
**TRUMBULL PUBLIC SCHOOLS
MEMORANDUM**

TO: New Employees

FROM: Superintendent of Schools

SUBJECT: Prohibition Against Sexual Harassment of
Students and Personnel

By signing below, I hereby acknowledge receipt of **Policy 5145.5/4118.112/4218.112, Prohibition Against Sexual Harassment of Students and Personnel.**

Signature

Position

Print Name

Date

TRUMBULL PUBLIC SCHOOLS
BOARD OF EDUCATION
POLICY MANUAL

SECTION(S): **4000, 5000**
CATEGORY: **Students/Personnel**
POLICY CODE(S): **5145.5/4118.112/
4218.112- Prohibition
Against Sexual Harassment
of Students and Personnel**

Policy Statement

The Trumbull Public Schools recognize that sexual harassment, including sexual assault, is unlawful sex discrimination. The Board of Education (Board) prohibits sex discrimination/sexual harassment in the District's education program or activities. Education program or activity includes locations, events, or circumstances over which the school exercises substantial control over both the respondent (alleged perpetrator of sexual harassment) and the context in which the sexual harassment occurs. In addition to occurring on school grounds, sexual harassment may potentially occur off campus, in places or situations where athletic and extracurricular activities occur, on field trips, on the school bus, at school related conferences or through use of school technology.

Schools shall respond to sexual harassment occurring in the District's education program or activities for which they have "actual knowledge." "Actual knowledge" means notice of sexual harassment or an allegation of sexual harassment brought to the attention of the Title IX Coordinator, any official of the school who has authority to institute corrective measures on the behalf of the school, as well as to any other employee of an elementary and secondary school.

Sexual harassment may take the form of student-on-student, employee-on-student, employee-on-employee, student-on-employee sexual harassment, or may be perpetrated against students or employees by third parties under the control of the District. Students who engage in proven sexual harassment may be subject to discipline, up to and including expulsion. Employees who engage in proven sexual harassment may be subject to disciplinary action, up to and including termination, as well as other action required under the law.

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References:

- C.G.S. 10-15c Discrimination in public schools prohibited. School attendance by five-year-olds.
- United States Constitution, Article XIV.
- 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.*
- Title IX Regulation, 34 C.F.R. Part 106
- 20 U.S.C. 1092 (f)(6)(A)(v)
- 34 U.S.C. 12291 (a)(8), (a)(10), (a)(36)
- *Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992)
- *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)
- *Davis v. Monroe County Bd. Of Educ.*, 526 U.S. 629 (1999)

Adopted: 6/15/1993
Revised: 9/7/1993,
1/13/1998, 5/23/2017,
6/12/2018, 4/5/2022,
8/16/2022

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Definition of Sexual Harassment for the Purposes of Title IX

Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

A school employee conditioning an education benefit or service on participation in unwelcome sexual conduct (i.e. quid pro quo).

Unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the school's education program or activity.

“Sexual assault” as defined in 20 U.S.C. 1092 (f)(6)(A)(v)(the Clery Act), “dating violence” as defined 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)(31) (the Violence Against Women Act (VAWA)).

Examples of sexual harassment may include, but are not limited to:

- pressure for sexual activity
- repeated remarks with sexual or sexually demeaning implications
- unwelcome or inappropriate touching
- sexual assault
- suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning a student's grades or academic standing or an employee's employment status
- telling lewd jokes or sharing stories about sexual experiences – even if not directed at you but done in your presence to cause you discomfort
- sending unwanted suggestive or lewd emails, letters or other communications or sharing images of a sexual nature around the workplace or displaying posters, items or screensavers of a sexual nature
- repeatedly asking for dates despite being rebuffed
- making sexually offensive gestures or facial expressions
- dating violence or stalking

Other Definitions

“Complainant” is defined as a person who is alleged to be the victim of conduct that could constitute sexual harassment.

“Respondent” is defined as a person who is alleged to be the perpetrator of conduct that could constitute sexual harassment.

“Supportive measures” are defined as non-disciplinary, non-punitive, individualized services, offered as appropriate and without charge to a complainant or respondent before or after the filing of a formal complaint, or where no complaint has been filed.

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Title IX Coordinator

The Superintendent of Schools will authorize a designee to serve the District's Title IX Coordinator. This individual shall be given the title of and be referred to as the Title IX Coordinator and is responsible for ensuring compliance across the school district with Title IX, corresponding state law, and applicable board policy concerning sex discrimination/sexual harassment.

Applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions shall be notified of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator.

The Title IX Coordinator's contact information shall be posted on the District's website and included in student and employee handbooks and published in other locations as deemed appropriate.

Reporting Sexual Harassment

Any person, including, but not limited to, students, their parents or guardians, employees, bystanders or third parties (whether or not the person is the alleged victim), may report sexual harassment, including sexual assault, occurring in the District's education program or activities. Reporting may occur in person, by mail, by telephone or by electronic mail, using the contact information provided 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. Reports may be made at any time including during non-business hours.

