

Board of Education Regular Meeting

Thursday, March 6, 2025 7:00 PM

New Fairfield Community Room, 33 Route 37, New Fairfield, CT. In the event of inclement weather, this meeting will change to remote and a virtual link will be provided on our website and distributed. , 3 Brush Hill Road, New Fairfield, CT 06812

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF THE MINUTES

III.A. February 6, 2025 – Regular

IV. APPROVAL OF THE AGENDA

- V. **PUBLIC PARTICIPATION** - *The Board welcomes public participation. Pursuant to our Board Policy, public participation is limited to no more than three (3) minutes per speaker and a total of no more than thirty (30) minutes total for the entire meeting. Individuals who wish to speak longer are encouraged to attend any and all related subcommittee meetings where most of the board's groundwork is done. We value your input, but due to these time limitations, we ask you to be concise and to observe the rules of common courtesy. [9320(a) of Board Bylaws]*

VI. BOARD AND ADMINISTRATIVE COMMUNICATIONS

VI.A. Chairman's Report

VI.B. Superintendent's Report

Recognition ~ March is "Connecticut Board of Education Member Appreciation" month.

VI.C. Student Representatives' Report

VI.D. Committee Reports

VI.D.1. Business Operations/Resource Management (*Greg Flanagan*)

VI.D.2. Curriculum (*Tim Blair*)

VI.D.3. Policy (*Samantha Mannion*)

VI.D.4. Field Fees (*Ed Sbordone*)

VI.E. Liaison Reports

VI.E.1. Board of Finance (*Ed Sbordone*)

VI.E.2. Parks and Recreation Committee (*K. LaTourette, G. Flanagan*)

VII. INFORMATION ITEMS

VII.A. FY 26 Budget Update

VIII. ACTION ITEMS

VIII.A. Personnel Report

VIII.B. New Fairfield High School Graduation 2025

VIII.C. Finance Department Operations

VIII.D. Shared Services Study

VIII.E. Summer 2025 NF Middle School Project

VIII.F. Continuation of Health Benefits

VIII.G. Acceptance of Donation

VIII.G.1. T-Mobile \$5K Fridays Contest

VIII.H. Board of Education Policies - Suspension of the Rules [Policy 4118.112/4218.112, Policy 5145.5, Policy 4000.1/4200.1, Policy 5145.44]

VIII.H.1. Reinstate Policy 4118.112/4218.112 – Sex Discrimination and Sexual Harassment in the Workplace

VIII.H.2. Reinstate Policy 5145.5 – Prohibition of Sex Discrimination and Sexual Harassment

VIII.H.3. Rescind Policy 4000.1/4200.1 - Prohibition of Sex Discrimination, Including Sex-Based Harassment

VIII.H.4. Rescind Policy 5145.44 – Prohibition of Sex Discrimination, Including Sex-Based Harassment

VIII.I. School Security and Safety Request (*To be voted on after Executive Session*)

VIII.J. Paraprofessional Leave of Absence Request (*To be voted on after Executive Session*)

IX. PUBLIC PARTICIPATION - *The Board welcomes public participation. Pursuant to our Board Policy, public participation is limited to no more than three (3) minutes per speaker and a total of no more than thirty (30) minutes total for the entire meeting. Individuals who wish to speak longer are encouraged to attend any and all related subcommittee meetings where most of the board's groundwork is done. We value your input, but due to these time limitations, we ask you to be concise and to observe the rules of common courtesy. [9320(a) of Board Bylaws]*

X. FUTURE AGENDA ITEMS

XI. BOARD MEMBER COMMENTS

**XII. EXECUTIVE SESSION FOR THE PURPOSE OF
DISCUSSING SCHOOL SECURITY AND SAFETY**

**XIII. EXECUTIVE SESSION FOR THE PURPOSE
OF DISCUSSING PARAPROFESSIONAL LEAVE
OF ABSENCE REQUEST**

XIV. ADJOURNMENT

**NEW FAIRFIELD BOARD OF EDUCATION
NEW FAIRFIELD, CT**

The New Fairfield Board of Education held a regular meeting on Thursday, February 6, 2025, at 7:00 p.m. via zoom.

MINUTES – February 6, 2025

PRESENT: Dominic Cipollone (Chairman), Kathy Baker, Tim Blair, Greg Flanagan, Sue Huwer, Amy Johnson, Kimberly LaTourette, Samantha Mannion and Ed Sbordone

ABSENT: None

ALSO PRESENT: Superintendent of Schools Dr. Kenneth Crow, Assistant Superintendent of Curriculum and Instruction Dr. Kristine Woleck, Director of Business and Operations Carrie DePuy, High School Principal James D’Amico, Middle School Assistant Principal Steven Groccia, Elementary School Principal Allyson Story, Director of Technology Paul Gouveia, Interim Director of Pupil Personnel Services Monika Krepsztul, BOF member Wes Marsh and BOF member Cheryl Reedy

Director of Technology Paul Gouveia explained the procedure for the virtual meeting and noted that this virtual meeting is available to everyone, including members of the public.

I. CALL TO ORDER: Chairman Dominic Cipollone called the meeting to order at 7:01 p.m.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

- A. January 16, 2025 - Regular meeting - Approved by consensus.
- B. January 21, 2025 - Special meeting - Approved by consensus.
- C. January 22, 2025 - Special meeting - Approved by consensus.
- D. January 23, 2025 - Special meeting (4 p.m.) - Approved by consensus.
- E. January 23, 2025 - Special meeting (7 p.m.) - There was a brief discussion of this meeting, and it was questioned if the engineer said whether or not the drop off center was not a viable location for the bus lot. It was decided this will be checked and discussed further at the next meeting.
- F. January 28, 2025 - Special meeting - Approved by consensus.

IV. APPROVAL OF AGENDA - Approved by consensus.

V. PUBLIC PARTICIPATION - None

VI. ACTION ITEM

A. Discussion and Action on Fiscal Year 2025-2026 Operating Budget and Capital Budget

Members of the BOE noted that this is a responsible budget with a modest increase, much lower than surrounding towns. Members expressed a desire to have the budget pass at the first referendum.

MOTION: Dominic Cipollone made a motion to reduce the Superintendent’s budget by \$28,000 which yields an increase of 3.75% from the 2024-2025 budget. The \$28,000 reduction should be \$3,500 from Elementary School supplies, \$3,500 from Middle School supplies, \$3,500 from High School supplies, \$8,000 from the golf cart and \$9,500 to be at the discretion of the Superintendent. Amy Johnson seconded the motion. **IN FAVOR:** Kathy Baker, Tim Blair, Dominic Cipollone, Greg Flanagan, Sue Huwer, Amy Johnson, Kimberly LaTourette, Samantha Mannion and Ed Sbordone

AMENDMENT TO THE MOTION: Dominic Cipollone amended the previous motion to have the \$28,000 cut be from non-payroll at the discretion of the Superintendent. This reduction will yield an increase of 3.75% from the 2024-2025 budget. Ed Sbordone seconded the motion. **IN FAVOR:** Kathy Baker, Tim Blair, Dominic Cipollone, Greg Flanagan, Sue Huwer, Amy Johnson, Kimberly LaTourette, Samantha Mannion and Ed Sbordone

MOTION: Ed Sbordone made a motion to recommend to the full board the approval of the 2025-2026 capital budget in the amount of \$735,000. Dominic Cipollone seconded the motion. **IN FAVOR:** Kathy Baker, Tim Blair, Dominic Cipollone, Greg Flanagan, Sue Huwer, Amy Johnson, Kimberly LaTourette, Samantha Mannion and Ed Sbordone

VII. BOARD AND ADMINISTRATIVE COMMUNICATIONS

A. Chairman's Report - Dominic Cipollone spoke of the importance of encouraging the love of reading for students.

B. Superintendent's Report - Dr. Kenneth Crow noted that school was cancelled today due to snow. The last day of school and High School graduation is Friday, June 13th. Additional snow days could affect the last day of school but graduation will still remain as June 13th. He further thanked the Board of Education for their due diligence with the budget review.

C. Student Representatives' Reports

Senior Representative Emilia Sedlak spoke of the following:

- Scholarship support sessions for upperclassmen will be held from Feb. 11 - Feb. 14th during lunch waves.
- The deadline for Personal and Business Yearbook ads has been extended to Monday, February 10th.
- Boys Lacrosse will host "Bag Bingo" as a fundraiser on Saturday, March 8th.

Junior Representative Ella Skogstrom spoke of the following:

- There will be a SAT practice session for Juniors on February 26th from 2:15 to 5:00 p.m.
- The Connecticut Bar Foundation Essay contest deadline is February 20th.
- The Poetry competition is due on March 15th.
- The AFL/CIO Workers Memorial Day Scholarship essay is due by April 1st.

D. Committee Reports - None

E. Liaison Reports

1. Board of Finance - Ed Sbordone gave a summary of the recent BOF meeting on January 22nd.

- The BOF reviewed the January Expense report from the BOE.
- BOF Alternate member Greg Williams resigned from the Board. Anyone interested in filling this position should contact the BOS.
- There was a joint meeting of the BOS, BOE, BOF and PBC regarding the bus lot on January 23rd.
- There was a presentation by Assessor Rich Seaman regarding reassessment and how it affects the Grand List and the Mil Rate.
- The BOF Medical subcommittee met on January 21st. It was noted that the committee decided to use a 12-month rolling average to report claims. The subcommittee discussed the optimal amount to budget for claims.
- There was a discussion at the BOF regular meeting about accounting for a grant that was received by the BOE for Cybersecurity. It was noted that the BOE is asking to offset their expense budget next year with part of the Sherman Tuition.
- The BOF discussed the report for the General Fund Balance and why the expenditure surplus is not separated into Town and BOE as was done in the past. There was a request to show the BOE Expenditure surplus on this report.
- The Capital subcommittee met with various members of the BOE and the administration on January 13th. The oil tank removal is much less expensive than anticipated. The Pool and HVAC are some new items on the list for the Middle School. The subcommittee reviewed tentative requests for plans for future years, specifically improvements to the Middle School. The subcommittee spoke of the possibility

of “renovate as new” for the Middle School within the next five to ten years. The subcommittee encouraged the BOE administration to come up with an estimate for the difference between “renovate as new” and fixing issues in the Middle School on an ongoing basis.

