining the  
642 basis for appeal.

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

649 The decisionmaker(s) for the appeal shall review the evidence and the information presented by  
650 the parties and determine if further action and/or investigation is warranted. Such action may  
651 include consultation with the investigator(s) and the parties, a meeting with appropriate  
652 individuals to attempt to resolve the complaint, or a decision affirming or overruling the written  
653 outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not  
654 be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written  
655 notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all  
656 written statements from the parties.  
657  
658

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

660  
661 When any District employee is notified by a student or a student's parent or guardian that the student is  
662 pregnant or has a related condition, the District employee must promptly provide the student or parent or  
663 guardian with the Title IX Coordinator's contact information and inform the person that the Title IX  
664 Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal

665 access to the District’s education program or activity. Once a student or a student’s parent or guardian  
666 notifies the Title IX Coordinator of the student’s pregnancy or related condition, the Title IX  
667 Coordinator must take specific actions to prevent discrimination and ensure equal access, as outlined in  
668 34 C.F.R. § 106.40(b)(3) of the Title IX federal regulations.

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

676 **SECTION VI: RETALIATION**

677  
678 The District prohibits retaliation, including peer retaliation, in its education program or activity. When  
679 the District has information about conduct that reasonably may constitute retaliation under Title IX  
680 and/or the Board’s policy and these Administrative Regulations, the District must initiate its grievance  
681 procedures or, as appropriate, an informal resolution process.

682 **SECTION VII: RECORDKEEPING**

683  
684 The District will maintain for a period of seven (7) years:  
685 1. For each complaint of sex discrimination, records documenting the informal resolution process  
686 or the grievance procedures and the resulting outcome;  
687 2. For each notification the Title IX Coordinator received of information about conduct that  
688 reasonably may constitute sex discrimination under Title IX, records documenting the actions the  
689 District took in response; and  
690 3. All materials used to provide training to employees pursuant to this Administrative Regulation.  
691 The District will make these training materials available upon request for inspection by members  
692 of the public.

693 **SECTION VIII: TRAINING**

694  
695 The District shall provide the individuals designated below with the following training promptly upon  
696 hiring or change of position that alters their duties, and annually thereafter.  
697 1. *All employees.* All employees shall be annually trained on the District’s obligation to address sex  
698 discrimination in its education program or activity; the scope of conduct that constitutes sex  
699 discrimination under Title IX, including the definition of sex-based harassment; and all  
700 applicable notification and information requirements related to pregnancy and related conditions  
701 and the District’s response to sex discrimination.  
702 2. *Investigators, decisionmakers, and other persons who are responsible for implementing the*  
703 *District’s grievance procedures or have the authority to modify or terminate supportive*  
704 *measures.* Any employee who will act as an investigator, decisionmaker, or is responsible for  
705 supportive measures shall be annually trained on the District’s response to sex discrimination;

706 the District’s grievance procedures; how to serve impartially, including by avoiding prejudgment  
707 of the facts at issue, conflicts of interest, and bias; and the meaning and application of the term  
708 “relevant” in relation to questions and evidence, and the types of evidence that are impermissible  
709 regardless of relevance under the grievance procedures.

710 3. *Informal Resolution Facilitator*. Any employee who will act as an informal resolution facilitator  
711 shall be annually trained on the topics in subsection (1) and the rules and practices associated  
712 with the District’s informal resolution process and on how to serve impartially, including by  
713 avoiding conflicts of interest and bias.

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

717 **SECTION IX: FURTHER REPORTING**

718  
719 At any time, a complainant alleging sex discrimination may also file a complaint with the Office for  
720 Civil Rights, Boston Office, U.S. Department of Education, 9<sup>th</sup> Floor, 5 Post Office Square, Boston, MA  
721 02109-3921 (Telephone (617) 289-0111).

722 Individuals may also make a report of sex discrimination to the Connecticut Commission on Human  
723 Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-  
724 3400 or Connecticut Toll Free Number: 1-800-477-5737).

725  
726 7/29/2024

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

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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:

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

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

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

**#5120.4.2.4****Title IX of the Education Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment**

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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. 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. 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 this 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.

**#5120.4.2.4(b)**

**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*);
- (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 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.

**Reporting Sex Discrimination or Sexual Harassment**

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

**#5120.4.2.4(c)**

disciplinary action against the retaliator, up to and including expulsion or termination as appropriate.

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 prejudice 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***

**#5120.4.2.4(d)**

Any 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 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.

Date of Adoption: August 25, 2020  
Date of Revision: March 16, 2021  
Date of Revision: October 12, 2021

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**Regulation #5120.4.2.4**

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

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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, 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.

**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*);
- (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.

**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):

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.
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.
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).

#### NOTICE OF THE TITLE IX COORDINATOR

The District'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 District employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

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

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.

The obligation to comply with Title IX is not obviated or alleviated by the FERPA.

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

- **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.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- 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.
- **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 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 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 complainant and the respondent, in and of itself, shall not be determinative of a finding of consent.
- For purposes of investigations and complaints of sexual harassment, **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.
  - **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.

- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- **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.
- **Supportive measures** mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, 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 restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. 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, and other similar measures.

#### B. 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 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. The District will treat complainants and respondents equitably. 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 this Regulation shall limit or preclude the District from removing 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 threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the District shall

provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

C. 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.
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.
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.
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:
  - i. The identities of the parties involved in the incident, if known;
  - ii. The conduct allegedly constituting sexual harassment as defined above;
  - iii. The date and the location of the alleged incident, if known;
  - iv. 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;

- 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 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.

5. 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.
6. 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.
7. 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 inculpatory and exculpatory evidence. 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.
8. 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.

9. 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.
  
10. 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 the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are 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.
  
11. 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.

12. 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.
13. 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.

#### D. Informal Resolution

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.

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).

Appeals will be appropriate only in the following circumstances:

- 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;
- procedural irregularity that affected the outcome of the matter;
- the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected 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 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 process. The decision-maker(s) for the appeal will provide the appealing party's written statement to the other party. The other 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 process. The decision-maker(s) for the appeal, in their discretion, will determine any additional necessary and appropriate procedures for the appeal.

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.

**F. Dismissal of a Formal Complaint**

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.

