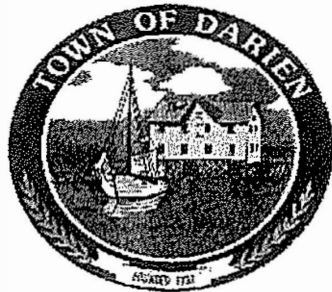


Policies and Procedures  
For  
Equal Employment  
And  
Equal Educational  
Opportunity



2016-2017

Title IX  
Sexual Harassment

Darien Public Schools  
Darien, Connecticut

# ***Table of Contents***

***Section I      The Laws .....Page 2***

- Title IX
- Title VII

***Section II      Board of Education Policy .....Page 3  
for Students***

- Student Policy.....Page 3
- Complaint Procedure.....Page 5
- Complaint Procedure Form .....Page 7

***Section III      Board of Education Policy  
for Employees .....Page 8***

- Employee Policy .....Page 8
- Complaint Procedure .....Page 10
- Complaint Procedure Form.....Page 12

## ***Section I – The Laws***

### ***Title IX***

A **Federal Law** (Public Law 92-318) passed by Congress and signed by the President on June 23, 1972.

A **Civil Rights Law** prohibiting sex discrimination in education programs and activities receiving Federal financial assistance.

The Preamble of Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.

### ***Title VII***

A **Civil Rights Law** prohibiting sexual harassment including the creation of an intimidating, hostile, or offensive work or school environment.

## ***Section II– Board of Education Policy for Students***

### ***Student Policy:***

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

It is the policy of the Darien Board of Education that any form of sex discrimination or sexual harassment is prohibited, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy.

#### **Definitions**

**Sex discrimination** occurs when a person, because of his or her sex, is denied participation in or the benefits of any education program receiving Federal financial assistance.

**Sexual harassment:** In a school setting, sexual harassment is conduct that

- 1) is sexual in nature;
- 2) is unwelcome; and
- 3) denies or limits a student's ability to participate in, or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive such that it interferes with or limits a student's ability to participate in or benefit from the school's program.

Although not an all-inclusive list, the following are examples of the type of sexual conduct prohibited by this policy:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress

2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene comments, invitations, letters, notes, slurs, jokes, pictures, cartoons, epithets or gestures
4. Touching of a sexual nature or telling sexual or dirty jokes
5. Transmitting or displaying emails or websites of a sexual nature
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy

**Sexual Violence:** Sexual violence is a form of sexual harassment. For the purposes of this policy, sexual violence refers to physical acts that are sexual in nature, perpetrated against a person's will and when a person is incapable of giving consent due to the victim's use of drugs or alcohol.

### **Procedure**

It is the express policy of the Darien Board of Education to encourage victims of sex discrimination or sexual harassment to report such claims. Students are encouraged to promptly report complaints of sex discrimination or sexual harassment to the appropriate personnel, as set forth in the Administrative Regulations implementing this Policy. The district will investigate such complaints promptly, take interim measures, and take corrective action where appropriate. The district will maintain confidentiality to the extent possible and as permitted by law. The district will not tolerate any reprisals or retaliation that occurs as a result of the good faith reporting of charges of sexual harassment or sex discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual harassment and sex discrimination.

## ***Student Complaint Procedure***

1. It is the express policy of the Darien Board of Education to encourage victims of sex discrimination or sexual harassment to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. As soon as a student feels that he or she has been subjected to sex discrimination or sexual harassment, he/she should make a first written complaint to the principal, or his/her designee. The student will be provided with a copy of this policy and regulation and made aware of his or her rights.
3. The complaint should state the:
  - a. Name of the complainant
  - b. Date of the complaint
  - c. Date(s) of the alleged harassment/discrimination
  - d. Name(s) of the harasser(s) or discriminator(s)
  - e. Location where such harassment/discrimination occurred
  - f. Names of any witness(es) to the harassment/discrimination
  - g. Detailed statement of the circumstances constituting the alleged harassment/discrimination
4. Any student who makes an oral complaint of harassment or sex discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, due to the age of the student making the complaint, the parent or school administrator may be permitted to fill out the form on the student's behalf.
5. If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed.
6. All complaints are to be forwarded immediately to the principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools. In addition, a copy of any complaint filed under this policy shall be forwarded to the Title IX Coordinator.
7. Upon receipt of a sexual harassment or sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to investigate the complaint. The Title IX Coordinator or administrative designee shall consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator and any witnesses to the conduct. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.

8. The Title IX Coordinator or designee shall make a written report summarizing the results of the investigation and proposed disposition of the matter. Consistent with state and federal law and as deemed appropriate by the Title IX Coordinator or designee, the findings of the investigation shall be shared with persons involved in the investigation.
9. If the student complainant is dissatisfied with the findings of discrimination/harassment of the investigation, he or she may file a written appeal to the Title IX Coordinator or, if he or she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee, together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sexual harassment or sex discrimination. The Title IX Coordinator or Superintendent of Schools may also investigate the complaint further. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant, in writing, as soon as possible.

If, after a thorough investigation, there is reasonable cause to believe that sexual harassment or sex discrimination has occurred, the district shall take appropriate corrective action in an effort to ensure that the harassment/discrimination ceases and will not recur.