- The BOF made a motion to approve the updated General Fund Policy. The only change needed is to delete the word capital in order to take into account the new State law.
- Two members of the BOF requested a copy of the BOE Expenditure Status report on a monthly basis.
- Future agenda items include Boat Dock lock box information, Purchasing policy and Bus Lot.
- The next regular meeting of the BOF will be held on Wednesday, February 26th.

VIII. INFORMATION ITEMS

A. New Fairfield High School/Consolidated School Building Project Update

Director of Business and Operations Carrie DePuy noted that they are waiting on the propane testing for the Science rooms. It is anticipated that the results will be in next week.

IX. ACTION ITEMS

A. Personnel Report

MOTION: Kathy Baker made a motion to recommend to the full Board the approval of the Personnel Report for January 30, 2025, as recommended by the administration. Ed Sbordone seconded the motion. **IN FAVOR:** Kathy Baker, Tim Blair, Dominic Cipollone, Greg Flanagan, Sue Huwer, Amy Johnson, Kimberly LaTourette, Samantha Mannion and Ed Sbordone

X. PUBLIC PARTICIPATION - None

XI. FUTURE AGENDA ITEMS - It was noted that the Educational Cost Sharing amount is declining for New Fairfield for next year despite an increase for surrounding towns. The Board will discuss how Education Cost Sharing is calculated at the next meeting.

XII. BOARD MEMBER COMMENTS

Sue Huwer spoke of the importance of students reading at Grade level and what can be done to encourage this.

Sue Huwer asked about the minutes of the January 23rd Joint meeting regarding the bus lot and asked about whether it was actually said that the Drop Off Center was not a viable option for the bus lot.

Ed Sbordone reminded everyone that the BOE budget will be presented to the BOF on Saturday, March 1st at 10:30 a.m.

Kimberly LaTourette spoke in support of the BOE budget and encouraged Board members to advocate for the needs of the students.

XIII. ADJOURNMENT

MOTION: Dominic Cipollone made a motion to adjourn the meeting at 8:47 p.m. Kathy Baker seconded the motion. **IN FAVOR:** Kathy Baker, Tim Blair, Dominic Cipollone, Greg Flanagan, Sue Huwer, Amy Johnson, Kimberly LaTourette, Samantha Mannion and Ed Sbordone

Respectfully submitted,
Suzanne Kloos



NEW FAIRFIELD PUBLIC SCHOOLS

3 Brush Hill Road, New Fairfield, CT 06812

www.newfairfieldschools.org

Kenneth G. Craw, Ed.D., Superintendent

March 5, 2025

New Fairfield Board of Education
3 Brush Hill Rd.
New Fairfield, CT 06812

RE: Resolution of Finance Department Tasks

Dear Board of Education Members,

In a [February 17, 2025 letter](#), I outlined serious concerns with the shared financial services with the Town that are negatively impacting the Board's ability to operate effectively. The purpose of this communication is to provide you with an update on efforts to resolve these issues promptly. I am pleased to report that the outstanding tasks have either been completed or are in the process of being addressed.

Resolution Process

As you are aware, the Board's Director of Business and Operations discovered potential revenue shortfalls and compliance issues in connection with Board finance operations being performed by the Town's Finance Department. The Director of Business and Operations and I promptly met with the First Selectwoman on February 19 to establish a collaborative plan to address the revenue and compliance issues. As part of this plan, the Director of Business and Operations convened a meeting with members of the Town's Finance Department on February 20 to coordinate the completion of the outstanding tasks.

The Director of Business and Operations has been monitoring the plan and providing support to members of the Finance Department. This support has also included completing several of the tasks on her own, in addition to her administrative responsibilities. The following is a summary of the progress to date.

Revenue Shortfalls

- Building Use Forms:

The building use forms are being processed and billed by a Board employee for past and upcoming events. The required certificate of insurance for groups using Board facilities is now being verified. Reimbursement for the \$26,000 in custodial overtime will be reimbursed to the Board once the outstanding revenue is collected.

- Early Learning Center (ELC) Tuition:
All revenue collected to date has been deposited, and we are in the process of issuing updated statements.
- Sherman Tuition:
The second-quarter tuition in the amount of \$120,000 was billed to the Sherman School District on February 20, 2025. We are currently awaiting payment and anticipate receiving the amount in full by the end of the month.

Compliance Concerns

- 401a Contributions
The 401a contributions for 65 BOE employees have been calculated, with interest calculated at 1.75%, and were deposited into employee accounts on February 25, 2025.
- Health Savings Accounts (HSA)
The delinquent payment in the amount of \$2,500 was deposited in the employee's account on February 19, 2025.
- Fiscal Year 2023-24 Audit
The audit has been delayed for a third time with a new deadline of March 31, 2025.

Financial Controls and Procedures

- Undeposited Funds
The checks containing \$104,000 in funds were recorded and deposited in the bank on February 14, 2025.
- W-2 HSA Reporting Error
The 35 Board employees affected were notified of the error on February 7, 2025 and the corrected W-2s were issued on February 28, 2025.
- Benefits
The individual requesting assistance in collecting death benefits for a family member was contacted and the issue was resolved.

Status Summary

All of the outstanding tasks have either been completed or are in process. The compliance-based tasks are substantially complete. Revenue collection has resumed for the use of

buildings, Sherman tuition and ELC tuition; however, it will take additional time for these funds to be collected.

The estimated overtime incurred thus far due to these remedial tasks is approximately 20 hours, which includes staff time spent resolving revenue collection issues, compliance corrections, and financial control implementations. This unexpected expenditure underscores the need for improved financial oversight and efficiency within the shared services framework.

Next Steps

As communicated previously, during this fiscal year, there have been significant operational concerns in the implementation of the shared services model, including changes in roles and responsibilities within the Finance Department. These changes have contributed to the ongoing disruption of Board financial services. In addition, the Town is looking to expand the Finance Department. It is uncertain that investing additional money in new staff, without clear delineation and accountability, will address the management and organizational concerns.

In light of this, it is my recommendation that the Board conduct an evaluation of its financial services using an independent consultant. The purpose of the study is to assess personnel functions and streamline overall processes, with the goal of enhancing the shared services model. I have provided the Board with a [proposal for professional services](#) from CliftonLarsonAllen, LLC, a firm with extensive experience with municipal financial operations. I look forward to discussing this proposal with you at the upcoming Board meeting on March 6, 2025.

Final Note

I want to commend the Board's Director of Business and Operations for her professionalism and dedication throughout this challenging process. Her proactive efforts and financial acumen have been instrumental in addressing these concerns effectively. I also appreciate the Board's ongoing support in ensuring that our financial operations remain transparent, compliant and properly managed.

Sincerely,



Kenneth G. Crow, Ed.D.



NEW FAIRFIELD PUBLIC SCHOOLS

3 Brush Hill Road, New Fairfield, CT 06812

www.newfairfieldschools.org

Kenneth G. Craw, Ed.D., Superintendent

February 17, 2025

Melissa Lindsey, First Selectwoman
New Fairfield Town Hall
4 Brush Hill Rd.
New Fairfield, CT 06812

RE: Finance Department Operations

Dear Melissa,

Shared financial services between the Board of Education (Board) and the Town of New Fairfield (Town) worked extremely well during my first two years as Superintendent and for many years prior to my arrival, thriving even through periodic transitions in leadership. There was great pride in the shared services arrangement between the two entities, and it was a model for other municipalities for providing high-quality services in an efficient manner, demonstrating that a firewall between operations is unnecessary.

The Finance Department operated in perfect harmony. Each member, like a skilled musician, played their part with precision by managing accounts, processing payroll, or ensuring compliance, which kept the Board and Town's financial operations running smoothly.

In contrast, during this fiscal year, the implementation of shared services has been changed by the Town, resulting in a growing number of serious concerns that have affected New Fairfield Public Schools (District) operations. The purpose of this letter is to outline the areas of greatest concern in the hope that positive changes can be made promptly to ensure that the operational needs of the District are met.

Background

Months ago, we brought to you previously identified areas of concern regarding the Finance Department. The primary concerns at that time were in regard to the Town's:

- Changes to Finance Department roles and responsibilities with little or no prior communication to the Board or input from District administration;

- Modifications to long-standing financial procedures that have resulted in disruption and the elimination of controls;
- Errors and lack of timeliness in processing payments; and
- Delays in reconciling educational grants for the fiscal year 2023-2024 audit.

During our November 25, 2024 meeting with you and the Town's attorneys, we were told that all employees in the shared financial services arrangement are Town employees and part of a Town bargaining unit. Furthermore, we were informed that the District is not to directly supervise the Finance Department personnel. Instead, oversight is the responsibility of the Town. The lack of effective management has continued and exacerbated the issues; this has undermined the efficiency and reliability of critical financial functions.

Critical Issues

Despite our attempts to convey our concerns, the situation within the Finance Department has not improved. For the past six months, the finance operations have been less efficient and less effective than in the past. There are potential revenue shortfalls, serious compliance concerns, and problems with financial controls. I have outlined a number of these critical issues below, several of which were raised by the Board's Director of Business and Operations, during her conversation with you on February 12, 2025.

