

## Somers Board of Education Regular Meeting

Monday, September 8, 2025 7:00 PM

Somers Board of Education Chambers, 1 Vision Boulevard, Somers, CT 06071

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **AWARDS AND RECOGNITIONS**
  1. 2026 Teacher of the Year  
Dr. Galloway will introduce Ken McCarthy to the Board as the 2026 Teacher of the Year.
4. **APPROVAL OF MINUTES**
  1. Approval of the August 25, 2025 BOE Meeting Minutes 3  
The Board to review and approve the minutes from the August 25, 2025 Board meeting.
5. **ADMINISTRATIVE REPORTS**
  1. Superintendent Update
  2. FY26 August Monthly Report 9  
Stephanie Levin, Director of Business Services, will update the Board on the monthly budget report.
6. **OPPORTUNITY TO ADD/DELETE AGENDA ITEMS**
7. **CONSENT AGENDA**
  1. Warrant of September 8, 2025 10  
The Board to review and consent to the warrant of September 8, 2025.
  2. 2nd Posting DBS Code 9222 - Resignation/Removal of Board Officer 14
  3. 2nd Posting DBS Code 9325.2 - Time, Place, Notification of Meetings 24
  4. 2nd Posting DBS Code 2400.1 - Evaluation of the Superintendent 25
8. **OLD BUSINESS**
9. **NEW BUSINESS**
  1. 2026 Graduation Date  
The Board to approve a set 2026 graduation date of June 10, 2025.
  2. Request for Childrearing Leave Extension  
The Board to review and approve a child-rearing leave extension for Alexis Harrington, SES SOAR Special Education Teacher. She was to return on October 20, 2025, and would like to extend her absence to January 5, 2026.
  3. CIP Project 26  
The Board to approve the proposed CIP project to move to CIP. Stephanie Levin, Director of Business Services, will update the Board on the proposed CIP project.
  4. 1st Posting DBS Code 5118.21 - Educational Opportunities for Military Children/Children of Deployed Parents/Guardians 27
  5. 1st Posting DBS Code 5142 - Students - School Safety: Preparation, Response, and After Action 30
  6. 1st Posting DBS Code 6140 - Curriculum 34
  7. 2nd Posting DBS Code 4000.1/5145.44 - Students - Prohibition of Sex Discrimination, Including Sex-Based Harrassment (2025) 36
  8. 2nd Posting DBS Policy 4000.1/5145.44 - Students - Title IX (2021) 67
10. **COMMITTEE REPORTS**
  1. Curriculum (next meeting October 14, 2025, 6:00 p.m.)
  2. Policy (next meeting September 22, 2025, 6:15 p.m.)
  3. Planning/Finance
  4. Salary & Negotiations
  5. Building

11. **CABE/CREC/State Dept. of Ed./SEF**
12. **AUDIENCE TO CITIZENS/STAFF/STUDENTS**
13. **ADJOURNMENT**

**Somers Board of Education Regular Meeting  
Somers Board of Education Chambers**

**Monday, August 25, 2025**

**7:00 PM**

*(The recorded livestream may be viewed on SPS' YouTube channel on the school website)*

Present BOE Members: Anne Kirkpatrick, Mike Briggs, Dr. Ed DePeau, Shane Manning, Jan Martin, Kim Radziewicz, Derek Zelek

Absent BOE Members: JT Galloway, Carl Stebbins

Others: Dr. Sam Galloway, Stephanie Levin, Dorothy Silverstein, Julie Hinkley, Gina Olearczyk

**1. CALL TO ORDER**

The regular Board of Education meeting was called to order by Chair Kirkpatrick at 7:00 p.m. in the Board of Education Chambers.

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF MINUTES**

**3.1. Approval of the June 23, 2025 BOE Meeting Minutes**

**Rationale:** The Board to review and approve the minutes from the June 23, 2025 Board meeting.

**Motion** to approve minutes of 6/23 BOE meeting. This motion, made by Jan Martin and seconded by Derek Zelek, Carried. **Yea: 6, Nay: 0, Absent: 2 (JT Galloway, Carl Stebbins), Abstain: 1 (Kim Radziewicz)**

**4. ADMINISTRATIVE REPORTS**

**4.1. Superintendent Update**

All certified vacancies have been filled. Teachers and staff will be greeted at Convocation at SHS on 8/26/25.

Administrators participated in an emergency management tabletop exercise that required decision-making as hypothetical emergency situations developed. Superintendent Galloway extended a special thank you to town partners who participated, including the Resident Troopers Office, Fire Department, Public Works, and, specifically, Todd Rolland, Director of Land Use and Public Works. The purpose of the exercise was to ensure that leaders understand how to make quick, decisive decisions at the onset of a problem, to build relationships with other town entities, and to better understand the role of those entities. School leaders received CPR certification and re-certification training. Appreciation was expressed to the Somers Fire Department staff for the block of instruction that was provided to ensure leaders are CPR certified and able to handle a choking emergency.

A representative from Gilbane presented six options at the SES HVAC Committee meeting held over the summer. The committee expressed interest in the sixth option, which would include mini-splits throughout the building. This proposal gained traction as it would be within budget and would not require any students to be relocated.

Thanks were extended to the Somers Education Foundation. A meeting was held with Dr. Salva, and the Foundation reaffirmed its commitment to supporting educators with innovative ideas. The Foundation has awarded over \$73,000 to support the school system, funding projects that promote innovation and out-of-the-box thinking. Over 20 teachers were supported in literacy training with the new curriculum.

Board Member Derek Zelek inquired about the budget for the sixth option for the HVAC project. Superintendent Galloway clarified that the option that was discussed is approximately \$2 million under budget. The mini-splits that are included as part of this project would be placed in classrooms, but would adequately cool hallways and remedy the current ventilation issues.

#### 4.2. FY25 EOY Report

**Rationale:** Stephanie Levin, Director of Business Services, will be available to answer questions regarding the FY25 EOY report.

**Discussion:** Stephanie Levin presented the FY25 End of Year Report. She noted that the fiscal year ended with the assumption that the Board will approve the transfers recommended by the Budget Subcommittee at the last meeting. The audit will continue in October and is expected to conclude in December. Pending the outcome of the audit, it is expected that \$177,898 will be "returned" to the town. Since those funds were never accepted, they remain on the town's side. Ms. Levin explained that she and Brian Wissinger balance the budget monthly to ensure the town is aware of what the district has requested and what funds are actually spent.

#### 4.3. FY26 July Monthly Report

**Rationale:** Stephanie Levin, Director of Business Services, will update the Board on the monthly budget report.

**Discussion:** Stephanie Levin presented the monthly budget report. The July and August budgets reflect staff changes and salaries. It was noted that the summer budget is very fluid due to the number of staffing adjustments. The July budget included staff being hired and enrolled in insurance, so many of the numbers were approximated and will be adjusted in September. There was little activity in July for tuition and transportation outside of summer school transportation. It was noted that the budget will change substantially at the next Board meeting. Utilities, maintenance, and instructional supplies will continue to be closely monitored.

A question was raised regarding staff insurance. Fourteen current staff members made changes to their enrollment due to life events. In most of these cases, costs

increased. Additionally, eight new staff members became eligible for insurance and elected coverage. Overall, the budget is currently about \$70,000 over the anticipated budget, though further changes may still occur due to staff leaves.

Bus routes were recently reviewed, including group stops. At this time there are only two bus stop change requests. One was granted while the other is still under discussion.

## 5. OPPORTUNITY TO ADD/DELETE AGENDA ITEMS

## 6. CONSENT AGENDA

**Motion** to approve Consent Agenda. This motion, made by Ed DePeau and seconded by Shane Manning, Carried. **Yea: 7, Nay: 0, Absent: 2 (JT Galloway, Carl Stebbins)**

### 6.1. Warrants of June 30, 2025

**Rationale:** The Board to review and consent to the warrant of June 30, 2025.

### 6.2. Warrant of July 14, 2025

**Rationale:** The Board to review and consent to the warrant of July 14, 2025.

### 6.3. Warrant of August 8, 2025 (FY 24/25)

**Rationale:** The Board to review and consent to the warrant of August 8, 2025 for FY 24-25.

### 6.4. Warrant of August 8, 2025

**Rationale:** The Board to consent to the warrant of August 8, 2025.

### 6.5. Warrant of August 25, 2025

**Rationale:** The Board to review and consent to the warrant of August 25, 2025.

### 6.6. Resignations

**Rationale:**

- Jennifer Sugermeyer, Grade 5 Teacher, is resigning after six years of service at SPS.
- Noreen Harnett, MBA, World Language Teacher, is resigning effective August 24, 2025, after four years of service at SPS.
- Linda Preston, SHS World Language Teacher, is resigning effective August 25, 2025, after more than 26 years of service at SPS.

## 7. OLD BUSINESS

## 8. NEW BUSINESS

### 8.1. Board to Approve District School Maintenance Worker

**Rationale:** The Board to review and approve the hiring of Karl "Ross" Bower, District School Maintenance Worker per DBS Policy 4112.8 - Nepotism.