Retaliation against any individual who complains pursuant to this policy and procedure is strictly prohibited. The district will take actions necessary to prevent retaliation as a result of filing a complaint.

Copies of this regulation will be posted in prominent locations for all students.

### **Title IX Contact**

The Title IX Coordinator for the Darien Board of Education is:

Marjorie Cion  
Director of Human Resources  
Darien Public Schools  
35 Leroy Avenue  
Darien, CT 06820  
(203) 656-7400  
mcion@darienps.org

***Student Complaint Form Regarding Sex  
Discrimination and Sexual Harassment***

Name of Complainant: \_\_\_\_\_ Date of complaint: \_\_\_\_\_

Date of the alleged discrimination/harassment: \_\_\_\_\_

Name or names of the discriminator(s) or harasser(s):

---

---

Location where such discrimination/harassment occurred:

---

---

Name(s) of any witness(es) to the discrimination/harassment:

---

---

Detailed statement of the circumstances constituting the alleged discrimination  
or harassment:

---

---

---

---

---

---

---

---

---

---

\_\_\_\_\_  
(Signature of Complainant)

\_\_\_\_\_  
(Date)

Name of Administrator investigating complaint and the findings:

---

---

---

---

\_\_\_\_\_  
(Signature of Administrator)

\_\_\_\_\_  
(Date)



## ***Section III– Board of Education Policy for Employees***

### ***Employee Policy:***

#### **Sex Discrimination and Sexual Harassment in the Workplace**

It is the policy of the Darien Board of Education to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex which has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

#### **Discrimination**

Sex discrimination is defined as when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual's sex. Sex discrimination is also defined as when a person, because of his or her sex, is denied participation in, or the benefits of, a program that receives Federal financial assistance.

#### **Harassment**

Sexual harassment is a form of sex discrimination. While it is difficult to define sexual harassment precisely, it does include any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Although not an all-inclusive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises
3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment
5. Circulating, showing or exchanging emails, text messages, digital images or websites of a sexual nature
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking sites to engage in any conduct prohibited by this policy

Any infraction of this policy by supervisors or co-workers should be reported immediately to the Title IX Coordinator, the Superintendent, or his/her designee in accordance with the district's sex discrimination and sexual harassment grievance procedure. See page 9 for the procedure. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this policy and illegal under state and federal law. Violations of this policy will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination and sexual harassment may also be subject to civil and criminal penalties.

### **Posting Procedure**

The legal posting of notices shall be conducted in accordance with Connecticut State Agencies Regulations 46a-54-201 in prominent and accessible locations employees have the opportunity to see the notices on a regular basis.

### **Training Procedure**

Training of all supervisory personnel shall be conducted in accordance with the Connecticut State Agencies Regulations 46a-54-201.

### **Record Keeping**

Records of complaints will be maintained by the Title IX Coordinator of the Darien Public Schools.

## ***Employee Complaint Procedure:***

It is the express policy of the Darien Board of Education to encourage victims of sexual discrimination or sexual harassment to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints. Any employee who feels that he/she has been sexually harassed or otherwise discriminated against on the basis of sex, should submit any such complaint to the Title IX Coordinator. If the Title IX Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so. A form is provided in this booklet for reporting an incident.

Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible and reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination or sexual harassment will result in disciplinary action against the retaliator.

The school district will provide staff development for new district administrators and will publish its policy and grievance procedures to staff and employees in an effort to maintain an environment free of sex discrimination and sexual harassment.

Any employee who believes that he or she has been discriminated against or sexually harassed in the workplace in violation of this policy may also file a complaint with the:

Connecticut Commission on Human Rights and Opportunities (CHRO)  
25 Sigourney Street  
Hartford, CT 06106  
860-541-3400 or 800-477-5737

Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within 180 days of the date on which the alleged harassment occurred.

Employees may also contact:

Office for Civil Rights  
U.S. Department of Education  
8th Floor, 5 Post Office Square  
Boston, MA 02109-3921  
Telephone: (617) 289-0111  
Facsimile: (617) 289-0150  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

Remedies for sex discrimination and sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

**Title IX Coordinator**

The Title IX Coordinator for the Darien Board of Education is:

Marjorie Cion  
Director of Human Resources  
Darien Public Schools  
35 Leroy Avenue  
Darien, CT 06820  
(203) 656-7400  
mcion@darienps.org

***Employee Complaint Form Regarding Sex  
Discrimination and Sexual Harassment***

Name of Complainant \_\_\_\_\_ Date of complaint: \_\_\_\_\_

Date of the alleged discrimination/harassment: \_\_\_\_\_

Name or names of the discriminator(s) or harasser(s):  
\_\_\_\_\_  
\_\_\_\_\_

Location where such discrimination/harassment occurred:  
\_\_\_\_\_  
\_\_\_\_\_

Name(s) of any witness(es) to the discrimination/harassment:  
\_\_\_\_\_  
\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged discrimination  
or harassment:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature of Complainant) \_\_\_\_\_ (Date)

Name of Administrator investigating complaint and the findings:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature of Administrator) \_\_\_\_\_ (Date)