Revenue Shortfalls

- Building Use Forms:
The Town has not timely processed or billed building use forms since October, resulting in the following:
 - Critical revenue in the amount of \$90,000 has not been billed and/or received for events that have already occurred and are in process on our campuses.
 - There has been a negative effect on the administration of our Board's operating budget. The Board has paid out \$26,000 thus far in custodial overtime without reimbursement.
 - The collection of past-due funds following the events is increasingly difficult, and some may never be recovered.
 - The custodial crew lacks accurate scheduling information, which leads to confusion and disruptions when external groups arrive unexpectedly.
 - The required certificate of insurance for groups using Board facilities is not being verified, thus creating liability issues.
- Early Learning Center (ELC) Tuition:
The Board's budget estimated ELC revenue of \$168,000. There are sufficient numbers of enrolled students that the revenue should meet budget expectations.

To date, the Town, which is responsible for billing and the collections of revenue, has not processed invoices in a timely manner. We have posted \$0 to date for ELC tuition through the first 100 days of school. In the past, we received status reports regarding past due accounts, but have not received any this year. Updated invoices have not been sent out, and past-due accounts have not been addressed.

- Sherman Tuition:

The Board's budget estimated \$479,141 in Sherman tuition revenue for fiscal year 2024-25. There are sufficient numbers of enrolled Sherman students at the high school that the revenue should meet budget expectations. To date, the Town, which is responsible for billing and the collections of Sherman tuition revenue, has not processed invoices in a timely manner. The second-quarter tuition in the amount of \$120,000 has not been billed or collected. Last year at this time, the second-quarter tuition payment was already collected and posted.

Compliance Concerns

- 401a Contributions

The District administration must raise concerns about the lack of processing of 401a contributions because it exposes us to risks for labor or other legal challenges. We must be clear that we will not be responsible for any liabilities that result from the Town's failure to process 401a contributions consistent with prior and best practice. Currently, we are behind eight (8) payrolls totaling an estimated \$25,000 in 401a contributions that have not been invested on behalf of our employees.

The Board's 401a contributions, which have historically been made on a biweekly basis, have not been processed since October 2024 for approximately 65 BOE employees. In the past, the prior Director of Finance used a tracking system to ensure timely deposits, but that system is no longer in use. This delay is problematic for several reasons:

- Employees are losing the opportunity to grow their investments.
- The Town is non-compliant with government regulations, which carries significant risk of liability.
- The situation exposes us to grievances from the bargaining units, which could result in costly and time-consuming disputes for the Town.

- Health Savings Accounts (HSA)

The District has an employee who was hired in December who has still not received the Board contribution of \$2,500 in their HSA account. This is an example of ongoing challenges that we are experiencing with onboarding new employees, which are the responsibility of the Town Finance Department.

- Fiscal Year 2023-24 Audit

The Board was not informed of a second delay in the audit process. We only became aware of this extension through the Town Treasurer when we asked her, which reflects continued poor communication. The further delay with the audit affects the Board's ability to access \$209,000 in reserve funds for critical needs.

Financial Controls and Procedures

- Undeposited Funds

Last week, a stack of unsecured envelopes in the Finance Department was discovered, containing checks totaling \$104,000 in undeposited revenue. The lack of timely processing, security and oversight of these funds is deeply troubling.

- W-2 HSA Reporting Error

An error in the reporting of the HSA contributions on W-2 forms has affected 35 employees. This mistake has created additional work for the Finance Department to re-issue corrected W-2s. This was a task that previously required double-checking from the Town's Director of Finance but was not properly reviewed this year.

- Benefits

Additionally, an unopened document postmarked December 11, 2024 was found, containing a death certificate for a person trying to collect benefits. This important document went unopened for two months, highlighting ongoing inefficiencies in the handling of time-sensitive materials.

Implications

These outstanding issues are adversely affecting the District's ability to operate effectively. The unilateral changes made by the Town's Finance Department are leading to a shortfall. At this time, there is a potential revenue shortfall of approximately \$378,000. The Board revenues must meet budget expectations. In addition, Board employees are short a collective \$27,500 in their 401a and HSA contributions. The Board needs these issues fully rectified no later than March 15, 2025, or within a mutually agreeable time frame. We do not want to be in a position to hold back payment for contracted shared services with the Town, and hope to work with you immediately to rectify these serious concerns.

Memorandum of Understanding

The Board and the Town have operated under a shared financial services arrangement since 2006. We contract with the Town for key financial services including purchasing, accounts payable, accounts receivable, payroll, and benefits administration, contributing \$315,492 in fiscal year 2024-25 to cover 50% of the salaries of the Finance Department staff, including the Town's Director of Finance. However, the level of service provided to the Board has fallen short of expectations and is no longer sufficient to meet our needs.

During this fiscal year, there have been significant changes to roles and responsibilities for the personnel within the model, and these changes have contributed to the disruption to Board services. We are aware that the Town is looking to expand the Finance Department. It is uncertain that investing this additional money in new staff, without clear delineation and accountability of everyone's duties, will address the management and organizational concerns outlined in this communication.

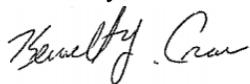
Conclusion

Until such time as these operational issues are fully resolved, I cannot recommend to the Board that it provide any additional financial support, beyond what was budgeted, for the remainder of fiscal year 2024-25. Additionally, the District administration does not currently possess adequate information to support the need for additional personnel within the Finance Department. We remain open to continued discussions and exchange of relevant information on this matter.

It is essential that the Board be fully supported to meet its financial obligations without having to intervene repeatedly. The Board's Director of Business and Operations and other employees have had to resolve tasks that should have been managed to completion by the Finance Department, leading to overtime costs, added workloads, unnecessary stress, and disruptions to our operations.

In light of these ongoing concerns, I request that we meet promptly to discuss how we can resolve these issues and ensure that the Board receives the timely services it needs to operate effectively. We are scheduled to meet on Wednesday, February 19 at 11:00 am for our standing meeting. I suggest that we use that time if that works for you. I remain hopeful that we can work together to resolve these matters and return to having a shared services operation of the highest quality.

Sincerely,



Kenneth G. Craw, Ed.D.



February 14, 2025

Proposal to perform Shared Financial Services Evaluation Services for:

New Fairfield Public Schools

Prepared by:

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CPAs | CONSULTANTS | WEALTH ADVISORS

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Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor.



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February 14, 2025

Kenneth Crow
Superintendent of Schools
New Fairfield Public Schools
3 Brush Hill Road
New Fairfield, CT 06812

Dear Ken:

CliftonLarsonAllen LLP (“CLA,” “we,” “us,” and “our”) is pleased to submit this proposal to provide Shared Financial Services Assessment services for the New Fairfield Public Schools (“New Fairfield,” “you,” “your,” “District”, or “client”). We believe CLA’s independent perspective and expansive experience with municipal financial operations can benefit the District in assessing their shared financial operations to optimally streamline and enhance overall processes, align the organizational structure and shared services model, develop best practices, and confirm that internal controls are effective.

Scope of professional services

Our objectives for this project are to:

- Conduct interviews with key stakeholders to review and evaluate the overall strengths and weaknesses of the current financial operations and effectiveness of the shared services model.
- Review the backgrounds and job duties of all relevant personnel to confirm their roles and responsibilities within the current shared services model.
- Confirm the use of technology to support the shared financial services.
- Assess the cost-sharing model and shared services framework/Memorandum of Understanding (MOU) with the Town to determine if improvements/changes are recommended.
- Identify current control and operational weaknesses within the financial operations (specifically, Purchasing, Accounts Payable, Accounts Receivable, and Payroll) and develop proposed improvements.
- Identify streamlining and realignment opportunities to improve the effectiveness of operations within the shared financial services model.
- Propose organizational and/or staffing adjustments associated with segregation of duties (as required).
- Provide concrete recommendations for future-state improvements that will lead to more efficient operations and improved internal controls.

We appreciate the opportunity to provide this proposal to you. If the scope of services and overall proposal meets the needs of the District, CLA will develop a formal Statement of Work to confirm our overall agreement and services. If you have any questions about our services, please do not hesitate to contact us via the information below.

Very truly yours,

CliftonLarsonAllen LLP

Jeffrey Ziplow, MBA, CISA, CGEIT
Principal

Our Understanding of Your Needs

Background and objectives

The New Fairfield Public Schools and Town of New Fairfield have operated under a shared financial services agreement established by a memorandum of understanding (MOU) in 2006. While this long-standing partnership has been beneficial, the evolving nature of school district requirements and the responsibilities surrounding fiscal management, necessitate a review of the current shared financial services model.

Over the past six months, there have been changes to the roles, responsibilities, and overall structure within the shared services arrangement. These changes have introduced challenges that need to be addressed to confirm the effective operation of the New Fairfield Public Schools' functions and proper fiduciary oversight. As such, the District seeks to have an evaluation to assess these changes and recommend strategies for optimizing the current system.

The District is interested in conducting an assessment of its shared financial operations and cost-sharing model, including staffing structure, roles and responsibilities as well as internal controls and processes (purchasing, accounts payable, and payroll). As an outcome of this work, your New Fairfield is seeking recommendations on:

- How might the current shared financial services arrangement be refined to better support the District's financial operations while maintaining a cooperative relationship with the Town?
- What strategies are currently in place, or should be implemented, to confirm continuity of operations in the finance department, especially during periods of turnover or transitions in key leadership roles?
- Are there areas where internal controls could be strengthened to mitigate risk and improve financial oversight?
- What adjustments can we make to the processes we use to increase efficiency, reduce costs, and enhance service while maintaining strong controls?

Our proposal

We believe that CLA can provide an assessment to develop a path forward and answer the questions above. We perform this type of review routinely but in a manner tailored to each client's specific needs and circumstances.

To this end, CLA has prepared the following proposal below.



Services Approach

Financial Operations Assessment Approach

The following describes our proposed approach to this work. We are flexible to adjust our approach or scope based on your needs. Please consider this a starting point for conversation.