**Motion** to approve the hiring of Karl "Ross" Bower as District School Maintenance Worker per DBS Policy 4112.8-Nepotism. This motion, made by Jan Martin and seconded by Kim Radziewicz, Carried. **Yea: 7, Nay: 0, Absent: 2 (JT Galloway, Carl Stebbins)**

**Discussion:** Superintendent Galloway asked the Board to consider the hiring of K. Ross Bower as a district maintenance worker. Mr. Bower is the son of the SHS Head Custodian. If hired, Mr. Bower would not report directly to his father, though it is possible they could work in the same building. This maintenance position has been vacant since March, and efforts to recruit a certified electrician and plumber have been unsuccessful, largely due to salary constraints. Mr. Bower has some certifications and brings 20 years of experience. It is important to acquire certified staff to reduce the reliance on outside vendors. Last year the district spent over \$130,000 on contracted services, including electrical, general contracting, plumbing and landscaping. It was further noted that while the district currently employs capable and handy staff members, certain types of work require licensed and certified professionals.

### 8.2. Recommended FY25 EOY Transfers

**Rationale:** The Board to review and approve the recommended FY25 EOY transfers.

**Motion** to approve the end of the year FY25 transfers recommended by the Budget/Planning Committee. This motion, made by Kim Radziewicz and seconded by Shane Manning, Carried. **Yea: 7, Nay: 0, Absent: 2 (JT Galloway, Carl Stebbins)**

### 8.3. 1st Posting DBS Policy 4000.1/5145.44 - Students - Title IX (2021)

### 8.4. 1st Posting DBS Code 4000.1/5145.44 - Students - Prohibition of Sex Discrimination, Including Sex-Based Harassment (2025)

**Discussion:** A policy adopted in 2021 and later revised in 2024 must be reverted to its 2021 version, as required by the federal government.

### 8.5. 1st Posting DBS Code 9222 - Resignation/Removal of Board Officer

### 8.6. 1st Posting DBS Code 9325.2 - Time, Place, Notification of Meetings

### 8.7. 1st Posting DBS Code 2400.1 - Evaluation of the Superintendent

### 8.8. Required New BOE Member Training

**Rationale:** Anne Kirkpatrick will discuss the required training needed for new Board members.

**Discussion:** A state law passed last year requires newly elected Board members to complete training within their first year of service. CABE has been designated to provide the required training. Board members may fulfill the requirement by attending the CABE Convention on November 21-22 or by participating in free CABE webinars. The cost of training is covered in the Board of Education's professional development budget.

## **9. COMMITTEE REPORTS**

### **9.1. Curriculum (next meeting 9/8/25 5:30 p.m.)**

The next meeting will be held on 9/8/25 at 5:30 p.m.

### **9.2. Policy**

This committee met on 8/25/25. There will be several new policies posted at the next meeting on 9/22/25 at 6:15 p.m.

### **9.3. Planning/Finance**

This committee met last week to discuss budget transfers.

### **9.4. Salary & Negotiations**

This committee is on hold.

### **9.5. Building**

Updates regarding the SES HVAC projected were reviewed in the Superintendent's Report. The primary concern at last year's parent meeting was the relocation of students during construction. The sixth option presented by Gilbane both reduced cost and explored an alternate solution to avoid student relocation. The exact timeline and cost of moving forward with the sixth option are not yet known. Construction could potentially be scheduled at night or during the summer to minimize disruption. The Building Committee will continue to meet on the first and third Tuesday of every month through December.

## **10. CABE/CREC/State Dept. of Ed./SEF**

The annual SEF meeting took place over the summer. SEF is still looking for a new board member.

## **11. AUDIENCE TO CITIZENS/STAFF/STUDENTS**

Dorothy Silverstein, the parent of an incoming 10th grader, addressed the Board regarding a book assigned for summer reading. She read an excerpt from the text and expressed concern about its content. As a mother of four boys and as a woman, she stated she was appalled at the sentiment of the passage and stressed that students are impressionable. She emphasized that she was not advocating for banning books but believed there should be greater discretion in selecting required reading. She noted that *Catcher in the Rye*, which was referenced in the discussion, was published 74 years ago.

Gina Olearczyk expressed her appreciation that mini-splits are being considered as part of the facilities project. Ms. Olearczyk encouraged the Board to plan for their long-term maintenance, including a staggered replacement schedule to avoid a large, one-time replacement cost. She also shared her gratitude to all educators for preparing her son, who graduated in June and recently began classes at Quinnipiac University. She noted that the AP and ECE courses he completed in high school left him feeling confident and well-prepared for college-level work.

**12. ADJOURNMENT**

**Motion** to adjourn the meeting at 7:41 p.m. This motion, made by Jan Martin and seconded by Shane Manning, Carried. **Yea: 7, Nay: 0, Absent: 2 (JT Galloway, Carl Stebbins)**

---

Jan Martin, BOE Secretary                      Date  
Jenna McDermott, BOE Recording Secretary



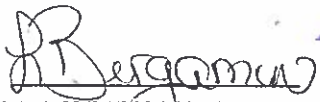
---

# SOMERS BOARD OF EDUCATION VOUCHER

Voucher No: 1048

Voucher Date: 09/08/2025

Prepared By:

  
Printed: 09/04/2025 09:59:08 AM

---

SOMERS BOARD OF EDUCATION is hereby authorized to draw warrants against SOMERS BOARD OF EDUCATION funds for the sum of \$622,861.18 on account of obligations incurred for value received in services and for materials as shown below for period July 1, 2025 to June 30, 2026 (period cannot overlap fiscal year end.)

I certify that this claim is just and correct, and the services and/or materials herein represented have been received during the period listed above. All items are properly coded and not in excess of the budget.

---

  
Stephanie Levin Director of Business Services

SOMERS BOARD OF EDUCATION

---

Fund	Amount
10 GENERAL FUND	\$622,861.18
	<b>\$622,861.18</b>

**Somers Board of Education**

**Check Listing**

Fiscal Year: 2025-2026

**Criteria:**

**Bank Account:** BOE AP CASH 1918032563

**From Date:** 9/8/2025  
**From Check:** 26543  
**From Voucher:** 1048

**To Date:** 9/8/2025  
**To Check:** 26597  
**To Voucher:** 1048

Check Number	Date	Payee	Amount	Voucher	Status	Type	Cleared?	Clear Date	Void Date
26543	09/08/2025	A&D Portable Rentals	\$95.00	1048	Printed	Expense	<input type="checkbox"/>		
26544	09/08/2025	A+ Pump & Service, LLC	\$3,196.00	1048	Printed	Expense	<input type="checkbox"/>		
26545	09/08/2025	Amazon Capital Services	\$4,830.38	1048	Printed	Expense	<input type="checkbox"/>		
26546	09/08/2025	Angeloni Refrigeration, LLC	\$125.00	1048	Printed	Expense	<input type="checkbox"/>		
26547	09/08/2025	Anthem Blue Cross and Blue Shield	\$398,941.38	1048	Printed	Expense	<input type="checkbox"/>		
26548	09/08/2025	Apple Inc.	\$49,445.00	1048	Printed	Expense	<input type="checkbox"/>		
26549	09/08/2025	Brady Mechanical Services	\$885.00	1048	Printed	Expense	<input type="checkbox"/>		
26550	09/08/2025	BSN Sports LLC	\$3,287.51	1048	Printed	Expense	<input type="checkbox"/>		
26551	09/08/2025	CASPA	\$300.00	1048	Printed	Expense	<input type="checkbox"/>		
26552	09/08/2025	CDW Government, Inc.	\$111.00	1048	Printed	Expense	<input type="checkbox"/>		
26553	09/08/2025	CHLIC	\$16,242.82	1048	Printed	Expense	<input type="checkbox"/>		
26554	09/08/2025	CleanMachine Powerwash Inc.	\$450.00	1048	Printed	Expense	<input type="checkbox"/>		
26555	09/08/2025	Clear Water Industries	\$245.00	1048	Printed	Expense	<input type="checkbox"/>		
26556	09/08/2025	CNC Software, LLC	\$1,440.00	1048	Printed	Expense	<input type="checkbox"/>		
26557	09/08/2025	Connecticut Mulch Distributors, Inc	\$124.00	1048	Printed	Expense	<input type="checkbox"/>		
26558	09/08/2025	COX Business	\$207.45	1048	Printed	Expense	<input type="checkbox"/>		
26559	09/08/2025	Cummins Sales and Service	\$3,470.45	1048	Printed	Expense	<input type="checkbox"/>		
26560	09/08/2025	EAI Education	\$1,371.50	1048	Printed	Expense	<input type="checkbox"/>		
26561	09/08/2025	Elan Financial Services	\$1,896.14	1048	Printed	Expense	<input type="checkbox"/>		
26562	09/08/2025	Employee Services, LLC	\$6,466.76	1048	Printed	Expense	<input type="checkbox"/>		
26563	09/08/2025	Eversource Energy	\$10,725.68	1048	Printed	Expense	<input type="checkbox"/>		
26564	09/08/2025	Everwhite Corporation	\$2,569.00	1048	Printed	Expense	<input type="checkbox"/>		
26565	09/08/2025	Gateway Enterprise Corporation	\$1,115.00	1048	Printed	Expense	<input type="checkbox"/>		
26566	09/08/2025	Graduate Pest Solutions, Inc.	\$325.00	1048	Printed	Expense	<input type="checkbox"/>		