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.

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.

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.

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.

G. Miscellaneous

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.
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. The District will maintain for a period of seven (7) years records of:
  - i. 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;
  - ii. Any appeal and the result therefrom;
  - iii. Any informal resolution and the result therefrom; and
  - iv. 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.

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

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> 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).

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

## 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.

**COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX  
(STUDENTS)**

*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 \_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sexual harassment

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

11/23/2020

**COMPLAINT FORM 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 occurred \_\_\_\_\_

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

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

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

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

11/23/2020

*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:

**Director of Special Education  
10 Campus Drive  
Madison, CT 06433  
203-245-6341**

**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.**

1/26/2022

*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:

**Director of Special Education  
10 Campus Drive  
Madison, CT 06433  
203-245-6341**

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.**



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**Prohibition of Sex Discrimination, Including Sex-based Harassment**

---

1  
2  
3  
4  
5 The Madison Board of Education (the “Board”) and Madison Public Schools (the “District”) do not  
6 discriminate on the basis of sex and prohibit sex discrimination in any education program or activity that  
7 the Board and/or District operate, as required by Title IX of the Education Amendments of 1972, 20  
8 U.S.C. § 1681, et seq. and its implementing regulations (“Title IX”), as it may be amended from time to  
9 time, Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law.

10  
11 Inquiries about Title IX may be referred to the District’s Title IX Coordinator, the U.S. Department of  
12 Education’s Office for Civil Rights, or both. The District’s Title IX Coordinator is:

13 Director of Special Education  
14 10 Campus Drive  
15 Madison, CT 06443  
16 203-245-6341  
17 [battaglia.elizabeth@madisonps.org](mailto:battaglia.elizabeth@madisonps.org)

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

23  
24 **Sex discrimination** occurs when a person, because of the person’s sex, is denied participation in or the  
25 benefits of any education program or activity receiving federal financial assistance. This includes  
26 discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions,  
27 sexual orientation, and gender identity. **Sex discrimination includes sex-based harassment**, as defined  
28 below.

29  
30 **Sex-based harassment** is a form of sex discrimination and means sexual harassment and other  
31 harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy  
32 or related conditions, sexual orientation, and gender identity, that is:

- 33 1. *Quid pro quo harassment*, or where an employee, agent or other person authorized by the Board  
34 to provide an aid, benefit or services under its education program or activity explicitly or  
35 impliedly conditions the provision of an aid, benefit, or service of the Board on an individual’s  
36 participation in unwelcome sexual conduct;
- 37 2. *Hostile environment harassment*, or unwelcome sex-based conduct that based on the totality of  
38 the circumstances, is (1) subjectively and objectively offensive and (2) so severe or pervasive  
39 that it limits or denies a person’s ability to participate in or benefit from the District’s education  
40 program or activity. Whether a hostile environment has been created is a fact-specific inquiry  
41 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:

- a. 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;
- b. 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;
- c. 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
- d. 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, 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

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Brittell v. Department of Correction, 247 Conn. 148 (1998)  
Fernandez v. Mac Motors, Inc., 205 Conn. App. 669 (2021)

Regulation #4116.1

Prohibition of Sex Discrimination, Including Sex-Based

The Madison Board of Education (the “Board”) and Madison 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. *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

- 44 3. *A specific offense, as follows:*  
45 a. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under  
46 the uniform crime reporting system of the Federal Bureau of Investigation;  
47 b. Dating violence, meaning violence committed by a person: (i) who is or has been in a social  
48 relationship of a romantic or intimate nature with the victim; and (ii) where the existence of  
49 such a relationship shall be determined based on a consideration of the following factors: the  
50 length of the relationship, the type of relationship, and the frequency of interaction between  
51 the persons involved in the relationship;  
52 c. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i)  
53 is a current or former spouse or intimate partner of the victim under the family or domestic  
54 violence laws of Connecticut, or a person similarly situated to a spouse of the victim; (ii) is  
55 cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a  
56 child in common with the victim; or (iv) commits acts against a youth or adult victim who is  
57 protected from those acts under the family or domestic violence laws of Connecticut; or  
58 d. Stalking, meaning engaging in a course of conduct directed at a specific person that would  
59 cause a reasonable person to: (i) fear for the person’s safety or the safety of others; or (ii)  
60 suffer substantial emotional distress.

61  
62 **SECTION I: REPORTING SEX DISCRIMINATION**

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

66 Director of Special Education  
67 10 Campus Drive  
68 Madison, CT 06443  
69 203-245-6341  
70 [battaglia.elizabeth@madisonps.org](mailto:battaglia.elizabeth@madisonps.org)

71  
72 The following people have a right to make a complaint of sex discrimination, including a complaint of  
73 sex-based harassment, requesting that the District investigate and make a determination about alleged  
74 discrimination under Title IX and under the Board’s policy and these Administrative Regulations:

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

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

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

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

95 The District may consolidate complaints of sex discrimination against more than one respondent, or by  
96 more than one complainant against one or more respondents, or by one party against another party, when  
97 the allegations of sex discrimination arise out of the same facts or circumstances. Consolidation shall  
98 not violate the Family Educational Rights and Privacy Act (“FERPA”), and thus requires that prior  
99 written consent is obtained from the parents or eligible students to the disclosure of their education  
100 records. Where the District is unable to obtain prior written consent, complaints cannot be consolidated.  
101 When more than one complainant or more than one respondent is involved, references in these  
102 Administrative Regulations to a party, complainant, or respondent include the plural, as applicable.  
103

104 **SECTION II: DEFINITIONS**

- 105 1. **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or  
106 decisionmaker(s) demonstrate actual bias, rather than the appearance of bias. Actual  
107 bias includes, but is not limited to, demonstrated personal animus against the  
108 respondent or the complainant and/or prejudgment of the facts at issue in the  
109 investigation.
- 110 2. **Complainant** means (1) a student of the District or employee of the Board who is alleged to  
111 have been subjected to conduct that could constitute sex discrimination under Title IX or its  
112 regulations; or (2) a person other than a student of the District or employee of the Board who is  
113 alleged to have been subjected to conduct that could constitute sex discrimination under Title IX  
114 or its regulations and who was participating or attempting to participate in the District’s  
115 education program or activity at the time of the alleged sex discrimination. When a complainant  
116 is a student of the District, reference in these Administrative Regulations to complainant includes  
117 the student’s parent or guardian.
- 118 3. **Complaint** means oral or written requests to the District that objectively can be understood as a  
119 request for the District to investigate and make a determination about alleged discrimination  
120 under Title IX or its regulations and under the Board’s policy and these Administrative  
121 Regulations.
- 122 4. A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s),  
123 and/or decisionmaker(s) have personal, financial and/or familial interests that affected the  
124 outcome of the investigation.