Key Activity	Description and CLA Role
Engagement planning, document request, and kickoff	<p>CLA will request relevant documentation within the scope of work and hold a kickoff call to finalize the plan, sequencing, roles, and timelines with all relevant staff.</p> <p>CLA will also review the current policies, procedures and protocols associated with the shared services financial operations. Job descriptions and other relevant documents will also be reviewed at this time.</p>
Interviews and walkthroughs	<p>CLA consultants will conduct interviews and process walkthroughs with relevant members of the staff within the financial and benefits coordination functional areas, related functions, and stakeholders.</p> <p>As part of the walkthroughs, CLA consultants will review and confirm the internal controls for the areas of purchasing, accounts payable, and payroll. Any gaps or control needs will be identified.</p>
Draft report	<p>CLA will incorporate the findings from interviews, documentation reviews, and walkthroughs to develop a set of findings and recommendations.</p> <p>Findings and recommendations will include remediations of control gaps, considerations for organizational/structural changes within the shared services model, and any additional recommendations related to improving and streamlining services.</p>
Review with client; gather feedback for implementation plan	<p>The CLA team will meet with relevant members of the client’s leadership team to present our initial findings and recommendations and further refine our recommendations.</p>
Finalize report and roadmap; conclude engagement	<p>CLA will incorporate feedback or changes to develop a roadmap outlining the recommended plan to optimize financial services, including sequencing and timing.</p>



Engagement Timeline

Count on clear communication and regular updates. CLA will hold status meetings with the leadership team from the District regarding project progression and any initial concerns or project impediments.

Proposed work plan

Per our discussions we have designed a plan that meets your needs and key deadlines. In our planning meeting, we'll discuss this timeline with you in greater detail and adjust as appropriate.

Week(s)	Task
Week 1-2	Engagement planning, document request, and kickoff
Week 3-4	Interviews and walkthroughs (could be at any time during these two weeks)
Week 4-5	Draft report
Week 6-7	Review with client; gather feedback for implementation plan
Week 8	Finalize report and roadmap; conclude engagement



Your Service Team

The true value in working with our team is developing a personal and professional relationship with leaders who understand your industry, challenges, and opportunities — with the full support of an entire CLA family behind them.

Meet your service team below.

Engagement Team Member	Role	Years' Experience
Jeff Ziplow, MBA, CISA, CGEIT	Engagement principal – Jeff will have overall engagement responsibility including planning the engagement, supervising staff, and maintaining client contact throughout the engagement. Jeff is responsible for total client satisfaction through the deployment of all required resources and continuous communication with management and the engagement team.	30+
Lindsey Intrieri, CISA, PMP	Engagement manager – Lindsey will act as the lead manager on the engagement. In this role, Lindsey will assist the engagement principal with planning the engagement. Lindsey will perform the interviews and walkthroughs with the engagement senior and will lead the development of the engagement report.	13+
Aaron Perillo	Senior – Aaron will be responsible for performing client interviews and process walkthroughs, compiling and reviewing project document requests and supporting with the preparation of the report.	20+
Additional staff – We will assign additional staff to your engagement based on your needs and their experience providing services to similar clients.		

Detailed biographies can be found in the *Appendix*.



Professional Fees

Our fees are based on the timely delivery of services provided, the experience of personnel assigned to the engagement, and our commitment to meeting your deadlines.

Professional Services	Estimated Fees
Shared Financial Services Assessment	\$23,500
<i>Technology and Client Support Fees (5% of project service fees)</i>	<i>Calculated at time of billing</i>
Total Fees:	

Project Fee Assumptions

In order to estimate the effort required to perform this project, the following assumptions were made:

1. Interview sessions will be performed onsite. (Remote interviews and follow-up meetings can be offered, as needed). Each interview session will typically last approximately 45 minutes to one hour.
2. The District will assist in setting up the interview sessions.
3. Our fees include all travel and miscellaneous out-of-pocket expenses.
4. Additional consulting time and services outside the scope of this project would be on a time and expense basis.

Our invoices for these fees will be rendered each month and are payable on presentation. Terms of payment for services are **net 30 days**. In accordance with our firm policies, work may be suspended if your account becomes 90 days or more overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed even if we have not provided all of the services listed above. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination.

*Our last word on fees – we are committed to serving you.
Therefore, if fees are a deciding factor in your selection of a firm,
we would appreciate the opportunity to discuss our plan.
At CLA, it's more than just getting the job done.*



Appendix

Engagement team bios





Jeffrey Ziplow, MBA, CISA, CGEIT

CLA (CliftonLarsonAllen LLP)

Principal
West Hartford, Connecticut

860-561-6815
jeffrey.ziplow@CLAconnect.com



Profile

Jeff is a principal in the firm's Business Risk Services team, which is a part of CLA's Value & Risk Services group. Over his 35-year career, he has had significant experience working with organizations to assess their IT controls as they relate to business operations and helps to develop recommendations to mitigate risk. In this role, Jeff works with clients on data breach responses and cybersecurity risk assessments and provides insight and guidance on developing better security practices. In addition, he works on process control-related projects to help enhance operational efficiencies and provide tangible control recommendations.

Jeff also oversees various IT audits based on the AICPA's SSAE-18 (SOC-1) and AT-101 (SOC-2) compliance standards as well as working with the NIST-based security standards. Over the past several years, he has been actively involved in providing cybersecurity and risk assessments presentations to municipalities, nonprofits, and various companies to enhance leadership in these areas. He also works with the attorneys general of Connecticut, Florida, and Indiana to provide guidance/support on cybersecurity matters.

Technical experience

- Risk management
- Information system
- Security assessments
- Processes and controls
- SOC-1 and SOC-2 audits
- HIPAA audits
- NIST compliance standards

Education and professional involvement

- Master of business administration from Boston College, Boston, Massachusetts
- Bachelor of arts from the University of Vermont, Burlington, Vermont
- Certified Information Systems Auditor
- Certified Governance of Enterprise IT
- Information Systems Audit and Control Association
- Government Finance Officers Association of Connecticut

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Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor.





Lindsey Intrieri, PMP, CISA

CLA (CliftonLarsonAllen LLP)

Manager
West Hartford, Connecticut

860-570-6349
lindsey.intrieri@CLAconnect.com



Profile

Lindsey is a director at CLA with more than 13 years of experience. She has a strong background in operational and organizational studies as well as risk management. She focuses on governmental and strategic advising and has been engaged in several projects for municipalities and school districts regarding shared services, strategic planning, operational assessments, technology evaluations, and organizational/efficiency studies.

As indicated by her CISA designation, Lindsey has significant experience with evaluating internal controls and technology solutions. As a project management professional, Lindsey has worked with a wide variety of clients and cities, helping them to stay on target and adhere to an established project management plan.

Technical experience

- Shared services
- Strategic planning
- Operational assessments
- Technology evaluations
- Organizational/efficiency studies
- Cybersecurity

Education and professional involvement

- Bachelor of science in business administration from University of Connecticut, Storrs, Connecticut
- Certified Public Accountant in the state of Connecticut
- Project Management Professional (PMP), Certified through Project Management Institute (PMI)
- Certified Information Systems Auditor (CISA)

[CLAconnect.com](https://www.claconnect.com)

CPAs | CONSULTANTS | WEALTH ADVISORS

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Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor.





Aaron Perillo

CLA (CliftonLarsonAllen LLP)



Senior
West Hartford, Connecticut

860-570-6444
aaron.perillo@CLAconnect.com

Profile

Aaron is a Senior in CLA’s Specialized Advisory Services practice. Aaron has more than 16 years of experience providing assurance and specialized advisory services in industries of state and local governments, educational institutions, non-profit organizations, healthcare organizations, public utilities, and hospitality. His focus is in process and controls performing organizational assessments of controls as they relate to business operations and helps to develop recommendations to mitigate risk.

Experience serving clients and technical experience

- Business organizational assessments
- System and Organization Controls I and II (SOC I and II)
- Sarbanes Oxley compliance
- Financial statement audits and reviews
- Employee benefit plan audits

Education and professional involvement

- Bachelor of science in accounting from University of Hartford, West Hartford, Connecticut
- American Institute of Certified Public Accountants
- Connecticut Society of Certified Public Accountants

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**NEW FAIRFIELD PUBLIC SCHOOLS
NEW FAIRFIELD, CT**

GIFTS AND DONATIONS

This form must be completed and submitted for all in-kind and monetary donations to a school or the district. Donations valued at \$1,000 or more require BOE approval before acceptance of the donation or depositing of funds. A letter of acceptance will be sent by the appropriate staff member with a copy to the superintendent's office.

DATE: February 18, 2025

SCHOOL: New Fairfield High School

TYPE OF DONATION AND QUANTITY: Monetary - \$5,000

CONDITION/AGE OF ITEM DONATED: N/A

DONOR: T-Mobile \$5K Fridays Contest

SCHOOL'S PLAN FOR USE OF ITEM(S): Funds will be used to rebuild the high school shed.

APPROXIMATE VALUE: \$5,000

The approximate value denoted above has been supplied by the donor. The New Fairfield Public Schools does not attest to the accuracy of this value. It is the donor's responsibility for documentation to support this valuation for tax or any other purposes.

Personnel -- Certified/Non-Certified

Sex Discrimination and Sexual Harassment in the Workplace

It is the policy of the New Fairfield Board of Education (the “Board”) for the New Fairfield Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee’s sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee’s sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee’s work performance, or adversely affecting the employee’s employment opportunities is prohibited.

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

For conduct to violate this Policy, 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 (the “Administrative Regulations”).

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.

Personnel -- Certified/Non-Certified

Sex Discrimination and Sexual Harassment in the Workplace

Sexual harassment 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).

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 New Fairfield 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). Such training will include information on 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.

Personnel -- Certified/Non-Certified

Sex Discrimination and Sexual Harassment in the Workplace

Reporting Sex Discrimination or Sexual Harassment (continued)

The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX, 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.