## Somers Board of Education

### Check Listing

Fiscal Year: 2025-2026

**Criteria:**

**Bank Account:** BOE AP CASH 1918032563

**From Date:** 9/8/2025  
**From Check:** 26543  
**From Voucher:** 1048

**To Date:** 9/8/2025  
**To Check:** 26597  
**To Voucher:** 1048

Check Number	Date	Payee	Amount	Voucher	Status	Type	Cleared?	Clear Date	Void Date
26567	09/08/2025	Hartford HealthCare Corporation SBO	\$3,672.00	1048	Printed	Expense	<input type="checkbox"/>		
26568	09/08/2025	Hobart Service	\$3,642.17	1048	Printed	Expense	<input type="checkbox"/>		
26569	09/08/2025	Hugh's Mechanical Equipment, LLC	\$2,288.20	1048	Printed	Expense	<input type="checkbox"/>		
26570	09/08/2025	Imperial Dade	\$8,062.47	1048	Printed	Expense	<input type="checkbox"/>		
26571	09/08/2025	Infoshred, LLC	\$314.42	1048	Printed	Expense	<input type="checkbox"/>		
26572	09/08/2025	Integrated Rehabilitation Services	\$12,000.00	1048	Printed	Expense	<input type="checkbox"/>		
26573	09/08/2025	Jamf	\$3,850.00	1048	Printed	Expense	<input type="checkbox"/>		
26574	09/08/2025	JP Climate Control LLC	\$7,985.00	1048	Printed	Expense	<input type="checkbox"/>		
26575	09/08/2025	Life Source	\$420.00	1048	Printed	Expense	<input type="checkbox"/>		
26576	09/08/2025	Lori Caron	\$39.25	1048	Printed	Expense	<input type="checkbox"/>		
26577	09/08/2025	MagnaKleen Services	\$217.22	1048	Printed	Expense	<input type="checkbox"/>		
26578	09/08/2025	Measure Line Services	\$6,800.00	1048	Printed	Expense	<input type="checkbox"/>		
26579	09/08/2025	Morgan Stanley	\$37,012.00	1048	Printed	Expense	<input type="checkbox"/>		
26580	09/08/2025	Nuso, LLC	\$116.82	1048	Printed	Expense	<input type="checkbox"/>		
26581	09/08/2025	Plimpton & Hills	\$186.91	1048	Printed	Expense	<input type="checkbox"/>		
26582	09/08/2025	Rusty Klin LLC	\$812.50	1048	Printed	Expense	<input type="checkbox"/>		
26583	09/08/2025	S.S. Trinks Steam LLC	\$2,785.00	1048	Printed	Expense	<input type="checkbox"/>		
26584	09/08/2025	Sarah Martin	\$60.00	1048	Printed	Expense	<input type="checkbox"/>		
26585	09/08/2025	Scholastic Inc	\$116.88	1048	Printed	Expense	<input type="checkbox"/>		
26586	09/08/2025	School Specialty, Llc	\$852.00	1048	Printed	Expense	<input type="checkbox"/>		
26587	09/08/2025	Sherwin-Williams Co., The	\$120.44	1048	Printed	Expense	<input type="checkbox"/>		
26588	09/08/2025	Shipman & Goodwin, LLP	\$903.00	1048	Printed	Expense	<input type="checkbox"/>		
26589	09/08/2025	Somers Lunch Program	\$530.00	1048	Printed	Expense	<input type="checkbox"/>		
26590	09/08/2025	The Hartford	\$9,570.57	1048	Printed	Expense	<input type="checkbox"/>		

**Somers Board of Education**

**Check Listing**

Fiscal Year: 2025-2026

Criteria:

Bank Account: BOE AP CASH 1918032563

From Date: 9/8/2025  
 From Check: 26543  
 From Voucher: 1048

To Date: 9/8/2025  
 To Check: 26597  
 To Voucher: 1048

Check Number	Date	Payee	Amount	Voucher	Status	Type	Cleared?	Clear Date	Void Date
26591	09/08/2025	Town of Somers	\$1,366.12	1048	Printed	Expense	<input type="checkbox"/>		
26592	09/08/2025	Tristate Equipment Repair	\$1,805.42	1048	Printed	Expense	<input type="checkbox"/>		
26593	09/08/2025	United Ag & Turf NE	\$53.18	1048	Printed	Expense	<input type="checkbox"/>		
26594	09/08/2025	Verizon Wireless	\$492.44	1048	Printed	Expense	<input type="checkbox"/>		
26595	09/08/2025	Waypoint Plumbing LLC	\$5,850.00	1048	Printed	Expense	<input type="checkbox"/>		
26596	09/08/2025	Williams Scotsman, Inc	\$400.00	1048	Printed	Expense	<input type="checkbox"/>		
26597	09/08/2025	Xerox Corporation	\$2,672.10	1048	Printed	Expense	<input type="checkbox"/>		

Total Amount: \$622,861.18

End of Report

*Suggested bylaw to consider, with an expanded section pertaining to censure.*

## **Bylaws of the Board**

### **Resignation /Removal of a Board Officer/Censure**

#### **Resignation**

If for reasons of health, change in domicile, or any other compelling reason a member does decide to terminate service, the Board requests as early as possible notification of intent to resign so that the Board may plan appropriately.

When a member of a Board of Education shall cease to be a bona fide resident of the Town membership in the Board shall immediately cease.

State law provides that municipal officers seeking to resign from office must submit a written resignation to the municipal clerk. The resignation takes effect upon the date specified in the resignation or, if no date is specified, upon the date of its submission to the clerk.
---

#### **Removal of Board Officer**

Any Board officer may be removed from office by a two-thirds majority vote of the membership of the entire Board. A vote to remove a Board officer shall only take place at a regular meeting or a special meeting called for that purpose. "Cause" includes, but is not limited to, any conduct that:

1. Specifically relates to and affects the administration of the office in a manner deemed deleterious to Board operations;
2. Negatively and directly affects the rights and interests of the public;
3. Violates Board policies, rules and regulations; or
4. Conduct that interferes with the orderly and efficient operation of the Board.

#### **Procedure for Removal:**

Prior to any vote to remove a Board officer for cause:

1. The Board may review the performance and/or conduct of the Board officer in open or executive session (as determined by the Board and the Board officer) prior to taking any formal action;
2. If the Board determines that formal action is necessary, the Board officer shall be provided with reasonable notice of the Board's intent to consider possible removal from office (such notice to be given in writing after being authorized by Board vote at a prior meeting of the Board);

3. Upon the written request of the Board officer within seven (7) days of such action, he/she shall be provided with an opportunity for a hearing before the Board of Education before the Board votes on removal;
4. At any such hearing, the Board officer shall have the right to be represented by counsel at his/her own expense and to present relevant evidence to the Board.



## 10-220.1 Duties of boards of education

Bylaw adopted by the Board:

rev. 4/21

rev 3/25

**Sample Public Censure Statement (#1)**

PUBLIC CENSURE OF BOARD MEMBER \_\_\_\_\_. Motion made by \_\_\_\_\_; seconded by \_\_\_\_\_.

**WHEREAS**, the Board of Education of the \_\_\_\_\_ School District is committed to the principles of authority, ethics, and responsibility established in Board Policy and its Board Bylaws;

**WHEREAS**, these principles manifest in the Board of Education's expectation that members will listen to and respect the opinions of others; will recognize that the authority of the Board rests with the Board as a whole taking action at lawfully noticed meetings; will refrain from disparaging other Board members and employees; and will support Board decisions once made;

**WHEREAS**, the Board of Education values diverse opinions, but expects Board members to conduct themselves in a manner that is consistent with their oath of office and with decorum;

**WHEREAS**, the Board believes Board Member \_\_\_\_\_ has been disruptive, uncooperative, disrespectful, and belligerent at School Board meetings by regularly and persistently talking over other Board members without allowing them to speak or finish their statements, raising his voice and becoming combative with other Board members, threatening Board members and the Board as whole, using vulgarity in Board meetings, and accusing or berating Board members without addressing the issues properly under consideration;

**WHEREAS**, Board Member \_\_\_\_\_ has been confrontational, threatening, vulgar, and sarcastic when addressing the Superintendent;

**WHEREAS**, the Board of Education has requested the resignation of Board Member \_\_\_\_\_ and, as in the past, he has dismissed the concerns which triggered the request as contrived or as a reflection of personal disputes;

**WHEREAS**, Board Member \_\_\_\_\_ has, by these actions, violated Board Policy \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_, and Board Bylaw \_\_\_\_\_ and Bylaw \_\_\_\_\_-Exhibit;

**NOW, THEREFORE**, be it resolved that the Board of Education for the \_\_\_\_\_ School District hereby publicly censures Board Member \_\_\_\_\_ for conduct unbecoming of a School Board member.

**Finally**, the Board of Education gives the Superintendent the authority to take the following actions:

1. If, while attending a school meeting, conference, event or extracurricular function, Board Member \_\_\_\_\_ is disruptive and/or fails to act in accordance with the rules of conduct, Board Member \_\_\_\_\_ may be designated a trespasser or a disruption to school operations and be removed from school property by law enforcement;
2. Further, should Board Member \_\_\_\_\_ be disruptive at any school function, Board Member \_\_\_\_\_ may be banned for a period of time not to exceed one

semester from any and all attendance on school property except for duly-called meetings of the Board of Education (and Committees of the Board).