A formal complaint is defined as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against an individual and requesting that the school investigate the alleged sexual harassment. In an instance where the Title IX Coordinator signs the complaint, the Title IX Coordinator is not a party to the complaint nor is such action taken on behalf of the complainant.

The Title IX Coordinator will make forms available for both informal reports and formal complaints of sexual harassment. Additionally, such forms will be posted on the District's website. Informal reports are permissible and may be brought by any person. However, only a complainant and the District's Title IX Coordinator may file a formal complaint. All formal complaints will be investigated. Supportive measures shall be offered to a complainant with or without the filing of a formal complaint.

There is no time limit on a complainant's decision to file a formal complaint, but complainants are encouraged to promptly report incidents of sexual harassment, and/or to file a formal complaint.

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Response including Supportive Measures

Any school employee with actual knowledge of sex discrimination/sexual harassment shall promptly inform the District's Title IX Coordinator. The failure to do so may be grounds for disciplinary action.

Upon actual knowledge of sexual harassment, the Title IX Coordinator will promptly contact the complainant to advise and discuss with the complainant 1.) the availability of supportive measures with or without the filing of a formal complaint, 2.) the right to file a formal complaint and 3.) how to file a formal complaint.

A complainant as well as a respondent shall be offered free, individualized "supportive measures" (e.g. counseling, course-related adjustments, modification of work or class schedules, escort services, increased security/monitoring of certain areas, mutual restrictions on contact between the parties) designed to restore or preserve equal access to education with or without a formal complaint. These, as well as other measures, may be part of a final remedy.

Upon the filing a formal complaint, the complainant will be provided with a copy of this policy and its grievance procedures.

Written notice shall be provided to the respondent and the complainant advising that a formal complaint has been filed. The respondent shall be entitled to a presumption of innocence during investigation of the complaint. Both parties will be treated fairly throughout the investigation and shall be entitled to an unbiased investigator who has not prejudged the matter being investigated.

Complaints that fail to allege a violation of Title IX shall be dismissed without investigation. This does not preclude the school administration from investigating or addressing the underlying conduct under relevant codes of conduct or board policy.

Emergency Removal/Administrative Leave

An emergency removal of a respondent from the education program or activity is permissible provided that the District conducts an individualized safety and risk analysis and determines that emergency removal is necessary in order to protect a student or other individual from an immediate threat to physical health or safety and notice and an opportunity to challenge the decision is provided. This does not modify any rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act (ADA).

An employee-respondent may be placed on administrative leave during the pendency of a grievance process.

Informal Resolution

At any point in the formal complaint process, the Districtwide Title IX Coordinator, in his/her discretion, may offer to facilitate an informal resolution option such as mediation or restorative justice.

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Both parties must give voluntary, informed written consent.

Either party has a right to withdraw consent at any time, in which case the formal investigation shall proceed.

The informal resolution process shall not be available if the complainant/victim is a student and the respondent is an employee.

Grievance Procedures

The District will promptly and thoroughly investigate all formal complaints of sexual harassment in accordance with established grievance procedures.

District grievance procedures shall be established in the form of a regulation accompanying this policy.

The grievance procedure shall be used for the reporting and investigation of, and response to a formal complaint of sexual harassment in the District's education program and activities against a person in the United States.

The District's grievances procedures shall be designed to comply with the regulation under Title IX as promulgated by the U.S. Department of Education, as it may be amended from time to time. Among other required provisions, the grievance procedures shall establish standards for fairness and equity, including a requirement that the decision maker not be the same individual as the Title IX Coordinator or the investigator, explain how to file a complaint, address required notice, set out timelines for various components of the investigation and adjudication process, establish and explain grounds for the dismissal of a complaint and provide and explain the appeal process available to both parties, include a presumption of innocence for the respondent, state the evidence standard to be used to determine responsibility and require objective evaluation of all available evidence.

Training

Training shall be provided to Title IX personnel in accordance with the regulation under Title IX as promulgated by the U.S. Department of Education, as it may be amended from time to time. Additional training may be provided to all school employees as deemed advisable.

Training materials used to train Title IX personnel shall be posted on the District's website.

Prohibition Against Retaliation

Retaliation against any party, witness or other participant to the grievance process is prohibited. Retaliation may form a basis for a complaint under this policy. The charging of a person with a code of conduct violation based upon a person making a materially false statement in bad faith in an investigation is not considered retaliatory.

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Dissemination, Posting and Discussion of Policy

This policy along with its accompanying regulation/grievance procedure shall appear in the Student Handbook, be discussed with students at least annually and more often as needed, be posted in prominent and accessible locations in each school building and in the Board of Education offices and be published on the District's website along with the name/title and contact information for the Title IX Coordinator.

Record Keeping

The District must keep records related to reports of alleged sexual harassment for a minimum of seven years, including investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken, including supportive measures. Additionally, Districts must also keep for a minimum of seven years any materials used to train Title IX Coordinators, investigators, decision makers, any employee designed to facilitate an informal process.