125 5. **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity  
126 with another person (also referred to hereafter as “affirmative consent”).

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

- 130 ○ Affirmative consent is the standard used in determining whether consent to engage in  
131 sexual activity was given by all persons who engaged in the sexual activity.
- 132 ○ Affirmative consent may be revoked at any time during the sexual activity by any  
133 person engaged in the sexual activity.
- 134 ○ It is the responsibility of each person engaging in a sexual activity to ensure that the  
135 person has the affirmative consent of all persons engaged in the sexual activity to  
136 engage in the sexual activity and that the affirmative consent is sustained throughout  
137 the sexual activity.
- 138 ○ It shall not be a valid excuse to an alleged lack of affirmative consent that a  
139 respondent to the alleged violation believed that a complainant consented to the  
140 sexual activity:
  - 141 ■ because the respondent was intoxicated or reckless or failed to take reasonable  
142 steps to ascertain whether the complainant consented, or
  - 143 ■ if the respondent knew or should have known that the complainant was unable  
144 to consent because such individual was unconscious, asleep, unable to  
145 communicate due to a mental or physical condition, unable to consent due to  
146 the age of the individual or the age difference between the individual and the  
147 respondent, or incapacitated due to the influence of drugs, alcohol or  
148 medication.
- 149 ○ The existence of a past or current dating or sexual relationship between a complainant  
150 and a respondent, in and of itself, shall not be determinative of a finding of consent.

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

154 7. For purposes of investigations and complaints of sex discrimination, **education program or  
155 activity** includes buildings owned or controlled by the Board and conduct that is subject to the  
156 District’s disciplinary authority. The District has an obligation to address a sex-based hostile  
157 environment under its education program or activity, even when some conduct alleged to be  
158 contributing to the hostile environment occurred outside the District’s education program or  
159 activity or outside the United States.

160 8. **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent,  
161 guidance counselor, school counselor, psychologist, social worker, nurse, physician, school  
162 paraprofessional or coach employed by the Board or working in a public elementary, middle or  
163 high school; or (B) any other individual who, in the performance of the individual’s duties, has  
164 regular contact with students and who provides services to or on behalf of students enrolled in a  
165 public elementary, middle or high school, pursuant to a contract with the Board.  
166  
167

- 168 9. **Party** means a complainant or respondent.
- 169 10. **Pregnancy or related conditions** mean (A) pregnancy, childbirth, termination of pregnancy, or  
170 lactation; (B) medical conditions related to pregnancy, childbirth, termination of pregnancy, or  
171 lactation; or (C) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or  
172 related medical conditions.
- 173 11. **Relevant** means related to the allegations of sex discrimination under investigation as a part of  
174 the District’s Title IX grievance procedures. Questions are **relevant** when they seek evidence  
175 that may aid in showing whether the alleged sex discrimination occurred, and evidence is  
176 relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination  
177 occurred.
- 178 12. **Remedies** means measures provided, as appropriate, to a complainant or any other person the  
179 District identifies as having had their equal access to the District’s education program or activity  
180 limited or denied by sex discrimination. These measures are provided to restore or preserve that  
181 person’s access to the District’s education program or activity after the District determines that  
182 sex discrimination occurred.
- 183 13. **Respondent** means an individual who is alleged to have violated the District’s prohibition on sex  
184 discrimination. When a respondent is a student of the District, reference in these Administrative  
185 Regulations to respondent includes the student’s parent or guardian.
- 186 14. **Retaliation** means intimidation, threats, coercion, or discrimination against any person by a  
187 student or an employee or other person authorized by the District to provide aid, benefit, or  
188 service under the District’s education program or activity, for the purpose of interfering with any  
189 right or privilege secured by Title IX or Title VII or their regulations or Connecticut law, or  
190 because the person has reported information, made a complaint, testified, assisted, or participated  
191 or refused to participate in any manner in an investigation, proceeding, hearing or informal  
192 resolution process conducted pursuant to federal Title IX regulations or under the Board’s policy  
193 and these Administrative Regulations. This also includes **peer retaliation**, which means  
194 retaliation by a student against another student.
- 195 15. **School days** means the days that school is in session as designated on the calendar posted on the  
196 District’s website. In its discretion, and when equitably applied and with proper notice to the  
197 parties, the District may consider business days during the summer recess as “school days” if  
198 such designation facilitates the prompt resolution of the grievance procedures.
- 199 16. **Supportive measures** means individualized measures offered as appropriate, as reasonably  
200 available, without unreasonably burdening a complainant or respondent, not for punitive or  
201 disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) restore or  
202 preserve that party’s access to the District’s education program or activity, including measures  
203 that are designed to protect the safety of the parties or the District’s educational environment; or  
204 (2) provide support during the District’s grievance procedures or during the informal resolution  
205 process. Supportive measures may include counseling; extensions of deadlines or other course-  
206 related adjustments; increased security and monitoring; restrictions on contact; changes to class

207 schedules or extracurriculars; training and education programs related to sex-based harassment,  
208 and other similar measures as determined appropriate by the Title IX Coordinator.