**Sample Public Censure Statement (#1)**

The Board of Education hereby gives notice to the public that Board Member \_\_\_\_\_, acting individually and outside of duly-called and open meeting of the Board of Education, does not have any legal authority or power to act on behalf of the Board of Education and his opinions or statements are not necessarily that of the Board of Education unless specifically acted upon at a duly-called meeting.

**APPROVED** by majority vote of the Board of Education of the \_\_\_\_\_ School District.

\_\_\_\_\_  
**Board Chairperson** **Date**

\_\_\_\_\_  
**Board Secretary** **Date**

**Sample Public Censure Statement (#2)**

**A RESOLUTION OF THE \_\_\_\_\_ SCHOOLS BOARD OF EDUCATION TO CENSURE DISTRICT BOARD MEMBER, \_\_\_\_\_.**

**WHEREAS,** the \_\_\_\_\_ Board of Education is deeply committed to the effective operation of the \_\_\_\_\_ Schools District, in order to provide governance and leadership for the District; and

**WHEREAS,** the \_\_\_\_\_ Board of Education needs all of its members to contribute to a positive working environment for the Superintendent and for colleagues on the Board; and

**WHEREAS,** the \_\_\_\_\_ Board of Education is deeply committed to upholding policies providing for open, honest, and respectful communication, adherence to state law and policies governing the Board’s actions and behaviors, and to acting in a concerted fashion to set an example of positive leadership for the \_\_\_\_\_ Schools District; and

**WHEREAS,** the \_\_\_\_\_ Board of Education is deeply committed to open and positive communication with \_\_\_\_\_ Schools, District parents and residents; and

**WHEREAS,** the \_\_\_\_\_ Board of Education has established and adopted a Code of Ethics for the Board; and

**WHEREAS,** the \_\_\_\_\_ Board of Education Chairman, \_\_\_\_\_ in an email dated, \_\_\_\_\_, directed Board Member, \_\_\_\_\_ to protocols regarding his/her actions, further stating that “Any attempt to do otherwise will compel me to recommend to this Board ‘censure’ of your actions at the next available meeting.”; and

**WHEREAS,** the \_\_\_\_\_ Schools Board of Education presented evidence at the Regular Board Meeting \_\_\_\_\_, that Board Member, \_\_\_\_\_ violated (name portions of the Code of Ethics which were allegedly violated).

**NOW, THEREFORE, BE IT RESOLVED:** That the \_\_\_\_\_ Board of Education does hereby censure Board Member, \_\_\_\_\_ for repeated violations of the adopted Code of Ethics and the negative impact his/her actions have brought upon the District; and

**BE IT FURTHER RESOLVED:** That the \_\_\_\_\_ Board of Education does hereby demand that Board Member, \_\_\_\_\_, abide by the Board’s adopted Code of Ethics; and

**BE IT FURTHER RESOLVED:** That the \_\_\_\_\_ Board of Education does hereby demand that Board Member, \_\_\_\_\_ cease all public actions negatively impacting the Superintendent, staff, teachers, families, and most importantly, children of the \_\_\_\_\_ School District.

Votes: \_\_\_\_\_

Against \_\_\_\_\_

Abstain \_\_\_\_\_

Absent \_\_\_\_\_

The Board authorizes its Chairperson to sign below, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

**Sample Resolution Disclaiming Statements of a Board Member**

I move the adoption of the following Resolution:

WHEREAS \_\_\_\_\_ Board of Education Board Member \_\_\_\_\_ has made public statements regarding \_\_\_\_\_; and

WHEREAS these statements do not reflect the opinion of the \_\_\_\_\_ Board of Education or its other members; and

WHEREAS the \_\_\_\_\_ Board of Education has not authorized \_\_\_\_\_ to speak on behalf of the Board of Education or other members in their individual capacity on these issues or any future issues;

NOW THEREFORE, the Board of Education specifically disclaims the statements made by \_\_\_\_\_ regarding \_\_\_\_\_.

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member



**DBS CODE: 9325.2**

## **BYLAWS OF THE BOARD**

### **Time, Place, Notification of Meetings**

#### Meeting Conduct, Order of Business

The regular order of business shall include, but not be limited to, all of the following, in the order given:

1. Call to Order
2. Pledge of Allegiance
3. Awards & Recognitions
4. Approval of Minutes
5. Administrative Reports
6. Opportunity to Add/Delete Agenda Item
7. Consent Agenda
8. Old Business
9. New Business
10. Committee reports
11. ~~CIP/CREC/SEF/CABE/State Dept of Ed.??~~
12. Advance Calendar
13. Audience to Citizens/Staff/Student
14. Adjournment

Upon the affirmative vote of two-thirds of the members, any subsequent business not included in the filed agenda may be added under section 5 6 and acted upon at the meeting.

**Adopted: March 23, 1981**

**Revised: February 22 1982**

**February 24, 1992**

**November 22, 1999**

**November 26, 2001**

**March 25, 2019**

**November 22, 2021**

**October 24, 2022**

## **POLICY REVISIONS. 2400.1 Evaluation**

In November: Superintendent submits finalized goals for current school year.

By January 30: Board provides a verbal informal progress review with the superintendent.

First Board meeting in May: Board meets in executive session to finalize evaluation format.

Second Board Meeting in May: Board meets in Executive Session. Superintendent will report on his goals for the year. Prior to first meeting in June board members will submit evaluations forms .

First meeting in June: Board meets in executive session to discuss end of the year evaluation based on the goals of the superintendent and the format developed by the Board. Board Chair, Vice Chair and Secretary will compile information to generate end of the year written evaluation.

Prior to Second Meeting in June: The Superintendent submits to the Chair and Vice Chair a proposed compensation package.

Second Board Meeting in June: The Board meets with the Superintendent to review the written evaluation. The Board votes on Superintendent's compensation package and contract .

Negotiations with the superintendent are to be completed by June 30th.

**TOWN OF SOMERS  
CAPITAL EQUIPMENT / PROJECT REQUEST  
TYPE B. ACQUISITION**

**GOV'T FUNCTION:** Board of Education

**Department:** Maintenance

**Contact Person:** Sam Galloway

**E-mail:** sam.galloway@somers.k12.ct.us

**Phone:** (860)749-2270 Ext. 2034

**Fax:** (860)749-0113

**Capital Item:** Video Surveillance System & Mobile App Integration

**Proposed Acquisition Date:** 11/1/2025

**Proposed Acquisition Cost:** \$25,000 (Not to Exceed)

**1. Description of Capital Item with all accessories, spare parts, and warranties.**

See attached Sonitrol quotes for 4 SHS cameras, S2 & [Alarm.com](http://Alarm.com) Mobile App integration, and Maintenance Building security alarm system.

**2. Projected Useful Life.**

Projected useful life is 5-10 years

**3. Frequency of Use.**

Every day

**4. Repair Costs – stated on same basis as Useful Life.**

As needed.

**5. Price/Quality Analysis.**

Currently the district uses Sonitrol for all other video surveillance.

**6. Effect on delivery of service/cost of service if acquisition is delayed.**

There is limited security monitoring in the area of the Maintenance building and we have a few blind spots in the high school that we are working on resolving. The mobile app notification integration will allow for multiple administrators to be notified when alarms are being triggered in the district to ensure proper response.

**7. Method of Determining Price.**

Quote from Sonitrol

Approved by \_\_\_\_\_

\_\_\_\_\_ Date

Authorization \_\_\_\_\_

\_\_\_\_\_ Date

Approved BOF Capital Committee: \_\_\_\_\_

Chairman

\_\_\_\_\_ Date

Approved BOF: \_\_\_\_\_

Chairman

\_\_\_\_\_ Date



*(mandated additional wording about change in residency)*

## STUDENTS:

### Educational Opportunities for Military Children

#### Children of Deployed Parents/Guardians

The Board of Education (Board) recognizes that one of the most difficult situations a child can experience is having a parent/guardian deployed as a result of military service involvement. The demands on military members and their families are increasing and becoming more complex. Members of the armed forces and their families sacrifice personal comfort and experience tremendous upheaval when called to serve the country, here and abroad. Children are especially vulnerable when separated from parents/guardians due to deployments.

Deployment is the term given to the movement of an individual or military unit within the United States or to an overseas location to accomplish a task or mission. The mission may be as routine as providing additional training or as dangerous as war. Deployment consists of three phases; (1) pre-deployment, (2) deployment, and (3) post deployment, which includes reunion. Each phase has unique challenges requiring proper interventions. Individual responses of children impacted by deployment will depend on such factors as age, maturity, gender, parent-child relationships, and coping skills of the caregiver during the separation.

**Note:** *Cross-referenced policy #[5118.2](#) defines deployment as the period one month before the service members' departure from their home station on military orders through six months after return to their home station.*

Schools can be a place where stability and normal routine provide an anchor for children during the challenges of deployment and the resulting disruptions to daily life. The impact of deployment that includes changes in a child's psychological equilibrium and disruption of individual behavior and coping skills can be lessened by the predictability of classroom routine. Alternatively, it is also recognized that the stresses resulting from family separation have the potential to affect the school community and may interfere with the ability of students and staff to focus on learning.