Title IX Coordinators

The Title IX Coordinators for the New Fairfield Board of Education are listed below. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668
woleck.kristine@newfairfieldschools.org

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660
lloyd.rebecca@newfairfieldschools.org

Any individual 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, 8th 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: 860-514-3400).

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.

Personnel -- Certified/Non-Certified

Sex Discrimination and Sexual Harassment in the Workplace

Legal References: (continued)

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

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.

Policy adopted: June 17, 2021
Policy rescinded: November 7, 2024
Policy reinstated:

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

It is the policy of the New Fairfield Board of Education (the “Board”) for the New Fairfield Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. 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 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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment (continued)

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

Title IX Coordinators

The Title IX Coordinators for the New Fairfield Board of Education are listed below. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668

wlocek.kristine@newfairfieldschools.org

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660

lloyd.rebecca@newfairfieldschools.org

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Notice of The Title IX Coordinator (continued)

The Title IX Coordinator manages the District's compliance with Title IX and is an available resource to anyone seeking information or wishing to file a formal complaint. 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.

[Note: Additional Persons May be Added. The federal regulations provide that each recipient of federal financial assistance must designate and authorize "at least one Employee" to coordinate its efforts to comply with its responsibilities under the federal regulations.]

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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment (continued)

Section I. Grievance Process for Complaints of Sexual Harassment

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.
- 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 his or her 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 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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment (continued)

Section I. Grievance Process for Complaints of Sexual Harassment

A. Definitions

- **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 or designee will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant has filed 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 or designee 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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment (continued)

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 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 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 or designee has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator or designee will promptly contact the complainant and respondent separately to discuss the availability of such measures and consider the complainant's wishes with respect to them. 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 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 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;

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

- 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). *[Note: A school district may choose to use a "clear and convincing evidence" standard instead. A clear and convincing evidence standard is a higher evidentiary burden than the preponderance of evidence standard. The clear and convincing evidence standard is understood to mean that a decision-maker must conclude that a fact is highly probable to be true, as opposed to a "more likely than not" under the preponderance of the evidence standard. The same standard of evidence for formal complaints must be used for both employees and students. Districts may wish to consult legal counsel regarding selection of an evidentiary standard.]* 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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

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.
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 section.
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 ***[Insert "a hearing or" if a District chooses to conduct live hearings]*** the time a determination regarding responsibility is made.
10. ***[The Title IX regulations provide that school districts "may, but need not, provide for a hearing." If school districts choose to hold a hearing (live or otherwise), the regulations provide school districts significant discretion as to how to conduct such a hearing. If a school district would like to include the procedures for holding a live hearing in its administrative regulations, Shipman & Goodwin LLP would be happy to assist in crafting specific hearing procedures that satisfies the school district's needs.]***

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

11. 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 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 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.
12. The decision-maker(s) will issue a written determination regarding responsibility. 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. The written determination will be provided to both parties simultaneously.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

13. 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.
14. 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 Regulation.

D. Informal Resolution

At any time prior to reaching a determination regarding responsibility, 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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

D. Informal Resolution (continued)

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.

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.
- *[Note: School districts may add other bases for appeal so long as they are offered equally to both parties]*

The District will provide the other party with written notice of such appeal. Both parties will then have an opportunity to submit a written statement in support of, or challenging, the outcome. Such written statement must be submitted ten (10) school days after receiving written notice of the appeal.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

E. Appeal Process (continued)

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). The decision-maker(s) for the appeal, in their discretion, will determine the appropriate procedure for the appeal. After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. 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 1) would not constitute sexual harassment as defined in these Administrative Regulations 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 a complainant notifies the Title IX Coordinator in writing that 1) 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.

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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment (continued)

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 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. 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.
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;

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment (continued)

G. Miscellaneous

- 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)

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

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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment)

B. Reporting Sex Discrimination Other than Sexual Harassment

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, as defined above, should be handled pursuant to Section I of these Administrative Regulations.

C. Grievance Procedures

1. As soon as an employee feels that he or she has been subjected to sex discrimination other than sexual harassment, he/she should make a written complaint to the Title IX Coordinator or to the building principal, or his/her designee. The employee will be provided a copy of the Board's policy and Administrative Regulations and made aware of his or her rights. 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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment)

C. Grievance Procedures (continued)

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 his/her 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 sexual 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 his/her 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:

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment)

C. Grievance Procedures (continued)

- 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 his/her designee, and take steps to remedy the effects of the sex discrimination.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment)

C. Grievance Procedures (continued)

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, he or she may file a written appeal within five (5) school days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who 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 sexual 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 sexual 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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment)

D. Miscellaneous

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. 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 formal complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th 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: 860-514-3400).

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

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 – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape – Non-forcible 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.

Affirmative Consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

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 to ensure that he or she 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 affirmative consent.

COMPLAINT FORM REGARDING SEXUAL HARASSMENT (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 _____

COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT) (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 _____

**SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF SEXUAL
HARASSMENT**

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS

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:

For Students

For Staff

Assistant Superintendent

Human Resources Director

3 Brush Hill Road

3 Brush Hill Road

New Fairfield, CT 06812

New Fairfield, CT 06812

Telephone Number (203) 312-5668

Telephone Number (203) 312-5660

woleck.kristine@newfairfieldschools.org

lloyd.rebecca@newfairfieldschools.org

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 knowingly 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.

***SAMPLE WRITTEN NOTICE FOR THE INFORMAL RESOLUTION PROCESS FOR
SEXUAL HARASSMENT COMPLAINTS***

[LETTERHEAD]

**NOTICE OF INFORMAL RESOLUTION PROCESS FOR SEXUAL HARASSMENT
COMPLAINTS**

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

Date

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

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

For conduct to violate this Policy, 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 (the “Administrative Regulations”).

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

Sexual harassment 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).

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment (continued)

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 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 New Fairfield 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, 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.

Title IX Coordinators

The Title IX Coordinators for the New Fairfield Board of Education are listed below. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668

woleck.kristine@newfairfieldschools.org

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660

lloyd.rebecca@newfairfieldschools.org

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Reporting Sex Discrimination or Sexual Harassment (continued)

Any individual 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, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

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)

Policy adopted: February 7, 2002
Policy readopted: May 2, 2002
Policy revised: January 5, 2006
Policy revised: August 19, 2010
Policy revised: December 1, 2016
Policy adopted: June 17, 2021
Policy rescinded: November 7, 2024
Policy reinstated:

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

It is the policy of the New Fairfield Board of Education (the “Board”) for the New Fairfield 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. 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 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.

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.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

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).

Title IX Coordinators

The Title IX Coordinators for the New Fairfield Board of Education are listed below. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668

woleck.kristine@newfairfieldschools.org

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660

lloyd.rebecca@newfairfieldschools.org

The Title IX Coordinator manages the District's compliance with Title IX and is an available resource to anyone seeking information or wishing to file a formal complaint. 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.

[Note: Additional Persons May be Added. The federal regulations provide that each recipient of federal financial assistance must designate and authorize "at least one Employee" to coordinate its efforts to comply with its responsibilities under the federal regulations.]

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Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

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

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.
- 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.

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Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

A. Definitions (continued)

- **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 his or her 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 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.
- **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.

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Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment (continued)

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 or designee will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant has filed 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 or designee 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 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.

Students

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Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

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 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 or designee has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator or designee will promptly contact the complainant and respondent separately to discuss the availability of such measures and consider the complainant's wishes with respect to them. 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 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 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 of knowingly submitting false information during the grievance process.

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Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

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). *[Note: A school district may choose to use a "clear and convincing evidence" standard instead. A clear and convincing evidence standard is a higher evidentiary burden than the preponderance of evidence standard. The clear and convincing evidence standard is understood to mean that a decision-maker must conclude that a fact is highly probable to be true, as opposed to a "more likely than not" under the preponderance of the evidence standard. The same standard of evidence for formal complaints must be used for both employees and students. Districts may wish to consult legal counsel regarding selection of an evidentiary standard.]* 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.

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Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

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 section.
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 *[Insert "a hearing or" if a District chooses to conduct live hearings]* the time a determination regarding responsibility is made.
10. *[The Title IX regulations provide that school districts "may, but need not, provide for a hearing." If school districts choose to hold a hearing (live or otherwise), the regulations provide school districts significant discretion as to how to conduct such a hearing. For example, the Title IX Coordinator may determine it is appropriate to hold a live hearing where the students are above a certain age, where the students are in high school, or where both parties request or consent to a hearing. If a school district would like to include the procedures for holding a live hearing in its administrative regulations, Shipman & Goodwin LLP would be happy to assist in crafting specific hearing procedures that satisfies the school district's needs.]*
11. 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 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 complaint is pending.

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Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

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.

12. The decision-maker(s) will issue a written determination regarding responsibility. 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. The written determination will be provided to both parties simultaneously.
13. 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.

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Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

14. 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 V of this Regulation.

D. Informal Resolution

At any time prior to reaching a determination regarding responsibility, 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.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment (continued)

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.

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.

[Note: School districts may add other bases for appeal so long as they are offered equally to both parties]

The District will provide the other party with written notice of such appeal. Both parties will then have an opportunity to submit a written statement in support of, or challenging, the outcome. Such written statement must be submitted ten (10) school days after receiving written notice of the appeal. 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). The decision-maker(s) for the appeal, in their discretion, will determine the appropriate procedure for the appeal. After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. 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.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment (continued)

F. Dismissal of a Formal Complaint

The Title IX Coordinator shall dismiss any formal complaint that 1) would not constitute sexual harassment as defined in these Administrative Regulations 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 a complainant notifies the Title IX Coordinator in writing that 1) 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.

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 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.

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Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment (continued)

G. Miscellaneous

2. If a sexual harassment complaint raises a concern about bullying behavior, the Title IX Coordinator or designee 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. 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.
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;

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Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

G. Miscellaneous (continued)

- 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)

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

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.