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

- 210 1. Notification of Procedures. When notified of conduct that reasonably may constitute sex  
211 discrimination, including sex-based harassment, the Title IX Coordinator shall notify the  
212 complainant or, if the complainant is unknown, the individual who reported the conduct, of the  
213 grievance procedures, and the informal resolution process, if available and appropriate. If a  
214 complaint is made, the Title IX Coordinator shall also notify the respondent of the grievance  
215 procedures and the informal resolution process, if available and appropriate.  
216
- 217 2. Supportive Measures. When notified of conduct that reasonably may constitute sex  
218 discrimination, including sex-based harassment, an administrator will offer and coordinate  
219 supportive measures as appropriate for the complainant and/or respondent to restore or preserve  
220 that person’s access to the District’s education program or activity or provide support during the  
221 District’s Title IX grievance procedures or during the informal resolution process. The District  
222 will not disclose information about any supportive measures to persons other than the person to  
223 whom they apply and their parent or guardian unless necessary to provide the supportive  
224 measure or restore or preserve a party’s access to the educational program or activity.
- 225 a. Where a supportive measure has been implemented, a party may seek the modification or  
226 termination of the supportive measure, if the supportive measure is applicable to them and if  
227 the party’s circumstances have materially changed. The District may, as appropriate, modify  
228 or terminate supportive measures at the conclusion of the grievance procedures or at the  
229 conclusion of the informal resolution process.
- 230 b. *Challenge to Supportive Measures*. Upon an administrator’s decision to provide, deny,  
231 modify or terminate a supportive measure, either a respondent or a complainant may  
232 challenge that decision. The challenged supportive measure must be applicable to the  
233 challenging party. A party’s challenge may be based on, but is not limited to, concerns  
234 regarding whether the supportive measure is reasonably burdensome; reasonably available;  
235 being imposed for punitive or disciplinary reasons; imposed without fee or charge; or  
236 otherwise effective in meeting the purposes for which it is intended, including to restore or  
237 preserve access to the education program or activity, provide safety, or provide support  
238 during the grievance procedures. Such challenge shall be made in writing to the Title IX  
239 Coordinator.

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

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

- 250 3. Informal Resolution Process. In lieu of resolving a complaint of sex discrimination through the  
251 District’s formal grievance procedures (outlined below), the parties may instead elect to  
252 participate in an informal resolution process. The District has discretion to determine whether it  
253 is appropriate to offer an informal resolution process and may decline to offer informal  
254 resolution despite one or more of the parties’ wishes. The District does not offer informal  
255 resolution to resolve a complaint that includes allegations that an employee engaged in sex-based  
256 harassment of a student, or when such a process would conflict with the law. Upon the District  
257 offering the informal resolution process to both parties, that parties shall have seven (7) school  
258 days to decide if they would like to participate in the process. The District shall obtain the  
259 parties’ voluntary consent to proceed with the informal resolution process. If the informal  
260 resolution process proceeds, the Title IX Coordinator shall appoint an informal resolution  
261 facilitator, who will not be the same person as the investigator or the decisionmaker.  
262
- 263 a. *Notice of Informal Resolution Process*. Promptly upon obtaining the parties’ voluntary  
264 consent to process with the informal resolution process and before initiation of the informal  
265 resolution process, the District must provide to the parties written notice that explains:  
266 1) the allegations;  
267 2) the requirements of the informal resolution process;  
268 3) that, prior to agreeing to a resolution, any party has the right to withdraw from the  
269 informal resolution process and to initiate or resume the formal grievance procedures;  
270 4) that the parties’ agreement to a resolution at the conclusion of the informal resolution  
271 process would preclude the parties from initiating or resuming the formal grievance  
272 procedures arising from the same allegations;  
273 5) the potential terms that may be requested or offered in an informal resolution agreement  
274 (which may include, but are not limited to, restrictions on contact, restrictions on the  
275 respondent’s participation in the District’s programs or activities, other disciplinary  
276 sanctions, and/or sensitivity training), including notice that an informal resolution  
277 agreement is binding only on the parties; and  
278 6) what information the District will maintain and whether and how the District could  
279 disclose such information for use in formal grievances procedures.  
280
- 281 b. *Intake Meeting(s)*. From the date of the written notice provided in subsection III.3.a, above,  
282 the parties will have thirty (30) school days to reach a resolution. The Title IX Coordinator  
283 may extend this timeframe for the same reasons identified in subsection IV.1.d, below. If a  
284 resolution is not reached, the District will continue resolving the complaint through the  
285 grievance procedures as outlined below. The informal resolution process will be designed to  
286 be collaborative, focusing on the needs of both parties. When the parties have agreed to  
287 pursue the informal resolution process, the informal resolution facilitator shall have a  
288 separate intake meeting with each party to determine the appropriate path for resolution.  
289 During the intake meeting(s), each party will have the opportunity to share their perspective  
290 on the allegations, and the informal resolution facilitator will ascertain the party’s goals and  
291 motivation in pursuing an informal resolution process.  
292

293 c. *Informal Resolution Process.* Depending on the allegations of sex discrimination, the District  
294 may offer, or the parties may request (subject to the District’s approval), one or more of the  
295 following types of informal resolution processes:  
296

- 297 1) Facilitated Dialogue: After the intake meeting(s), the parties engage in a direct  
298 conversation about the alleged sex discrimination with the assistance of the informal  
299 resolution facilitator. In a facilitated dialogue, the parties are communicating directly and  
300 sharing the same space (virtually or in-person). During a facilitated dialogue, the parties  
301 will have the opportunity to discuss their individual experiences and listen to the  
302 experiences of others with the intention of reaching a mutually agreeable resolution.  
303
- 304 2) Mediation: After the intake meeting, the parties will engage in back-and-forth  
305 communication to reach an agreed-upon resolution. Mediation may take place  
306 electronically or in-person or virtually, with the parties in different locations (e.g. not  
307 face-to-face). The parties will have the opportunity to speak with the informal resolution  
308 facilitator, and the informal resolution facilitator will communicate each party’s  
309 perspective to the opposing party. Mediation may be completed in one session or may  
310 require multiple sessions.  
311

312 d. *Informal Resolution Agreement.* After the parties have reached an agreed-upon resolution,  
313 the informal resolution facilitator shall memorialize such agreement in writing. Such  
314 resolutions may include, but are not limited to, mutual no-contact orders; agreed upon  
315 sensitivity training; restrictions on the respondent’s participation in the District’s programs or  
316 activities or other disciplinary sanctions; or other mutually agreed upon resolutions. Both  
317 parties shall sign the informal resolution agreement, at which point the matter will be  
318 considered resolved.  
319