[If a child of a member of the armed forces is enrolled in a school under the jurisdiction the district, and such member has received military orders directing them from such town, or any other documents from the armed forces indicating a change of residency from such town during the school year, the child may continue to be enrolled in the school until the end of the school year while such member remains a member of the armed forces, except that any such child in grade eleven may continue to be enrolled in the school for an additional school year while such member remains a member of the armed forces](#)

The Board believes the school district has an obligation to help build coping skills in their students during and after a military deployment. The Board's goal is to bring needed support and

understanding to the process while maintaining an optimal learning environment in the classroom and school.

Through a unified effort, military families and the school district can provide the best educational environment for military children in grades K-12. The District will provide military families with supports to address the unique challenges that occur when families transition from one duty station to another or during deployments during the course of a military career.

The Board believes a school's focus must be on enhancing student learning opportunities, student achievement, and educator professional development to effectively address the unique challenges related to children of military parents/guardians, especially during a period of deployment.

Students in military families often experience high mobility and have diverse educational experiences from many locations in this country and around the world. The district must recognize the strengths these experiences bring to the learning environment as well as to identify the gaps that may exist due to inconsistencies across educational programs. These unique needs of military children need to be assessed and addressed. Staff development must be provided to staff to become knowledgeable in a variety of ways to identify military children struggling with their parent's/guardian's absence and with suggestions on how to help them in the classroom.

The District's responsibilities to students of deployed parents/guardians include the following:

- Training for school staff members
- Concerted effort on the school's part to initiate and maintain open and frequent communication with the caregiver with the parents/guardians prior to deployment and with the remaining caregiver after a deployment.
- Ensure that parents and, if appropriate, the children, are aware of services available to assist them.
- Ensure that community leaders and others are aware of the need to provide support and resources for the children and their families.
- Referral to District mental health personnel (counselors, nurses, social workers, psychologists, crisis intervention team members) for intensive individualized assessment and therapy as necessary based upon student's reaction to the deployment.
- Student intervention strategies in the classroom.
- Teacher supportive intervention strategies in the classroom.
- Establishment of the school setting as a safe and caring place in which the children of the deployed are nurtured and provided necessary support.
- Alterations to District's attendance regulations

Considerations for excused absences:

- o A one-day absence provided for students when their parent/guardian is deployed into active military service.

- o A one-day absence provided for students when their parent/guardian returns from active military service or deployment.
- o A student whose parent or legal guardian has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting shall be granted additional excused absences at the discretion of the Superintendent or his/her designee.
- o Absences related to a student visiting with his/her parent related to leave or deployment activities may be excused by the District. The district will permit no more than \_\_\_ excused absences per year for this purpose.
- Utilize Veteran's Day or other days in which veterans are honored, to remind students of the sacrifices that the families of veterans and their families make, as well as the effect on active service members.

Through supportive interventions, delayed or prolonged stress responses can be minimized and learning can resume in a positive and productive manner for students of deployed parents/guardians.

(cf. [5113](#) - Attendance and Excuses)

(cf. [5118.2](#) - Educational Opportunities for Military Children)

Legal Reference: Connecticut General Statutes

[10-15f](#) Interstate Compact on Educational Opportunity for Military Children

[10-221](#) Boards of education to prescribe rules, policies and procedures.

**Approved May 13, 2024**

*This policy combines three previous CABE policies: Student Safety (5142), Emergencies and Disaster Preparedness (6114) and Crisis Management Plan (5141.6)*

*Our 6114 policy was last updated on 7/9/09*

## **Students**

### **School Safety: Preparation, Response, and After Action**

It is the policy of the Somers Board of Education to maintain a safe, orderly, civil, and positive learning environment and to be prepared, as far as possible, to prevent and respond quickly and appropriately to unexpected crises, such as emergencies, disasters, and threats.

The Board of Education shall strive to build safe, supportive, and academically challenging school learning environments in partnership with students, staff members, families and community leaders and officials. Supporting these efforts, along with ensuring all facilities, grounds, equipment, and vehicles meet acceptable injury and violence prevention standards for design, installation, use, and maintenance, the Board recognizes that sound emergency preparedness planning and response are essential for the health, welfare, and safety of all students, staff and visitors. All school community members are responsible for doing everything in their power to promote everyone's safety at all times. District staff and students shall be prepared to respond immediately and responsibly to any combination of events that threaten the school community.

The Board directs the Superintendent to develop, maintain, and implement an *Emergency Disaster Preparedness and Response Plan* (District Security and Safety Plan) and, for each school, a School Security and Safety Plan and administrative procedures that detail provisions for responding to emergencies and disasters. This Plan will articulate the local emergency service providers' role in crisis preparedness and incident management, which shall be included in the District's Security and Safety Plan.

### **The School Security and Safety Plan**

The Superintendent shall use state-approved School Security and Safety Plan Standards and a School Security and Safety Plan Template to comply with the National Incident Management System (NIMS) and incorporate the National Incident Command System when updating District- and site-level emergency and disaster preparedness plans. Each school in the District, each school year, will develop and implement a School Security and Safety Plan. Such plan shall be based upon the standards issued by the Department of Emergency Services and Public Protection/Division of Emergency Management and Homeland Security (DESPP/DEMHS) and the School Security and Safety Plan Template. In addition to preparedness and response, the plan shall provide guidance on recovery from any emergency incident.

In developing the District and School Security and Safety Plans, which include plans for various crisis scenarios, such as fire, bus accidents, criminal acts, civil disturbances, presence of intruders, hazardous material spill, weather-related emergencies, and bomb threats, the Superintendent shall collaborate with local and state emergency responders and local health officials in compliance with the provisions of PA 13-3.

## **Students**

### **School Safety: Preparation, Response, and After Action**

#### **The School Security and Safety Plan (continued)**

The Board through the Superintendent, shall annually, by November 1 of each year, submit the School Security and Safety Plans for each school to the Department of Emergency Services and Public Protection via submission to the District's DEMHS Regional Coordinator in the manner prescribed by said agency.

The Superintendent or designee shall use the School Security and Safety Plan standards and plan templates developed by the Department of Emergency Services, state-approved Standardized Emergency Management System guidelines, be compliant with the National Incident Management System (NIMS) and incorporate the National Incident Command System when updating district and site-level emergency and disaster preparedness plans.

The School Security and Safety Plan shall be developed within the context of the four recognized phases of crisis management: Mitigation/Prevention, Preparedness, Response, and Recovery.

#### **District Security and Safety Committee**

The District Security and Safety Committee includes the Superintendent, Police Chief, Fire Chief, representative of school leadership, teachers and staff, mental health and special education staff representatives, and others deemed necessary. This Committee shall meet each month and fulfill the following tasks:

- Oversee and facilitate the process for the development and submission of School Security and Safety Plans;
- Ensure that District and school site security and safety plans address an all-hazards approach to emergencies;
- Assist individual school-based crisis response teams (the School Security and Safety Committee) to include community partners and school-based personnel as specified;
- Develop training activities and conduct emergency exercises, such as tabletop exercises, to support and improve the plan;
- Initiate, build and maintain relationships with community partners;
- Conduct regular safety, security and hazard assessments;
- Establish and update the district emergency management plan.
- Interview vendors that provide products related to school safety and security;
- Meet with the Board of Education committee that oversees district security and safety quarterly to report on the following:
  - Input related to policy changes and updates;
  - Resources supporting security and safety initiatives;
  - Security and Safety concerns facing the District;
  - Updates on communication procedures and protocols;
  - *(Discussions relating to emergency plans may require an Executive Session.)*

## **Students**

### **School Safety: Preparation, Response, and After Action**

#### **District Security and Safety Committee (continued)**

Each school shall establish a School Security and Safety Committee, which will assist in developing and implementing the school's Security and Safety Plan. Such plans shall be based upon the Department of Emergency Services and Public Protection standards.

The members of the Committee shall include a local police officer, local first responder, teacher and administrator from the school, a mental health professional, a parent or legal guardian of a student at the school, a special education teacher, and any other person deemed necessary, such as a school nurse, custodian, local health director, transportation coordinator, etc. Schools shall collaborate closely with law enforcement, fire and emergency services personnel, and community partners, including public health professionals who can assist with the development of a plan that addresses a wide range of crises. A security vulnerability assessment of each school shall be conducted every two years; the results of which shall be incorporated into the school's Security and Safety Plan and reported to the DEMHS Regional Coordinator.

School Security and Safety Plans are to be updated and submitted annually and conform to standards and templates developed by the Department of Emergency Services and the Division of Emergency Management and Homeland Security (DEMHS) pursuant to Section 86 of Public Act 13-3. In addition, the Superintendent or designee shall ensure that the District's procedures include strategies and actions that comply with the National Incident Management System (NIMS) used by all first responders at all levels of prevention/mitigation, preparedness, response and recovery.

(cf. 5114 – Suspension/Expulsion; Student Due Process)

(cf. 6114.7 - Safe Schools)

Legal Reference: Connecticut General Statutes

10-154a Professional communications between teacher or nurse and student.

10-207 Duties of medical advisors.

10-209 Records not to be public.

10-210 Notice of disease to be given parent or guardian.

10-220f Safety committee

10-221 Boards of education to prescribe rules

10-222m School security and safety plans. School security and safety committees

10-231 Fire drills

19a-221 Quarantine of certain persons.

## **Students**

### **School Safety: Preparation, Response, and After Action**

Legal Reference: Connecticut General Statutes (continued)

52-557b Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render.