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Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other than Sexual Harassment)

B. Reporting Sex Discrimination Other than Sexual Harassment (continued)

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, as defined above, should be handled pursuant to Section I of these Administrative Regulations.

C. Grievance Procedures

1. As soon as a student feels that he or she has been subjected to sex discrimination other than sexual harassment, he/she or his/her parent/legal guardian should make a written complaint to the Title IX Coordinator or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and Administrative Regulations and made aware of his or her rights. 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.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other than Sexual Harassment)

C. Grievance Procedures (continued)

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 his/her 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 sexual 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 his/her 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;

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other than Sexual Harassment)

C. Grievance Procedures (continued)

- 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 his/her 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.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other than Sexual Harassment)

C. Grievance Procedures (continued)

9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, he or she may file a written appeal within five (5) school days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who 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 sexual 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 sexual 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 sexual 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.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other than Sexual Harassment)

D. Miscellaneous (continued)

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. 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 formal complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

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

Regulation approved: August 7, 2003
Regulation revised: August 19, 2010
Regulation revised: December 1, 2016
Regulation approved: June 17, 2021
Regulation rescinded: November 7, 2024
Regulation reinstated:

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

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 – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape – Non-forcible 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.

Affirmative Consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

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 to ensure that he or she 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 affirmative consent.

COMPLAINT FORM REGARDING SEXUAL HARASSMENT (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: _____

COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT) (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: _____

SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS

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 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:

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668
woleck.kristine@newfairfieldschools.org

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660
lloyd.rebecca@newfairfieldschools.org

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.

**SAMPLE WRITTEN NOTICE FOR THE INFORMAL RESOLUTION
PROCESS FOR SEXUAL HARASSMENT COMPLAINTS**

[LETTERHEAD]

**NOTICE OF INFORMAL RESOLUTION PROCESS FOR SEXUAL
HARASSMENT COMPLAINTS**

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 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

Parent/Guardian of Complainant Date

Respondent Date

Parent/Guardian of Respondent Date

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

The New Fairfield Board of Education (the “Board”) and New Fairfield 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:

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660
lloyd.rebecca@newfairfieldschools.org

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668
woleck.kristine@newfairfieldschools.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;

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

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, 9th 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)
Fernandez v. Mac Motors, Inc., 205 Conn. App. 669 (2021)

FKA Policy 4118.112 adopted:	June 17, 2021	NEW FAIRFIELD PUBLIC SCHOOLS
Policy 4118.112 rescinded:	November 7, 2024	New Fairfield, Connecticut
Policy revised:	November 7, 2024	
Policy rescinded:		

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

The New Fairfield Board of Education (the “Board”) and New Fairfield 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;

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

- 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.

Section I Reporting Sex Discrimination

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

For Staff

Human Resources Director

3 Brush Hill Road

New Fairfield, CT 06812

Telephone Number (203) 312-5660

lloyd.rebecca@newfairfieldschools.org

For Students

Assistant Superintendent

3 Brush Hill Road

New Fairfield, CT 06812

Telephone Number (203) 312-5668

woleck.kristine@newfairfieldschools.org

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

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 and under the Board's policy and these Administrative Regulations:

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 District'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 (collectively, "parent or guardian"); 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 people 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 District's education program or activity at the time of the alleged sex discrimination.

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

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

Section II Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decisionmaker(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 (1) 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 its regulations; or (2) 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 or its regulations and who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination. When a complainant is a student of the District, reference in these Administrative Regulations to complainant includes the student's parent or guardian.
- **Complaint** means oral or written requests to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX or its regulations and under the Board's policy and these Administrative Regulations.
- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decisionmaker(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:

- 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.
- Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- 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.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

Section II Definitions (continued)

- It shall not be a valid excuse to an alleged lack of affirmative consent that a respondent to the alleged violation believed that a complainant consented to the sexual activity:
 - because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant consented, or
 - 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.
- The existence of a past or current dating or sexual relationship between a complainant and a respondent, in and of itself, shall not be determinative of a finding of consent.
- **Disciplinary sanctions** means consequences imposed on a respondent following a determination under Title IX or under the Board's policy and these Administrative Regulations that the respondent violated the District's prohibition on sex discrimination.
- For purposes of investigations and complaints of sex discrimination, **education program or activity** includes buildings owned or controlled by the Board and conduct that is subject to the District's disciplinary authority. The District has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the District's education program or activity or outside the United States.
- **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.
- **Party** means a complainant or respondent.
- **Pregnancy or related conditions** mean (A) pregnancy, childbirth, termination of pregnancy, or lactation; (B) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (C) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

Section II Definitions (continued)

- **Relevant** means related to the allegations of sex discrimination under investigation as a part of the District's Title IX grievance procedures. Questions are **relevant** when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
- **Remedies** means measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that sex discrimination occurred.
- **Respondent** means an individual who is alleged to have violated the District's prohibition on sex discrimination. When a respondent is a student of the District, reference in these Administrative Regulations to respondent includes the student's parent or guardian.
- **Retaliation** means intimidation, threats, coercion, or discrimination against any person by a student or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or Title VII or their regulations or Connecticut law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing or informal resolution process conducted pursuant to federal Title IX regulations or under the Board's policy and these Administrative Regulations. This also includes **peer retaliation**, which means retaliation by a student against another student.
- **School days** means the days that school is in session as designated on the calendar posted on the District'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 procedures.

Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or (2) provide support during the District's grievance procedures or during the informal resolution process. Supportive measures may include counseling; extensions of deadlines or other course-related adjustments; increased security and monitoring; restrictions on contact; changes to class schedules or extracurriculars; training and education programs related to sex-based harassment, and other similar measures as determined appropriate by the Title IX Coordinator.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

Section III: Response to Sex Discrimination

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

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

Supportive Measure (continued)

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

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

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

- a. ***Notice of Informal Resolution Process.*** Promptly upon obtaining the parties' voluntary consent to process with the informal resolution process and before initiation of the informal resolution process, the District must provide to the parties written notice that explains:
 - i. the allegations;
 - ii. the requirements of the informal resolution process;
 - iii. that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the formal grievance procedures;
 - iv. that the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming the formal grievance procedures arising from the same allegations;

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

Informal Resolution Process (continued)

- v. the potential terms that may be requested or offered in an informal resolution agreement (which may include, but are not limited to, restrictions on contact, restrictions on the respondent's participation in the District's programs or activities, other disciplinary sanctions, and/or sensitivity training), including notice that an informal resolution agreement is binding only on the parties; and
 - vi. what information the District will maintain and whether and how the District could disclose such information for use in formal grievances procedures.
- b. **Intake Meeting(s).** From the date of the written notice provided in subsection III.3.a, above, the parties will have thirty (30) school days to reach a resolution. The Title IX Coordinator may extend this timeframe for the same reasons identified in subsection IV.1.d, below. If a resolution is not reached, the District will continue resolving the complaint through the grievance procedures as outlined below. The informal resolution process will be designed to be collaborative, focusing on the needs of both parties. When the parties have agreed to pursue the informal resolution process, the informal resolution facilitator shall have a separate intake meeting with each party to determine the appropriate path for resolution. During the intake meeting(s), each party will have the opportunity to share their perspective on the allegations, and the informal resolution facilitator will ascertain the party's goals and motivation in pursuing an informal resolution process.
- c. **Informal Resolution Process.** Depending on the allegations of sex discrimination, the District may offer, or the parties may request (subject to the District's approval), one or more of the following types of informal resolution processes:
- i. **Facilitated Dialogue:** After the intake meeting(s), the parties engage in a direct conversation about the alleged sex discrimination with the assistance of the informal resolution facilitator. In a facilitated dialogue, the parties are communicating directly and sharing the same space (virtually or in-person). During a facilitated dialogue, the parties will have the opportunity to discuss their individual experiences and listen to the experiences of others with the intention of reaching a mutually agreeable resolution.
 - ii. **Mediation:** After the intake meeting, the parties will engage in back-and-forth communication to reach an agreed-upon resolution. Mediation may take place electronically or in-person or virtually, with the parties in different locations (e.g. not face-to-face). The parties will have the opportunity to speak with the informal resolution facilitator, and the informal resolution facilitator will communicate each party's perspective to the opposing party. Mediation may be completed in one session or may require multiple sessions.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

Informal Resolution Process (Continued)

- d. ***Informal Resolution Agreement.*** After the parties have reached an agreed-upon resolution, the informal resolution facilitator shall memorialize such agreement in writing. Such resolutions may include, but are not limited to, mutual no-contact orders; agreed upon sensitivity training; restrictions on the respondent's participation in the District's programs or activities or other disciplinary sanctions; or other mutually agreed upon resolutions. Both parties shall sign the informal resolution agreement, at which point the matter will be considered resolved.
- e. ***Retaliation and Subsequent Conduct.*** Nothing in this section precludes an individual 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.