320 e. *Retaliation and Subsequent Conduct.* Nothing in this section precludes an individual from  
321 filing a complaint of retaliation for matters related to an informal resolution, nor does it  
322 preclude either party from filing complaints based on conduct that is alleged to occur  
323 following the District’s facilitation of the informal resolution.  
324

325 4. Emergency Removal. The District will not impose discipline on a respondent for sex  
326 discrimination prohibited by Title IX unless there is a determination at the conclusion of the  
327 grievance procedures that the respondent engaged in prohibited sex discrimination. However, the  
328 District may remove a respondent from the District’s program or activity on an emergency basis,  
329 provided that the District undertakes an individualized safety and risk analysis, determines that  
330 an imminent and serious threat to the health or safety of the complainant or any students,  
331 employees, or other persons arising from the allegations of sex discrimination justifies removal,  
332 and provides the respondent with notice and an opportunity to challenge the decision  
333 immediately following the removal.  
334

- 335 5. Students with Disabilities. If a complainant or respondent is a student with a disability, the Title  
336 IX Coordinator shall consult with one or more members of the student’s Planning and Placement  
337 Team or Section 504 Team to determine how to comply with the requirements of the Individuals  
338 with Disabilities Education Act (“IDEA”) and Section 504 of the Rehabilitation Act throughout  
339 the implementation of the grievance procedures, including in the implementation of supportive  
340 measures.
- 341
- 342 6. Absence of a Complaint. In the absence of a complaint, or the withdrawal of any or all  
343 allegations in the complaint, and in the absence or termination of the informal resolution process,  
344 the Title IX Coordinator shall make a fact-specific determination regarding whether the Title IX  
345 Coordinator should initiate a complaint of sex discrimination. In making this determination, the  
346 Title IX Coordinator shall consider, at a minimum, the following factors:
- 347 a. The complainant’s request not to proceed with initiation of a complaint;
  - 348 b. The complainant’s reasonable safety concerns regarding initiation of a complaint;
  - 349 c. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
  - 350 d. The severity of the alleged sex discrimination, including whether the discrimination, if  
351 established, would require the removal of a respondent from the District’s program or  
352 activity or imposition of another disciplinary sanction to end the discrimination and prevent  
353 its recurrence;
  - 354 e. The age and relationship of the parties, including whether the respondent is a Board  
355 employee;
  - 356 f. The scope of the alleged sex discrimination, including information suggesting a pattern,  
357 ongoing sex discrimination, or sex discrimination alleged to have impacted multiple  
358 individuals;
  - 359 g. The availability of evidence to assist a decisionmaker in determining whether sex  
360 discrimination occurred; and
  - 361 h. Whether the District could end the alleged sex discrimination and prevent its recurrence  
362 without initiating its grievance procedures.
- 363

364 If, after considering these and other relevant factors, the Title IX Coordinator determines that the  
365 alleged conduct presents an imminent and serious threat to the health or safety of the complainant or  
366 other person, or that the alleged conduct prevents the District from ensuring equal access on the  
367 basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint.  
368

369 **SECTION IV: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX**  
370 **DISCRIMINATION**

- 371 1. Basic Requirements for the Grievance Procedures.
- 372 a. The District will treat complainants and respondents equitably.
  - 373 b. The District prohibits any Title IX Coordinator, investigator, or decisionmaker from having a  
374 conflict of interest or bias for or against complainants or respondents generally or an  
375 individual complainant or respondent.

- 376 c. The District presumes that the respondent is not responsible for the alleged sex  
377 discrimination until a determination is made at the conclusion of the grievance procedures.
- 378 d. The District has established timeframes for the major stages of the grievance procedures. The  
379 District has also established the following process that allows for the reasonable extension of  
380 timeframes on a case-by-case basis for good cause with notice to the parties that includes the  
381 reason for the delay:
- 382 1) When determining whether a reasonable extension of timeframes is appropriate, the Title  
383 IX Coordinator shall pursue a two-step inquiry. When appropriate, the Title IX  
384 Coordinator shall make this determination in consultation with the investigator,  
385 decisionmaker, appeal decisionmaker and/or the informal resolution facilitator.
- 386 2) First, the Title IX Coordinator shall determine whether good cause exists. Good cause  
387 shall include, but is not limited to, the absence or illness of a party or a witness;  
388 concurrent law enforcement activity and/or activity by the Department of Children and  
389 Families; school being out of session; or particular circumstances based on the Title IX  
390 Coordinator’s experience and familiarity with the complaint that constitute good cause.  
391 Reasonable modifications for those with disabilities and language assistance for those  
392 with limited proficiency in English should be provided within the established timeframes  
393 without need for a reasonable extension.
- 394 3) The existence of good cause will not always require a reasonable extension. When  
395 evaluating whether such good cause warrants a reasonable extension of time, the Title IX  
396 Coordinator shall, in part, determine whether there is a reasonable alternative that may be  
397 pursued in lieu of an extension. Where no such alternative exists and where a reasonable  
398 extension is necessary to properly effectuate the District’s grievance procedures, the Title  
399 IX Coordinator shall determine an appropriate extension of time and provide notice of the  
400 period of extension to the parties in writing.
- 401 e. The District will take reasonable steps to protect the privacy of the parties and witnesses  
402 during its grievance procedures. These steps will be designed to not restrict the ability of the  
403 parties to obtain and present evidence, including by speaking to witnesses; consulting with  
404 their family members or confidential resources; or otherwise preparing for or participating in  
405 the grievance procedures. The District prohibits retaliation by or against any parties,  
406 including against witnesses.
- 407 f. The District will objectively evaluate all evidence that is relevant and not otherwise  
408 impermissible—including both inculpatory (tending to prove sex discrimination) and  
409 exculpatory evidence (tending to disprove sex discrimination). Credibility determinations  
410 will not be based on a person’s status as a complainant, respondent, or witness.
- 411 g. The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*,  
412 will not be accessed or considered, except by the District to determine whether one of the  
413 exceptions listed below applies; will not be disclosed; and will not otherwise be used),  
414 regardless of whether they are relevant:
- 415 1) Evidence that is protected under a privilege recognized by Federal or Connecticut law,  
416 unless the person to whom the privilege is owed has voluntarily waived the privilege;
- 417 2) A party’s or witness’s records that are made or maintained by a physician, psychologist,  
418 or other recognized professional or paraprofessional in connection with the provision of

419 treatment to the party or witness, unless the District obtains that party's or witness's  
420 voluntary, written consent for use in its grievance procedures; and

421 3) Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless  
422 evidence about the complainant's prior sexual conduct is offered to prove that someone  
423 other than the respondent committed the alleged conduct or is evidence about specific  
424 incidents of the complainant's prior sexual conduct with the respondent that is offered to  
425 prove consent to the alleged sex-based harassment. The fact of prior consensual sexual  
426 conduct between the complainant and respondent does not by itself demonstrate or imply  
427 the complainant's consent to the alleged sex-based harassment or preclude determination  
428 that sex-based harassment occurred.