The Family Educational Rights and Privacy Act of 1974, (FERPA), 20 U.S.C. 1232g, 45 C.F.R. 99.

P.A. 13-3 An Act Concerning Gun Violence Prevention and Children's Safety (Section 86, 87, 88)

P.A. 19-5 An Act Concerning the Safe Storage of Firearms in the Home and Firearm Safety Programs in Public Schools



*(includes new requirements)*

## INSTRUCTION

### Curriculum:

The curricula of our schools shall be in harmony with the Board of Education's adopted goals and legal requirements. It shall exist to reflect, to meet and to influence the needs of each student. Curriculum planning and development will be a continuing ongoing process. Curriculum development shall involve administrators, teachers, guidance personnel and, where desirable, students and community members.

The Board of Education favors providing opportunities for faculty to consult and help in curriculum development through such devices as workshops and study groups. Other assistance may be sought through outside consultants, and/or an extended school year to allow teachers to devote summertime to curriculum development.

Curriculum development by the certificated staff shall be guided by such factors as the following:

1. The range of abilities, aptitudes and interests of our students.
2. Actual studies and information concerning the needs of students in Somers.
3. Short and long range goals should be considered.
4. An evaluation system should be included in each curriculum design in order to provide feedback which enables the curriculum developers and the curriculum sub-committee of the Board of Education to improve the system.
5. Responsibility to refrain from overt or subtle and unconscious stereotyping.

### The Board of Education shall:

1. make available all curriculum approved by the committee and all associated curriculum materials in accordance with the requirements of the Protection of student Rights Amendment, 20 USC 1232h, and
2. for the school year commencing July 1, 2026, and each school year thereafter, post objectives and scope and sequence of approved curriculum on the web site of such Board.

Changes in the curriculum are normally initiated by teachers and Administrators. The curriculum committee of the Board of Education reviews all additions, deletions and changes and presents them to the Board of Education for their final approval.

Legal Reference: Connecticut General Statutes

10-15 Towns to maintain schools.

10-15c Discrimination in public schools prohibited.

10-16b Prescribed courses of study.

10-18 Courses in United States history, government and duties and responsibilities of citizenship.

10-18a Contents of textbooks and other general instructional materials.

10-19 Effect of alcohol, nicotine, or tobacco and drugs to be taught.

10-220 Duties of boards of education as amended by PA 08-153.

10-221a High School graduation requirements.

10-19a et seq. re Substance abuse prevention team.

10-24 Course in motor vehicle operation and highway safety.

10-21 et seq. re Vocational education and cooperation with business.

PA 22-80 An Act Concerning Childhood Mental and Physical Health Services in School

[PA 25-174 An Act Authorizing and Adjusting Bonds of the State and Concerning Grant Programs, State Grant Commitments for School Building Projects, Revisions to the School Building Projects Statutes and Various Provisions Revising and Implementing the Budget for the Biennium Ending June 30, 2027.](#)

**Adopted: November 9, 1981**

**Revised: July 9, 2009**

**Personnel -- Certified/Non-Certified**

**Students**

**PROHIBITION OF SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT**

The Somers Board of Education (the "Board") and Somers 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:

*Dina Senecal, Title IX Coordinator*

*1 Vision Boulevard*

*Somers, CT 06071*

*(860) 749 - 2270 x2039*

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 under the Somers Public Schools website ([www.somers.k12.ct.us](http://www.somers.k12.ct.us)) under District Information.

**Sex discrimination** occurs when a person, because of the person's sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance. This includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

**Sex discrimination includes sex-based harassment**, as defined below.

**Sex-based harassment** is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex

characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. *Quid pro quo harassment*, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly conditions the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct;

2. *Hostile environment harassment*, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

a. the degree to which the conduct affected the complainant's ability to access the District's education program or activity;

b. the type, frequency, and duration of the conduct;

c. the parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

d. the location of the conduct and the context in which the conduct occurred; and

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

3. *A specific offense*, as follows:

a. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

b. Dating violence, meaning violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;

c. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Connecticut, or a person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or

d. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

### **Reporting Sex Discrimination:**

The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:

1. A "complainant," which includes:
  - a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the Board's education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; and
3. The District's Title IX Coordinator.

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

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

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

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

Any Board employee who has information about conduct that reasonably may constitute sex discrimination must as immediately as practicable notify the Title IX Coordinator. If the Title IX Coordinator is alleged to have engaged in sex discrimination, Board employees shall instead notify their building principal or the Superintendent of Schools, if the employee is not assigned to a school building.

Individuals may also make a report of sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 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)

**Adopted: January 13, 2025**

**ADMIN. REG: 4000.1**

**5145.44**

## ADMINISTRATIVE REGULATION

### Personnel

### PROHIBITION OF SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT

The Somers Board of Education (the "Board") and Somers Public Schools (the "District") do not discriminate on the basis of sex and prohibit sex discrimination in any education program or activity that the Board and/or District operate, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. and its implementing regulations ("Title

IX"), as it may be amended from time to time, Title VII of the Civil Rights Act of 1964 ("Title VII"), and Connecticut law.

The District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the District's education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, or Connecticut law. Any reference in these Administrative Regulations to the Title IX coordinator or to an administrator includes such person's designee.

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

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

1. *Quid pro quo harassment*, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly conditions the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct);
2. *Hostile environment harassment*, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - a. the degree to which the conduct affected the complainant's ability to access the District's education program or activity;
  - b. the type, frequency, and duration of the conduct;
  - c. the parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - d. the location of the conduct and the context in which the conduct occurred; and
  - e. other sex-based harassment in the District's education program or activity; or
3. *A specific offense*, as follows:
  - 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:

Dina Senecal, Title IX Coordinator

1 Vision Boulevard, Somers, CT 06071

(860) 749-2270 x2039

dina.senecal@somers.k12.ct.us

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.

## **SECTION II: DEFINITIONS**

1. **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.
2. **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.
3. **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.
4. 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.

5. **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:

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

6. **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.

7. 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.

8. **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.

9. **Party** means a complainant or respondent.

10. **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.

11. **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.

12. **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.

13. **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.

14. **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.

15. **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.

16. **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.

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

1. 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.

2. 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.

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.

3. 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:

- 1) the allegations;
- 2) the requirements of the informal resolution process;
- 3) 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;
- 4) 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;
- 5) 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
- 6) 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:

1) 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.

2) 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.

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.

4. 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 there is 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.

5. Students with Disabilities. If a complainant or respondent is a student with a disability, the Title IX Coordinator shall consult with one or more members of the student's Planning and Placement Team or Section 504 Team to determine how to comply with the requirements of the Individuals with Disabilities Education Act ("IDEA") and Section 504 of the Rehabilitation Act throughout the implementation of the grievance procedures, including in the implementation of supportive measures.

6. Absence of a Complaint. In the absence of a complaint, or the withdrawal of any or all allegations in the complaint, and in the absence or termination of the informal resolution

process, the Title IX Coordinator shall make a fact-specific determination regarding whether the Title IX Coordinator should initiate a complaint of sex discrimination. In making this determination, the Title IX Coordinator shall consider, at a minimum, the following factors:

- a. The complainant's request not to proceed with initiation of a complaint;
- b. The complainant's reasonable safety concerns regarding initiation of a complaint;
- c. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- d. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from the District's program or activity or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- e. The age and relationship of the parties, including whether the respondent is a Board employee;
- f. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- g. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- h. Whether the District could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

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

#### **SECTION IV: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX DISCRIMINATION**

1. Basic Requirements for the Grievance Procedures.
  - a. The Somers Public Schools will treat complainants and respondents equitably.
  - b. The Somers Public Schools 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 Somers Public Schools presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.

d. The Somers Public Schools has established timeframes for the major stages of the grievance procedures. The Somers Public Schools 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 Somers Public Schools' 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 Somers Public Schools 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 Somers Public Schools prohibits retaliation by or against any parties, including against witnesses.

f. The Somers Public Schools 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.

g. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the Somers Public Schools 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 Somers Public Schools 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 Somers Public Schools 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, Somers Public Schools may remove a respondent from the Somers Public Schools' 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 Somers Public Schools' 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 Somers Public Schools 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 Somers Public Schools' informal resolution process. Through this notification, the Title IX Coordinator shall confirm that the complainant is requesting the Somers Public Schools to conduct an investigation and make a determination regarding their allegations of sex discrimination. 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 Somers Public Schools' program or activity or the conduct is otherwise subject to the Somers Public Schools' disciplinary authority, then the Somers Public Schools 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 Somers Public Schools is unable to identify the respondent after taking reasonable steps to do so;
- 2) The respondent is not participating in the Somers Public Schools' 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 Somers Public Schools 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 Somers Public Schools 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 Somers Public Schools' education program or activity.

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 Somers Public Schools' 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 Somers Public Schools' 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 Somers Public Schools retains jurisdiction over the complaint, the Title IX Coordinator must provide a notice of allegations to the parties that includes the following:

- a. The Somers Public Schools' Title IX grievance procedures and availability of the informal resolution process;
- b. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- c. A statement that retaliation is prohibited; and
- d. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and if the Somers Public Schools 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 Somers Public Schools will notify the parties of the additional allegations by issuing an additional notice of allegations.