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

E. 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.

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;

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

Absence of a Complaint (continued)

- 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.
- b. The District prohibits any Title IX Coordinator, investigator, or decisionmaker from having a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- c. The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

1. Basic Requirement for the Grievance Procedures (continued)

- d. The District has established timeframes for the major stages of the grievance procedures. The District has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:
 - 1) When determining whether a reasonable extension of timeframes is appropriate, the Title IX Coordinator shall pursue a two-step inquiry. When appropriate, the Title IX Coordinator shall make this determination in consultation with the investigator, decisionmaker, appeal decisionmaker and/or the informal resolution facilitator.
 - 2) First, the Title IX Coordinator shall determine whether good cause exists. Good cause shall include, but is not limited to, the absence or illness of a party or a witness; concurrent law enforcement activity and/or activity by the Department of Children and Families; school being out of session; or particular circumstances based on the Title IX Coordinator's experience and familiarity with the complaint that constitute good cause. Reasonable modifications for those with disabilities and language assistance for those with limited proficiency in English should be provided within the established timeframes without need for a reasonable extension.
 - 3) The existence of good cause will not always require a reasonable extension. When evaluating whether such good cause warrants a reasonable extension of time, the Title IX Coordinator shall, in part, determine whether there is a reasonable alternative that may be pursued in lieu of an extension. Where no such alternative exists and where a reasonable extension is necessary to properly effectuate the District's grievance procedures, the Title IX Coordinator shall determine an appropriate extension of time and provide notice of the period of extension to the parties in writing.
- e. The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will be designed to not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members or confidential resources; or otherwise preparing for or participating in the grievance procedures. The District prohibits retaliation by or against any parties, including against witnesses.
- f. The District will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory (tending to prove sex discrimination) and exculpatory evidence (tending to disprove sex discrimination). Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

1. Basic Requirement for the Grievance Procedures (continued)

- g. The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
 - 1) Evidence that is protected under a privilege recognized by Federal or Connecticut law, unless the person to whom the privilege is owed has voluntarily waived the privilege;
 - 2) A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
 - 3) Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
 - h. The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, as discussed above.
- 2. Filing a Complaint.** A complainant (as defined above) and/or their parent or guardian may file a written or oral complaint with the Title IX Coordinator or an administrator to initiate the District's grievance procedures. Complaints should be filed within thirty (30) school days of the alleged occurrence. If a complaint is filed after thirty (30) school days of the alleged occurrence, the District may be limited in its ability to investigate the complaint.
- 3. Notice of District Grievance Procedures.** If not already done, within five (5) school days of receiving a complaint, the Title IX Coordinator shall inform the complainant and their parent or guardian about the District's Title IX grievance procedures, offer the complainant supportive measures, and, where appropriate, inform the complainant and their parent or guardian about the District's informal resolution process. Through this notification, the Title IX Coordinator shall confirm that the complainant is requesting the District to conduct an investigation and make a determination regarding their allegations of sex discrimination.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

3. Notice of District Grievance Procedures (continued)

When the Title IX Coordinator is named as the respondent, the building principal or administrator responsible for the program shall notify the complainant and their parent or guardian.

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

- a. The Title IX Coordinator or the investigator may dismiss a complaint of sex discrimination prior to issuing the notice of allegations and prior to reaching a determination regarding responsibility where:
 - 1) The District is unable to identify the respondent after taking reasonable steps to do so;
 - 2) The respondent is not participating in the District's education program or activity and/or is not employed by the Board;
 - 3) The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
 - 4) The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations by communicating with the complainant to discuss the allegations in the complaint.
- b. Upon dismissal of the complaint, the Title IX Coordinator will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. When a complaint is dismissed, the District will, at a minimum:
 - 1) Offer supportive measures to the complainant as appropriate;
 - 2) If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
 - 3) Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

4. Jurisdiction and Dismissal (continued)

c. **Appeal of Dismissal.** The Title IX Coordinator will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. The District's appeal procedures will be implemented equally for all parties.

1) Dismissals may be appealed on the following bases:

- a) Procedural irregularity that would change the outcome;
 - b) New evidence that would change the outcome and that was not reasonably available when the dismissal was issued; and
 - c) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
- 2) If the dismissal is appealed, an administrator who did not take part in the investigation of the allegations or the dismissal of the complaint will be the appeal decisionmaker for the dismissal. The District's appeal process for the dismissal of a complaint provides the following:
- a) The appealing party shall have five (5) school days, from the receipt of the dismissal, to submit a written statement in support of, or challenging the outcome of the dismissal;
 - 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)

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

5. Notice of Allegations (continued)

- 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.
- 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.
- 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.
 - 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.
 - 2) The parties shall have five (5) school days to review a description of the evidence or the actual evidence.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

6. Investigation (continued)

- 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.
 - 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.
 - 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.
 - 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.
- 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).

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:

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

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

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Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

- 8. Determination of Whether Sex Discrimination Occurred.** Following an investigation and evaluation of all relevant and not otherwise impermissible evidence and within sixty (60) school days of issuing the initial notice of allegations, the decisionmaker(s) will:
 - a. Use the preponderance of the evidence standard to determine whether sex discrimination occurred. The standard requires the decisionmaker(s) to evaluate relevant and not otherwise impermissible evidence and determine if it is more likely than not that the conduct occurred. If the decisionmaker(s) is not persuaded by a preponderance of the evidence that sex discrimination occurred, the decisionmaker(s) shall not determine that sex discrimination occurred;
 - b. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX and/or the Board's policy and these Administrative Regulations, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;
 - c. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
 - d. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
 - e. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.
- 9. Remedies and Disciplinary Sanctions.** If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - a. Coordinate the provision and implementation of remedies to a complainant and other people the District identified as having had equal access to the District's education program or activity limited or denied by sex discrimination. These remedies may include, but are not limited to: continued supports for the complainant and other people the District identifies; follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation; training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it; counseling supports; other remedies as may be appropriate for a particular circumstance as determined by the Title IX Coordinator.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

9. Remedies and Disciplinary Sanctions (continued)

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

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

Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decisionmaker(s). The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-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 procedures.

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

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

Section V: Pregnancy or Related Conditions

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

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

Section VI: Retaliation

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

Section VII: Recordkeeping

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

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

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

Section VIII: Training

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

1. ***All employees.*** All employees shall be annually trained on the District's obligation to address sex discrimination in its education program or activity; the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment; and all applicable notification and information requirements related to pregnancy and related conditions and the District's response to sex discrimination.
2. ***Investigators, decisionmakers, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures.*** Any employee who will act as an investigator, decisionmaker, or is responsible for supportive measures shall be annually trained on the District's response to sex discrimination; the District's grievance procedures; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the grievance procedures.
3. ***Informal Resolution Facilitator.*** Any employee who will act as an informal resolution facilitator shall be annually trained on the topics in subsection (1) and the rules and practices associated with the District's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.
4. ***Title IX Coordinator.*** Any employee who will serve as the Title IX coordinator must be trained on above subsections (1)-(3) and must be trained on their specific responsibilities under Title IX, the District's recordkeeping system and the requirements recordkeeping under Title IX.

Section IX Further Reporting

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

Individuals may also make a report of 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).

FKA Regulation 4118.112 adopted: June 17, 2021 NEW FAIRFIELD PUBLIC SCHOOLS
Regulation 4118.112 rescinded: November 7, 2024 New Fairfield, Connecticut
Regulation revised: November 7, 2024
Regulation rescinded:

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

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: _____

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

The New Fairfield Board of Education (the “Board”) and New Fairfield 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:

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660
loyd.rebecca@newfairfieldschools.org

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668
woleck.kristine@newfairfieldschools.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;

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

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, 9th 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)
Fernandez v. Mac Motors, Inc., 205 Conn. App. 669 (2021)

FKA Policy 5145.5 adopted: June 17, 2021
Policy 5145.5 rescinded: November 7, 2024
Policy revised: November 7, 2024

Policy rescinded:

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

The New Fairfield Board of Education (the “Board”) and New Fairfield 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;

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

- 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.

Section I Reporting Sex Discrimination

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

For Staff

Human Resources Director

3 Brush Hill Road

New Fairfield, CT 06812

Telephone Number (203) 312-5660

lloyd.rebecca@newfairfieldschools.org

For Students

Assistant Superintendent

3 Brush Hill Road

New Fairfield, CT 06812

Telephone Number (203) 312-5668

woleck.kristine@newfairfieldschools.org

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

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 and under the Board's policy and these Administrative Regulations:

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 District'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 (collectively, "parent or guardian"); 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 people 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 District's education program or activity at the time of the alleged sex discrimination.

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

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

Section II Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decisionmaker(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 (1) 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 its regulations; or (2) 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 or its regulations and who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination. When a complainant is a student of the District, reference in these Administrative Regulations to complainant includes the student's parent or guardian.
- **Complaint** means oral or written requests to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX or its regulations and under the Board's policy and these Administrative Regulations.
- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decisionmaker(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:

- 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.
- Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- 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.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

Section II Definitions (continued)

- It shall not be a valid excuse to an alleged lack of affirmative consent that a respondent to the alleged violation believed that a complainant consented to the sexual activity:
 - because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant consented, or
 - 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.
- The existence of a past or current dating or sexual relationship between a complainant and a respondent, in and of itself, shall not be determinative of a finding of consent.
- **Disciplinary sanctions** means consequences imposed on a respondent following a determination under Title IX or under the Board's policy and these Administrative Regulations that the respondent violated the District's prohibition on sex discrimination.
- For purposes of investigations and complaints of sex discrimination, **education program or activity** includes buildings owned or controlled by the Board and conduct that is subject to the District's disciplinary authority. The District has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the District's education program or activity or outside the United States.
- **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.
- **Party** means a complainant or respondent.
- **Pregnancy or related conditions** mean (A) pregnancy, childbirth, termination of pregnancy, or lactation; (B) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (C) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

Section II Definitions (continued)

- **Relevant** means related to the allegations of sex discrimination under investigation as a part of the District's Title IX grievance procedures. Questions are **relevant** when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
- **Remedies** means measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that sex discrimination occurred.
- **Respondent** means an individual who is alleged to have violated the District's prohibition on sex discrimination. When a respondent is a student of the District, reference in these Administrative Regulations to respondent includes the student's parent or guardian.
- **Retaliation** means intimidation, threats, coercion, or discrimination against any person by a student or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or Title VII or their regulations or Connecticut law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing or informal resolution process conducted pursuant to federal Title IX regulations or under the Board's policy and these Administrative Regulations. This also includes **peer retaliation**, which means retaliation by a student against another student.
- **School days** means the days that school is in session as designated on the calendar posted on the District'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 procedures.

Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or (2) provide support during the District's grievance procedures or during the informal resolution process. Supportive measures may include counseling; extensions of deadlines or other course-related adjustments; increased security and monitoring; restrictions on contact; changes to class schedules or extracurriculars; training and education programs related to sex-based harassment, and other similar measures as determined appropriate by the Title IX Coordinator.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

Section III: Response to Sex Discrimination

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

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

Supportive Measure (continued)

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

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

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

- a. **Notice of Informal Resolution Process.** Promptly upon obtaining the parties' voluntary consent to process with the informal resolution process and before initiation of the informal resolution process, the District must provide to the parties written notice that explains:
 - i. the allegations;
 - ii. the requirements of the informal resolution process;
 - iii. that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the formal grievance procedures;
 - iv. that the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming the formal grievance procedures arising from the same allegations;

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

Informal Resolution Process (continued)

- v. the potential terms that may be requested or offered in an informal resolution agreement (which may include, but are not limited to, restrictions on contact, restrictions on the respondent's participation in the District's programs or activities, other disciplinary sanctions, and/or sensitivity training), including notice that an informal resolution agreement is binding only on the parties; and
 - vi. what information the District will maintain and whether and how the District could disclose such information for use in formal grievances procedures.
- b. **Intake Meeting(s).** From the date of the written notice provided in subsection III.3.a, above, the parties will have thirty (30) school days to reach a resolution. The Title IX Coordinator may extend this timeframe for the same reasons identified in subsection IV.1.d, below. If a resolution is not reached, the District will continue resolving the complaint through the grievance procedures as outlined below. The informal resolution process will be designed to be collaborative, focusing on the needs of both parties. When the parties have agreed to pursue the informal resolution process, the informal resolution facilitator shall have a separate intake meeting with each party to determine the appropriate path for resolution. During the intake meeting(s), each party will have the opportunity to share their perspective on the allegations, and the informal resolution facilitator will ascertain the party's goals and motivation in pursuing an informal resolution process.
- c. **Informal Resolution Process.** Depending on the allegations of sex discrimination, the District may offer, or the parties may request (subject to the District's approval), one or more of the following types of informal resolution processes:
- i. **Facilitated Dialogue:** After the intake meeting(s), the parties engage in a direct conversation about the alleged sex discrimination with the assistance of the informal resolution facilitator. In a facilitated dialogue, the parties are communicating directly and sharing the same space (virtually or in-person). During a facilitated dialogue, the parties will have the opportunity to discuss their individual experiences and listen to the experiences of others with the intention of reaching a mutually agreeable resolution.
 - ii. **Mediation:** After the intake meeting, the parties will engage in back-and-forth communication to reach an agreed-upon resolution. Mediation may take place electronically or in-person or virtually, with the parties in different locations (e.g. not face-to-face). The parties will have the opportunity to speak with the informal resolution facilitator, and the informal resolution facilitator will communicate each party's perspective to the opposing party. Mediation may be completed in one session or may require multiple sessions.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

Informal Resolution Process (Continued)

- d. ***Informal Resolution Agreement.*** After the parties have reached an agreed-upon resolution, the informal resolution facilitator shall memorialize such agreement in writing. Such resolutions may include, but are not limited to, mutual no-contact orders; agreed upon sensitivity training; restrictions on the respondent's participation in the District's programs or activities or other disciplinary sanctions; or other mutually agreed upon resolutions. Both parties shall sign the informal resolution agreement, at which point the matter will be considered resolved.
- e. ***Retaliation and Subsequent Conduct.*** Nothing in this section precludes an individual 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.

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

E. 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.

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;

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

Absence of a Complaint (continued)

- 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.
- b. The District prohibits any Title IX Coordinator, investigator, or decisionmaker from having a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- c. The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

1. Basic Requirement for the Grievance Procedures (continued)

- d. The District has established timeframes for the major stages of the grievance procedures. The District has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:
 - 1) When determining whether a reasonable extension of timeframes is appropriate, the Title IX Coordinator shall pursue a two-step inquiry. When appropriate, the Title IX Coordinator shall make this determination in consultation with the investigator, decisionmaker, appeal decisionmaker and/or the informal resolution facilitator.
 - 2) First, the Title IX Coordinator shall determine whether good cause exists. Good cause shall include, but is not limited to, the absence or illness of a party or a witness; concurrent law enforcement activity and/or activity by the Department of Children and Families; school being out of session; or particular circumstances based on the Title IX Coordinator's experience and familiarity with the complaint that constitute good cause. Reasonable modifications for those with disabilities and language assistance for those with limited proficiency in English should be provided within the established timeframes without need for a reasonable extension.
 - 3) The existence of good cause will not always require a reasonable extension. When evaluating whether such good cause warrants a reasonable extension of time, the Title IX Coordinator shall, in part, determine whether there is a reasonable alternative that may be pursued in lieu of an extension. Where no such alternative exists and where a reasonable extension is necessary to properly effectuate the District's grievance procedures, the Title IX Coordinator shall determine an appropriate extension of time and provide notice of the period of extension to the parties in writing.
- e. The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will be designed to not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members or confidential resources; or otherwise preparing for or participating in the grievance procedures. The District prohibits retaliation by or against any parties, including against witnesses.
- f. The District will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory (tending to prove sex discrimination) and exculpatory evidence (tending to disprove sex discrimination). Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

1. Basic Requirement for the Grievance Procedures (continued)

- g. The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
- 1) Evidence that is protected under a privilege recognized by Federal or Connecticut law, unless the person to whom the privilege is owed has voluntarily waived the privilege;
 - 2) A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
 - 3) Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
- h. The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, as discussed above.

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

3. Notice of District Grievance Procedures. If not already done, within five (5) school days of receiving a complaint, the Title IX Coordinator shall inform the complainant and their parent or guardian about the District's Title IX grievance procedures, offer the complainant supportive measures, and, where appropriate, inform the complainant and their parent or guardian about the District's informal resolution process. Through this notification, the Title IX Coordinator shall confirm that the complainant is requesting the District to conduct an investigation and make a determination regarding their allegations of sex discrimination.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

3. Notice of District Grievance Procedures (continued)

When the Title IX Coordinator is named as the respondent, the building principal or administrator responsible for the program shall notify the complainant and their parent or guardian.

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

- a. The Title IX Coordinator or the investigator may dismiss a complaint of sex discrimination prior to issuing the notice of allegations and prior to reaching a determination regarding responsibility where:
 - 1) The District is unable to identify the respondent after taking reasonable steps to do so;
 - 2) The respondent is not participating in the District's education program or activity and/or is not employed by the Board;
 - 3) The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
 - 4) The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations by communicating with the complainant to discuss the allegations in the complaint.
- b. Upon dismissal of the complaint, the Title IX Coordinator will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. When a complaint is dismissed, the District will, at a minimum:
 - 1) Offer supportive measures to the complainant as appropriate;
 - 2) If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
 - 3) Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

4. Jurisdiction and Dismissal (continued)

c. **Appeal of Dismissal.** The Title IX Coordinator will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. The District's appeal procedures will be implemented equally for all parties.

1) Dismissals may be appealed on the following bases:

- a) Procedural irregularity that would change the outcome;
- b) New evidence that would change the outcome and that was not reasonably available when the dismissal was issued; and
- c) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

2) If the dismissal is appealed, an administrator who did not take part in the investigation of the allegations or the dismissal of the complaint will be the appeal decisionmaker for the dismissal. The District's appeal process for the dismissal of a complaint provides the following:

- a) The appealing party shall have five (5) school days, from the receipt of the dismissal, to submit a written statement in support of, or challenging the outcome of the dismissal;
- 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)

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

5. Notice of Allegations (continued)

- 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.
- 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.
- 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.
 - 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.
 - 2) The parties shall have five (5) school days to review a description of the evidence or the actual evidence.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

6. Investigation (continued)

- 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.
 - 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.
 - 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.
 - 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.
- 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).

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:

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

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

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Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

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

 - a. Use the preponderance of the evidence standard to determine whether sex discrimination occurred. The standard requires the decisionmaker(s) to evaluate relevant and not otherwise impermissible evidence and determine if it is more likely than not that the conduct occurred. If the decisionmaker(s) is not persuaded by a preponderance of the evidence that sex discrimination occurred, the decisionmaker(s) shall not determine that sex discrimination occurred;
 - b. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX and/or the Board's policy and these Administrative Regulations, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;
 - c. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
 - d. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
 - e. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.
- 9. Remedies and Disciplinary Sanctions.** If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:

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

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

9. Remedies and Disciplinary Sanctions (continued)

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

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

Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decisionmaker(s). The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-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 procedures.

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

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Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

Section V: Pregnancy or Related Conditions

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

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

Section VI: Retaliation

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

Section VII: Recordkeeping

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

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

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment (continued)

Section VIII: Training

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

1. ***All employees.*** All employees shall be annually trained on the District's obligation to address sex discrimination in its education program or activity; the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment; and all applicable notification and information requirements related to pregnancy and related conditions and the District's response to sex discrimination.
2. ***Investigators, decisionmakers, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures.*** Any employee who will act as an investigator, decisionmaker, or is responsible for supportive measures shall be annually trained on the District's response to sex discrimination; the District's grievance procedures; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the grievance procedures.
3. ***Informal Resolution Facilitator.*** Any employee who will act as an informal resolution facilitator shall be annually trained on the topics in subsection (1) and the rules and practices associated with the District's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.
4. ***Title IX Coordinator.*** Any employee who will serve as the Title IX coordinator must be trained on above subsections (1)-(3) and must be trained on their specific responsibilities under Title IX, the District's recordkeeping system and the requirements recordkeeping under Title IX.

Section IX Further Reporting

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

Individuals may also make a report of 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).

FKA Regulation 5145.5 adopted:	June 17, 2021	NEW FAIRFIELD PUBLIC SCHOOLS
Regulation 5145.5 rescinded:	November 7, 2024	New Fairfield, Connecticut
Regulation revised:	November 7, 2024	
Regulation rescinded:		

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

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: _____