429 h. The District will not impose discipline on a respondent for sex discrimination prohibited by  
430 Title IX unless there is a determination at the conclusion of the grievance procedures that the  
431 respondent engaged in prohibited sex discrimination. However, the District may remove a  
432 respondent from the District's program or activity on an emergency basis, as discussed  
433 above.  
434

435 2. Filing a Complaint. A complainant (as defined above) and/or their parent or guardian may file a  
436 written or oral complaint with the Title IX Coordinator or an administrator to initiate the District's  
437 grievance procedures. Complaints should be filed within thirty (30) school days of the alleged  
438 occurrence. If a complaint is filed after thirty (30) school days of the alleged occurrence, the District  
439 may be limited in its ability to investigate the complaint.  
440

441 3. Notice of District Grievance Procedures. If not already done, within five (5) school days of receiving  
442 a complaint, the Title IX Coordinator shall inform the complainant and their parent or guardian  
443 about the District's Title IX grievance procedures, offer the complainant supportive measures, and,  
444 where appropriate, inform the complainant and their parent or guardian about the District's informal  
445 resolution process. Through this notification, the Title IX Coordinator shall confirm that the  
446 complainant is requesting the District to conduct an investigation and make a determination  
447 regarding their allegations of sex discrimination. When the Title IX Coordinator is named as the  
448 respondent, the building principal or administrator responsible for the program shall notify the  
449 complainant and their parent or guardian.  
450

451 4. Jurisdiction and Dismissal. Prior to initiating an investigation into the alleged sex discrimination and  
452 prior to issuing the notice of allegations, the Title IX Coordinator shall review the complaint and  
453 determine jurisdiction. If the alleged conduct occurred in the District's program or activity or the  
454 conduct is otherwise subject to the District's disciplinary authority, then the District has jurisdiction.  
455 If there is no jurisdiction, the Title IX Coordinator must dismiss the complaint. The Title IX  
456 Coordinator shall make a determination regarding jurisdiction within five (5) school days of  
457 receiving the complaint.  
458

459 a. The Title IX Coordinator or the investigator may dismiss a complaint of sex discrimination prior  
460 to issuing the notice of allegations and prior to reaching a determination regarding responsibility  
461 where:  
462

463 1) The District is unable to identify the respondent after taking reasonable steps to do so;

- 464 2) The respondent is not participating in the District’s education program or activity and/or is  
465 not employed by the Board;
- 466 3) The complainant voluntarily withdraws any or all of the allegations in the complaint, the  
467 Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator  
468 determines that, without the complainant’s withdrawn allegations, the conduct that remains  
469 alleged in the complaint, if any, would not constitute sex discrimination under Title IX  
470 even if proven; or
- 471 4) The Title IX Coordinator determines the conduct alleged in the complaint, even if proven,  
472 would not constitute sex discrimination under Title IX. Before dismissing the complaint,  
473 the District will make reasonable efforts to clarify the allegations by communicating with  
474 the complainant to discuss the allegations in the complaint.
- 475 b. Upon dismissal of the complaint, the Title IX Coordinator will promptly notify the complainant  
476 of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the  
477 allegations, then the Title IX Coordinator will also notify the respondent of the dismissal and the  
478 basis for the dismissal promptly following notification to the complainant, or simultaneously if  
479 notification is in writing. When a complaint is dismissed, the District will, at a minimum:
- 480 1) Offer supportive measures to the complainant as appropriate;
- 481 2) If the respondent has been notified of the allegations, offer supportive measures to the  
482 respondent as appropriate; and
- 483 3) Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to  
484 ensure that sex discrimination does not continue or recur within the District’s education  
485 program or activity.
- 486 c. Appeal of Dismissal. The Title IX Coordinator will notify the complainant that a dismissal may  
487 be appealed and will provide the complainant with an opportunity to appeal the dismissal of a  
488 complaint. If the dismissal occurs after the respondent has been notified of the allegations, then  
489 the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. The  
490 District’s appeal procedures will be implemented equally for all parties.
- 491 1) Dismissals may be appealed on the following bases:
- 492 a) Procedural irregularity that would change the outcome;
- 493 b) New evidence that would change the outcome and that was not reasonably available  
494 when the dismissal was issued; and
- 495 c) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias  
496 for or against complainants or respondents generally or the individual complainant or  
497 respondent that would change the outcome.
- 498 2) If the dismissal is appealed, an administrator who did not take part in the investigation of the  
499 allegations or the dismissal of the complaint will be the appeal decisionmaker for the  
500 dismissal. The District’s appeal process for the dismissal of a complaint provides the  
501 following:
- 502 a) The appealing party shall have five (5) school days, from the receipt of the dismissal, to  
503 submit a written statement in support of, or challenging the outcome of the dismissal;  
504

- b) The appeal decisionmaker 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 decisionmaker 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 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.