6. Investigation. The Somers Public Schools will provide for the adequate, reliable, and impartial investigation of complaints. In most circumstances, the Somers Public Schools 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

Somers Public Schools, 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 Somers Public Schools -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.

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 Somers Public Schools 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 decisionmaker(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.

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 Somers Public Schools identified as having had equal access to the Somers Public Schools' 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 Somers Public Schools 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 Somers Public Schools 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.
- 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 Somers Public Schools' 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.

## **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.

## **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).

**Adopted: January 14, 2025**

### **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: \_\_\_\_\_

**4000.1 Appendix A**

**5145.44**

### **Title IX Sexual Harassment Glossary of Terms**

*This can be used to educate employees and students about Title IX terms, and with the required Title IX response and grievance process in Board policy [4000.1/5145.44](#), Title IX.*

#### **Glossary of Terms**

**Actual Knowledge** - Notice of sexual harassment or allegations of sexual harassment to any District employee or to the District's Title IX Coordinator. Assumption of knowledge based solely on the District's status as an employer or other presumption under law does not constitute actual knowledge. This standard is not met when the only official of the District with actual knowledge is the Respondent. Notice as used here includes, but is not limited to, a

report or complaint of sexual harassment to the Title IX Coordinator in person, by mail, by telephone, or by email using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. 34 C.F.R. §§106.30, 106.8(a).

**Appellate Decision-Maker** - An individual or group, e.g., a Board-appointed appeal examiner or the Board, which reviews an appeal of the Initial Decision-Maker's determination regarding responsibility or a dismissal of a Formal Title IX Sexual Harassment Complaint (defined below). The Appellate Decision-Maker cannot be the same person as the Initial Decision-Maker, the Investigator, or the Title IX Coordinator. 34 C.F.R. §106.45(b)(8)(iii)(B). The Appellate Decision-Maker must be free from conflicts of interest or bias against complainants and respondents generally or against an individual Complainant or Respondent, and must be trained to serve impartially. 34 C.F.R. §106.45(b)(1)(iii).

**Complainant** - An individual who is alleged to be the victim of conduct that could constitute sexual harassment. 34 C.F.R. §106.30.

**Consent** - Knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Consent may not be inferred from silence, passivity, or a lack of verbal or physical resistance. A person's manner of dress does not constitute consent. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. Consent may be withdrawn at any time. A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following: (1) the person is incapacitated due to the use or influence of alcohol or drugs; (2) the person is asleep or unconscious; (3) the person is under age; or (4) the person is incapacitated due to a mental disability. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred. Coercion, force, or the threat of either invalidates consent.

**Note:** 34 C.F.R. §106.30, added at 85 Fed. Reg. 30574, states that Title IX recipients are not required to adopt a particular definition of consent with respect to sexual assault; however, in its 2020 Title IX rulemaking, the U.S. Dept. of Education (DOE) stated that "recipients must clearly define consent and must apply that definition consistently." 85 Fed. Reg. 30125. Consult the Board Attorney if the District would like to customize this definition.

**Education Program or Activity** - Includes locations, events, or circumstances in the United States over which the District exercised substantial control over both the Respondent and the context in which the sexual harassment occurred. 34 C.F.R. §106.44(a).

**Note:** Title IX jurisdiction is geographically limited to discrimination against a person in the United States. 34 C.F.R. §106.8(d). The District's Title IX obligations extend to off-campus sexual harassment incidents "if the off-campus incident occurs as part of the [district]'s 'operations' pursuant to 20 U.S.C. 1687 and 34 CFR 106.2(h)" or if the District "exercised substantial control over the respondent and the context of alleged sexual harassment that occurred off campus pursuant to §106.44(a)." 85 Fed. Reg. 30196. No single factor is determinative of whether the District exercised substantial control or whether an incident occurred as part of the District's operations. *Id.* at 30197. Operations may include computer and internet networks, digital platforms, and computer

hardware or software owned or operated by, or used in, the District's operations. Id. at 30202.  
Consult the Board Attorney for further guidance.

**Formal Title IX Sexual Harassment Complaint** - A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation. At the time of filing a Formal Title IX Sexual Harassment Complaint, a Complainant must be participating in or attempting to participate in the District's education program or activity with which the Formal Title IX Sexual Harassment Complaint is filed.

**Note:** Whether a Complainant is attempting to participate is a fact-specific inquiry. For example, a Complainant who has graduated may still be attempting to participate in an education program where he or she intends to remain involved in alumni programs or activities. 85 Fed. Reg. 30138. Consult the Board Attorney for further guidance.

**Initial Decision-Maker** - An individual designated by the Title IX Coordinator to reach an initial determination regarding responsibility in a Formal Title IX Sexual Harassment Complaint (defined above) by applying the standard of proof set forth in 2:265-AP2, Formal Title IX Sexual Harassment Complaint Grievance Process. See 85 Fed. Reg. 30054. The Title IX Coordinator cannot be the Initial Decision-Maker. 34 C.F.R. §106.45(b)(7)(i). The Initial Decision-Maker must be free from conflicts of interest or bias against complainants and respondents generally or against an individual Complainant or Respondent, and must be trained to serve impartially. 34 C.F.R. §106.45(b)(1)(iii).

**Investigator** - The Title IX Coordinator or an individual designated by the Title IX Coordinator to investigate a Formal Title IX Sexual Harassment Complaint (defined above) according to 2:265-AP2, Formal Title IX Sexual Harassment Complaint Grievance Process. The Investigator must be free from conflicts of interest or bias against complainants and respondents generally or against an individual Complainant or Respondent, and must be trained to serve impartially. 34 C.F.R. §106.45(b)(1)(iii).

**Respondent** - An individual who has been reported to be the perpetrator of the conduct that could constitute sexual harassment. 34 C.F.R. §106.30.

**Supportive Measures** - Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant or Respondent before or after the filing of a Formal Title IX Sexual Harassment Complaint or where no Formal Title IX Sexual Harassment 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, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The District will maintain as confidential any supportive measures provided to a Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. 34 C.F.R. §106.30.

**Sexual Harassment Governed by Laws Other Than Title IX** - The District must also address sexual harassment that does not meet the definition of Title IX sexual harassment. For each report or complaint received, the Title IX Coordinator reviews Board policies to determine if they require additional action by the District in addition to or at the exclusion of policy [4000.1/5145.44](#) Title IX. Policies to be reviewed include those pertaining to nondiscrimination, uniform grievance procedure, harassment, reporting of child abuse and neglect, sexual abuse, harassment, bullying, and student discipline/conduct.

**Title IX Sexual Harassment** - Conduct on the basis of sex that satisfies one or more of the following (34 C.F.R. §106.30):

- A District employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or
- 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 program or activity; or
- Sexual assault as defined in 20 U.S.C. §1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. §12291(a)(10), domestic violence as defined in 34 U.S.C. §12291(a)(8), or stalking as defined in 34 U.S.C. §12291(a)(30).

- **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system (UCR Program) of the Federal Bureau of Investigation (FBI), and includes rape, fondling, incest, and statutory rape. 20 U.S.C. §1092(f)(6)(A)(v); 34 C.F.R. Part 668, Appendix A to Subpart D. For more information regarding the FBI UCR Program, see [www.fbi.gov/services/cjis/ucr/](http://www.fbi.gov/services/cjis/ucr/).

- **Dating violence** means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (2) 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. 34 U.S.C. §12291(a)(10).

- **Domestic violence** includes any 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, 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. 34 C.F.R. §12291(a)(8).

- **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others, or (2) suffer substantial emotional distress. 34 C.F.R. §12291(a)(30).

## SAMPLE FORMAL COMPLAINT FORM (TITLE IX SEXUAL HARASSMENT)

**Instructions for filling out this form:** If you believe that you have been the victim of sexual harassment, please fill out this form, sign where indicated below, and submit it by hand delivery, electronic mail, or U.S. mail using the contact information listed for the Title IX Coordinator for Students at #5145.44 or the contact information listed for the Title IX Coordinator for Employees at #4000.1 or \_\_\_\_\_ *[Insert any additional methods of filing this form designated by the district].*

This formal complaint form is intended for use by the alleged victim of Title IX sexual harassment (referred to in Title IX Regulations as the "complainant"). Under Title IX and the Family Educational Rights and Privacy Act (FERPA), a parent or legal guardian may sign a complaint form and otherwise act on behalf of a minor in the formal complaint process.

If you are not filling this form out as a parent or guardian and you intend to report sexual harassment against another person in the District's education program or activities, please report your concerns to the District's Title IX Coordinator so that the District can take further action. **Under federal law, only an alleged victim of sexual harassment who is currently participating or attempting to participate in the District's education program or activity (such as an enrolled student, an employee, or an applicant for employment or admission) has the right to use the formal complaint process to initiate an investigation.** The District will process all formal complaints in accordance with policy and grievance procedure 4000.1/5145.44.

Please print or type when completing this form:

Name of complainant: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone number: \_\_\_\_\_  
Email address: \_\_\_\_\_

Is the complainant participating in or attempting to participate in a District education program or activity? (See instructions.)