- 546 c. The investigator(s) will review all evidence gathered through the investigation and determine  
547 what evidence is relevant and what evidence is impermissible regardless of relevance.
- 548 d. *Disclosure of Evidence:* Prior to making a determination, the investigator(s) will provide  
549 each party with an equal opportunity to access the evidence that is relevant to the allegations  
550 of sex discrimination and not otherwise impermissible.
- 551 1) Access to such evidence shall be accomplished by the investigator(s) providing the  
552 parties with a description of such evidence or the actual relevant and not otherwise  
553 impermissible evidence.
- 554 2) The parties shall have five (5) school days to review a description of the evidence or the  
555 actual evidence.
- 556 3) If not already provided, the parties may request to review the relevant and not otherwise  
557 impermissible evidence, rather than a description of the evidence. Parties requesting a  
558 review of the evidence must do so within the five (5) school day review period identified  
559 above.
- 560 4) The parties may submit a written response to the evidence, which must be received by the  
561 investigator(s) no later than the end of the five (5) school day review period identified  
562 above.
- 563 5) Based on the complexity and amount of the evidence, the investigator(s) may provide the  
564 parties with additional time to review and respond to the evidence.
- 565 6) The District strictly prohibits the unauthorized disclosure of information and evidence  
566 obtained solely through the grievance procedures by parties or any other individuals  
567 involved in the Title IX grievance procedures. Disclosures of such information and  
568 evidence for purposes of administrative proceedings or litigation related to the complaint  
569 of sex discrimination are authorized.
- 570 e. *Only when using a bifurcated investigative model*, the investigator(s) will draft an  
571 investigative report that summarizes the relevant and not otherwise impermissible evidence.  
572 The investigator(s) will provide this report to the parties and to the decisionmaker(s).  
573
- 574 7. Questioning the Parties and Witnesses. The decisionmaker(s) shall question parties and witnesses  
575 to adequately assess the credibility of a party or witness, to the extent credibility is both in  
576 dispute and relevant to evaluating one or more allegations of sex discrimination. Credibility may  
577 be considered to be in dispute where the decisionmaker(s) must choose between competing  
578 narratives to resolve the complaint. The decisionmaker(s), at their discretion, may conduct  
579 individual meetings with the parties or witnesses to evaluate credibility. The decisionmaker(s)  
580 may consider the following factors in making this evaluation:
- 581 a. Plausibility – Whether the testimony is believable on its face; whether the party or witness  
582 experienced or perceived the conduct firsthand; and/or whether there are any inconsistencies  
583 in any part of the party’s or witness’s testimony;
- 584 b. Corroboration – Whether there is other testimony or physical evidence that tends to prove or  
585 disprove the party’s or witness’s testimony;
- 586 c. Motive to Falsify – Whether the party or the witness had a motive to lie; whether a bias,  
587 interest or other motive exists; and/or whether there is a fear of retaliation;

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

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

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

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

601 b. Notify the parties in writing of the determination whether sex discrimination occurred under  
602 Title IX and/or the Board’s policy and these Administrative Regulations, including the  
603 rationale for such determination, and the procedures and permissible bases for the  
604 complainant and respondent to appeal;

605 c. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless  
606 there is a determination at the conclusion of the grievance procedures that the respondent  
607 engaged in prohibited sex discrimination;

608 d. Comply with the grievance procedures before the imposition of any disciplinary sanctions  
609 against a respondent; and

610 e. Not discipline a party, witness, or others participating in the grievance procedures for making  
611 a false statement or for engaging in consensual sexual conduct based solely on the  
612 determination whether sex discrimination occurred.

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

615 a. Coordinate the provision and implementation of remedies to a complainant and other people  
616 the District identified as having had equal access to the District’s education program or  
617 activity limited or denied by sex discrimination. These remedies may include, but are not  
618 limited to: continued supports for the complainant and other people the District identifies;  
619 follow-up inquiries with the complainant and witnesses to ensure that the  
620 discriminatory/harassing conduct has stopped and that they have not experienced any  
621 retaliation; training or other interventions for the larger school community designed to ensure  
622 that students, staff, parents, Board members and other individuals within the school  
623 community understand the types of behavior that constitute discrimination/harassment, that  
624 the District does not tolerate it, and how to report it; counseling supports; other remedies as  
625 may be appropriate for a particular circumstance as determined by the Title IX Coordinator.

626 b. Coordinate the imposition of disciplinary sanctions, as appropriate, for a respondent,  
627 including notification to the complainant of any such disciplinary sanctions. The possible  
628 sanctions may include, but are not limited to, discipline up to and including expulsion for

629 students and termination of employment for employees; resolution through restorative  
630 practices; and/or restrictions from athletics and other extracurricular activities.

631 c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not  
632 continue or recur within the District's education program or activity.

633 d. Communicate with a student's PPT or Section 504 team prior to disciplining a respondent to  
634 ensure compliance with the requirements of the IDEA and Section 504 with respect to  
635 discipline of students.

636 e. If expulsion is recommended, refer a student respondent to the Board for expulsion  
637 proceedings pursuant to Connecticut law.

638 10. Appeal of Determination. After receiving the written determination of the outcome, parties shall  
639 have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the  
640 Title IX Coordinator challenging the outcome of the grievance procedures and explaining the  
641 basis for appeal.

642  
643 Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal,  
644 who shall be someone other than the Title IX Coordinator, investigator(s), or initial  
645 decisionmaker(s). The decisionmaker(s) for the appeal will provide the appealing party's written  
646 statement to the non-appealing party. The non-appealing party will then have ten (10) school  
647 days to submit to the decision-maker(s) for the appeal a written statement in support of, or  
648 challenging, the outcome of the grievance procedures.

649  
650 The decisionmaker(s) for the appeal shall review the evidence and the information presented by  
651 the parties and determine if further action and/or investigation is warranted. Such action may  
652 include consultation with the investigator(s) and the parties, a meeting with appropriate  
653 individuals to attempt to resolve the complaint, or a decision affirming or overruling the written  
654 outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not  
655 be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written  
656 notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all  
657 written statements from the parties.  
658

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

660 When any District employee is notified by a student or a student’s parent or guardian that the student is  
661 pregnant or has a related condition, the District employee must promptly provide the student or parent or  
662 guardian with the Title IX Coordinator’s contact information and inform the person that the Title IX  
663 Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student’s equal  
664 access to the District’s education program or activity. Once a student or a student’s parent or guardian  
665 notifies the Title IX Coordinator of the student’s pregnancy or related condition, the Title IX  
666 Coordinator must take specific actions to prevent discrimination and ensure equal access, as outlined in  
667 34 C.F.R. § 106.40(b)(3) of the Title IX federal regulations.

668 For Board employees, the District will treat pregnancy or related conditions as any other temporary  
669 medical conditions for all job-related purposes and follow the provisions outlined in 34 C.F.R. § 106.57  
670 of the Title IX federal regulations. The District will provide reasonable break time for an employee to  
671 express break milk or breastfeed as needed. The District will also ensure that an employee can access a  
672 lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from  
673 intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as  
674 needed.  
675

676 **SECTION VI: RETALIATION**

677 The District prohibits retaliation, including peer retaliation, in its education program or activity. When  
678 the District has information about conduct that reasonably may constitute retaliation under Title IX  
679 and/or the Board’s policy and these Administrative Regulations, the District must initiate its grievance  
680 procedures or, as appropriate, an informal resolution process.  
681

682 **SECTION VII: RECORDKEEPING**

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

- 684 1. For each complaint of sex discrimination, records documenting the informal resolution process  
685 or the grievance procedures and the resulting outcome;
- 686 2. For each notification the Title IX Coordinator received of information about conduct that  
687 reasonably may constitute sex discrimination under Title IX, records documenting the actions the  
688 District took in response; and
- 689 3. All materials used to provide training to employees pursuant to this Administrative Regulation.  
690 The District will make these training materials available upon request for inspection by members  
691 of the public.  
692

693 **SECTION VIII: TRAINING**

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

- 696 1. *All employees.* All employees shall be annually trained on the District’s obligation to address sex  
697 discrimination in its education program or activity; the scope of conduct that constitutes sex  
698 discrimination under Title IX, including the definition of sex-based harassment; and all

- 699 applicable notification and information requirements related to pregnancy and related conditions  
700 and the District’s response to sex discrimination.
- 701 2. *Investigators, decisionmakers, and other persons who are responsible for implementing the*  
702 *District’s grievance procedures or have the authority to modify or terminate supportive*  
703 *measures.* Any employee who will act as an investigator, decisionmaker, or is responsible for  
704 supportive measures shall be annually trained on the District’s response to sex discrimination;  
705 the District’s grievance procedures; how to serve impartially, including by avoiding prejudgment  
706 of the facts at issue, conflicts of interest, and bias; and the meaning and application of the term  
707 “relevant” in relation to questions and evidence, and the types of evidence that are impermissible  
708 regardless of relevance under the grievance procedures.
- 709 3. *Informal Resolution Facilitator.* Any employee who will act as an informal resolution facilitator  
710 shall be annually trained on the topics in subsection (1) and the rules and practices associated  
711 with the District’s informal resolution process and on how to serve impartially, including by  
712 avoiding conflicts of interest and bias.
- 713 4. *Title IX Coordinator.* Any employee who will serve as the Title IX coordinator must be trained  
714 on above subsections (1)-(3) and must be trained on their specific responsibilities under Title IX,  
715 the District’s recordkeeping system and the requirements recordkeeping under Title IX.  
716

717 **SECTION IX: FURTHER REPORTING**

718 At any time, a complainant alleging sex discrimination may also file a complaint with the Office for  
719 Civil Rights, Boston Office, U.S. Department of Education, 9<sup>th</sup> Floor, 5 Post Office Square, Boston, MA  
720 02109-3921 (Telephone (617) 289-0111).

721 Individuals may also make a report of sex discrimination to the Connecticut Commission on Human  
722 Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-  
723 3400 or Connecticut Toll Free Number: 1-800-477-5737).

724  
725 7/29/2024

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

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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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

**#4116.1****Sex Discrimination and Sexual Harassment**

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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)**

**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.

**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*);
- (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

**#4116.1(c)**

(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.

#### Reporting Sex Discrimination or Sexual Harassment

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.

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), which training shall include, but 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

#4116.1(d)

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.

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 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 the Title IX Coordinator. Board employees 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

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

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).

**#4116.1(e)****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  
Date of Revision: October 12, 2021

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**Regulation #4116.1**  
**Sex Discrimination and Sexual Harassment**

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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. 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.

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.

**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*);
- (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.

**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.

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):

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
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 Director of Special Education. 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:

***Director of Special Education  
10 Campus Drive  
Madison, CT 06443  
2303-245-6341***

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 Title IX is not obviated or alleviated by the FERPA.

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

#### **A. Definitions**

- **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 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.
- 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.
- **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 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 complainant and the respondent, in and of itself, shall not be determinative of a finding of consent.
- For purposes of investigations and complaints of sexual harassment, **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.
  - **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.

- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- **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.
- **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, 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 restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. 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, and other similar measures.

#### B. 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.
2. The District will treat complainants and respondents equitably. 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 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 threat to the physical health or safety of any student or other individual

arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the District shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

C. 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.
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.
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.
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:
  - i. The identities of the parties involved in the incident, if known;
  - ii. The conduct allegedly constituting sexual harassment as defined above;
  - iii. The date and the location of the alleged incident, if known;
  - iv. 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;

- 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.

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.

5. 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.
6. 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.
7. 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 inculpatory and exculpatory evidence. 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.
8. 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.

9. 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.
10. 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 the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are 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.
11. 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.
12. 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.

13. 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.

#### D. Informal Resolution

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.

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).

Appeals will be appropriate only in the following circumstances:

- 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;
- procedural irregularity that affected the outcome of the matter;
- the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected 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 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 process. The decision-maker(s) for the appeal will provide the appealing party's written statement to the other party. The other party will then have ten (10) school days to submit to the decision-maker for the appeal a written 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.

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.

#### F. Dismissal of a Formal Complaint

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.

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.

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.

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.

G. Miscellaneous

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.
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.

5. The District will maintain for a period of seven (7) years records of:
  - i. 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;
  - ii. Any appeal and the result therefrom;
  - iii. Any informal resolution and the result therefrom; and
  - iv. 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.

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.

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

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 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

1. 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.
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 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.
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 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.
6. 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.
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 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.
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 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> Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Employees 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.

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## 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.

**COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX  
(PERSONNEL)**

*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 \_\_\_\_\_

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

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

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sexual harassment

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

11/23/2020

**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 occurred \_\_\_\_\_

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

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

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

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

11/23/2020

[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:

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

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 knowing 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

[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 *[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

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

\_\_\_\_\_  
Date