Yes

No

If you are a parent or guardian filling this form out on behalf of a minor complainant, please provide your contact information below.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone number: \_\_\_\_\_  
Email address: \_\_\_\_\_

You have the right to be represented by an advisor during the complaint process. The advisor may be, but does not have to be, an attorney. If you will be represented by an attorney or other advisor in presenting your complaint, please identify the person and provide the contact information below. If unknown at this time, you may provide this information at a later time.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone number: \_\_\_\_\_  
Email address: \_\_\_\_\_

Please list any additional individuals that you intend to bring with you to any meetings or interviews associated with this complaint and provide their contact information below. You may add additional pages or provide this information at a later time.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone number: \_\_\_\_\_  
Email address: \_\_\_\_\_

Please describe the facts and circumstances of the alleged sexual harassment causing this complaint. *(Give specific, factual details. Attach additional sheets if necessary and indicate below how many additional pages will be attached to ensure complete receipt of your complaint.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In a Title IX formal complaint process, the person who is alleged to have committed the sexual harassment is called the "respondent." Please provide the name(s) of the person or people you allege to be the respondent(s) responsible for the alleged sexual harassment. If applicable, please include the person's title or position:

\_\_\_\_\_

When and where did the alleged sexual harassment occur? Please provide specific dates, times, and locations, if possible.

\_\_\_\_\_

Please explain how the alleged sexual harassment has impacted you. This could include physical injuries as well as impacts on your ability to access or benefit from the District's education program or activities.

\_\_\_\_\_  
\_\_\_\_\_

Please provide the names and contact information of anyone who may have witnessed the alleged conduct.

\_\_\_\_\_  
\_\_\_\_\_

If you have reported these allegations to another person, please state to whom you reported the alleged sexual harassment and provide their contact information (if known).

---

---

Title IX does not require complainants to attempt to resolve complaints of sexual harassment informally before filing a formal complaint. Nonetheless, if you have reported these allegations to a District employee, please state when, to whom, and what response you received.

---

---

---

Please list below any evidence that you believe is relevant to your allegations. This could include audio or visual media, physical objects, online materials, text messages, voicemail messages, screen captures, emails, or any other item you are attaching or intend to make available for the purpose of this complaint. If known, please also identify any information in the District's possession that you believe to be relevant to your allegations and would like the District to review (such as emails or security camera footage).

---

---

Please provide any other information that would be helpful for the District in reviewing your allegations.

---

---

---

---

Please describe the outcome or remedy you seek for this complaint.

---

---

---

Please provide below your physical or digital signature.

Complainant name: \_\_\_\_\_

Signature of complainant:  
\_\_\_\_\_

If complainant is under 18, parent's name:  
\_\_\_\_\_



(Subpart C) prohibiting discrimination on the basis of sex in admissions and recruitment. However, the district does not discriminate on the basis of sex in admissions or transfer requests.

The district has designated and authorized the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, and gender-based harassment:

Title IX Coordinator: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Any individual may report sex discrimination, including sexual harassment, at any time, including during non-business hours, by mail, phone or email.

During district business hours, reports made be made in person.

To view an electronic copy of the District's Title IX policies, please go to:  
\_\_\_\_\_ (Insert website address.)

To obtain a copy of the District's Title IX policies, including the grievance process that complies with 34 C.F.R. §106.45(b) of the 2020 Title IX Regulations, please contact:

---

Upon receiving an allegation of sex-based harassment, the Title IX Coordinator will promptly respond in accordance with Board policies #4000.1 and #5145.44.

Inquiries about the application of Title IX may be referred to the District's Title IX Coordinator.

### **Title IX Training Materials**

All materials used to train Title IX personnel are available for inspection upon request by contacting:

---

**Personnel Certified/Non-Certified**

**Students**

**Title IX**

Sexual harassment affects a student's ability to learn and an employee's ability to work. Providing an educational and workplace environment free from sexual harassment is an important District goal. The District does not discriminate on the basis of sex in any of its education programs or activities, and it complies with Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations (34 C.F.R. Part 106) concerning everyone in the District's education programs and activities, including applicants for employment, students, parents/guardians, employees, and third parties.

**Title IX Sexual Harassment Prohibited**

Sexual harassment as defined in Title IX (Title IX Sexual Harassment) is prohibited. Any person, including a District employee or agent, or student, engages in Title IX Sexual Harassment whenever that person engages in conduct on the basis of an individual's sex that satisfies one or more of the following:

1. A District employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or
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 educational program or activity; 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).

Examples of sexual harassment include, but are not limited to, touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, spreading rumors related to a person's alleged sexual activities, rape, sexual battery, sexual abuse, and sexual coercion.

**Definitions** (from 34 C.F.R. §106.30)

***Complainant*** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

***Education program or activity*** includes locations, events, or circumstances where the District has substantial control over both the Respondent and the context in which alleged sexual harassment occurs.

***Formal Title IX Sexual Harassment 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 District investigate the allegation.

***Respondent*** means an individual who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.

***Supportive measures*** mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Title IX Sexual Harassment Complaint or where no Formal Title IX Sexual Harassment Complaint has been filed.

## **Title IX Sexual Harassment Prevention and Response**

The Superintendent or designee will ensure that the District prevents and responds to allegations of Title IX Sexual Harassment as follows:

1. Ensures that the District's comprehensive health education program incorporates (a) age-appropriate sexual abuse and assault awareness and prevention programs in grades pre-K through 12, and (b) age-appropriate education about the warning signs, recognition, dangers, and prevention of teen dating violence in grades 7-12. This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy.
2. Incorporates education and training for school staff as recommended by the Superintendent or Title IX Coordinator.
3. Notifies applicants for employment, students, parents/guardians, employees, and collective bargaining units of this policy and contact information for the Title IX Coordinator by, at a minimum, prominently displaying them on the District's website, if any, and in each handbook made available to such persons.

## **Making a Report**

A person who wishes to make a report under this Title IX Sexual Harassment grievance procedure may make a report to the Title IX Coordinator, Building Principal, Assistant Building Principal, or any employee with whom the person is comfortable speaking. A person who wishes to make a report may choose to report to a person of the same gender.

School employees shall respond to incidents of sexual harassment by promptly making or forwarding the report to the Title IX Coordinator. An employee who fails to promptly make or forward a report may be disciplined, up to and including discharge.

## **Processing and Reviewing a Report or Complaint**

Upon receipt of a report, the Title IX Coordinator and/or designee will promptly contact the Complainant to: (1) discuss the availability of supportive measures, (2) consider the Complainant's wishes with respect to supportive measures, (3) inform the Complainant of the availability of supportive measures with or without the filing of a Formal Title IX Sexual Harassment Complaint, and (4) explain to the Complainant the process for filing a Formal Title IX Sexual Harassment Complaint.

Further, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it. For any report received, the Title IX Coordinator shall review appropriate Board policies pertaining to Uniform Grievance Procedure; Workplace Harassment; Abused and Neglected Child Reporting; Employee Ethics; Conduct; Conflict of Interest; Harassment of Students; Prevention of and Response to Bullying, Intimidation, and Harassment; Teen Dating Violence Prohibited; Student Behavior, to determine if the allegations in the report require further action.

Reports of alleged sexual harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain an educational program or activity that is productive, respectful, and free of sexual harassment.

### **Formal Title IX Sexual Harassment Complaint Grievance Process**

When a *Formal Title IX Sexual Harassment Complaint* is filed, the Title IX Coordinator will appoint a qualified person to undertake the investigation. The Superintendent or designee shall implement procedures to ensure that all Formal Title IX Sexual Harassment Complaints are processed and reviewed according to a Title IX grievance process that fully complies with 34 C.F.R. §106.45.23.

### **Enforcement**

Any District employee who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any third party who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent, invitee, etc. Any District student who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with student behavior policies.

Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action.

This policy does not increase or diminish the ability of the District or the parties to exercise any other rights under existing law.

### **Retaliation Prohibited**

The District prohibits any form of retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under this policy. Any person should report claims of retaliation.

Any person who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

(cf. [0521](#) - Nondiscrimination)

(cf. [0521.1](#) - Grievance Procedure for Section 504, Title IX, and Title VII)

(cf. [4118.11/4218.11](#) - Nondiscrimination)  
(cf. 4118.112/4218.112 - Sex Discrimination and Sexual Harassment in the Workplace)  
(cf. [5131.911](#) - Bullying/Safe School Climate Plan)  
(cf. [5145.5](#) - Sexual Harassment)  
(cf. 5145.51 - Peer Sexual Harassment)

Legal Reference: United States Constitution, Article XIV

Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000 e2(a).

Equal Employment Opportunity Commission Policy Guidance (N 915.035) on Current Issues of Sexual Harassment, Effective 10/15/88.

Title IX of the Education Amendments of 1972, 20 USCS §1681, et seq.

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

Title IX Final Rule, 34 CFR §106.45, et seq., May 6, 2020

34 CFR Section 106.8(b), OCR Guidelines for Title IX.

Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)

The Clery Act, 20 U.S.C. §1092(f)

The Violence Against Women Act, 34 U.S.C. §12291(a)

Mentor Savings Bank, FSB v. Vinson 477 US.57 (1986)

Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26,1998)

Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26,1998)

Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26,1998)

Davis v. Monro County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)

Connecticut General Statutes

[46a](#) 60 Discriminatory employment practices prohibited.

Conn. Agencies Regs. §[46a](#)-54-200 through §[46a](#)-54-207

Constitution of the State of Connecticut, Article I, Section 20.

P.A. 19-16 An Act Combatting Sexual Assault and Sexual Harassment

**Policy adopted: January 25, 2021**