Alternate Complaint Procedures

In addition, or as an alternative to the filing of a sex discrimination/sexual harassment complaint through the District's grievance procedure, a person may choose to file a complaint with the Office for Civil Rights of the United States Department of Education.

Statement of Protected Rights

Application of this policy and its grievance procedure shall not be interpreted to restrict rights protected under the U.S. Constitution, including the right to free speech, to be free from self-incrimination and to due process of law.

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Regulations

This regulation shall govern reports and complaints of sexual harassment made by or against students and employees alike.

Only reports/complaints of sexual harassment in violation of Title IX are governed by this regulation. The grievance process required for formal sexual harassment complaints contained in this regulation does not apply to complaints alleging discrimination based on pregnancy, different treatment based on sex, or other forms of sex discrimination. Reports of sex discrimination other than sexual harassment shall be made and addressed in accordance with the District policies and regulations governing non-discrimination/sex discrimination.

The District will respond to all incidents of sexual harassment: (a) of which it has actual knowledge, and (b) that occurs within the school's education program or activity and (c) occurs against a person in the United States.

“Actual knowledge” means notice of sexual harassment or an allegation of sexual harassment brought to the attention of the Title IX Coordinator, any official of the school who has authority to institute corrective measures on the behalf of the school as well as to any employee of an elementary and secondary school. Accordingly, any District employee with actual knowledge that sexual harassment is occurring shall notify the District's Title IX Coordinator.

Education program or activity includes locations, events, or circumstances over which the school exercises substantial control over both the respondent (perpetrator of sex discrimination/sexual harassment) and the context in which the sex discrimination/sexual harassment occurs. In addition to occurring on school grounds, sex discrimination/sexual harassment may potentially occur off campus, in places or situations where athletic and extracurricular activities occur, on field trips, on the school bus, at school related conferences or through use of school technology depending upon whether the District exercises control over both the respondent and the context in which the sexual harassment occurs.

Reporting of Sexual Harassment

Informal Reports

Any person, including parent/guardians, students, employees and third parties may report sexual harassment occurring in the District's education program or activity. Reporting may be in person, by mail, telephone, or by electronic mail, using the contact information provided for the Title IX Coordinator. Reports may be made during non-business hours. Reports may be made anonymously. When a reporter fails to identify a specific complainant (victim of sexual harassment) or to identify him/herself as the reporter, the District's response may be limited. Informal complaints will be accepted in any form; however, forms for making both informal reports and formal complaints are available on the District's website and from the Title IX Coordinator.

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Formal Complaint

While third parties may make informal reports of sexual harassment occurring in the District's education program or activities, a formal complaint may only be made by a complainant or be signed by the Title IX Coordinator, triggering an investigation. A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting that an investigation commence.

While there is no time limit for making an informal report or filing a formal complaint of sexual harassment, reporters/complainants are encouraged to promptly report incidents of sexual harassment to avoid the potential loss of evidence, a lapse in the memories of parties or witness or the unavailability of persons key to an investigation. The District understands that a victim may decide not to report sexual harassment, to file a formal complaint and/or may decide to wait to come forward with a report/formal complaint for a variety of reasons. The District respects complainants' decisions. However, the Title IX Coordinator has discretion to sign a formal complaint that initiates the grievance process where necessary to avoid deliberate indifference to sexual harassment even without a formal complaint from the complainant.

Forms for making both informal reports and formal complaints are available on the District's website and from the Title IX Coordinator.

Supportive measures will be offered to a complainant with or without a formal complaint.

Consolidation of formal complaints of sexual harassment is permissible where the allegations of sexual harassment arise out of the same facts or circumstances.

Response Including Supportive Measures

Upon actual knowledge of sex discrimination/harassment, the Title IX Coordinator will promptly contact the complainant to advise and discuss with the complainant (1) the availability of supportive measures (with or without a formal complaint) and consider the complainant's wishes with respect to supportive measures (2) the right to file a formal complaint, and (3) how to file a formal complaint. The complainant shall be provided with a copy of the Board's policy prohibiting discrimination and these regulations containing its grievance procedure.

With or without the filing of a formal complaint, a complainant as well as a respondent shall be offered, free of charge, non-disciplinary, non-punitive individualized supportive measures. Supportive measures are designed to restore or preserve equal access to the education program or activity, protect the safety of all parties and the educational environment, and deter sexual harassment, without unreasonably burdening the other party.

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Supportive measures may include, but are not limited to:

- Counseling
- Course adjustments
- Modification of work
- Modification of class schedules
- Escorts
- Increased monitoring
- Restrictions on contact

Supportive measures may be modified at any time as appropriate based upon changed or evolving circumstances and may be offered before or after the filing of a formal complaint or where no complaint has been filed at all. Supportive measures may also be part of any ultimate remedy.

No disciplinary action or other punitive measure for sexual harassment shall be taken against a respondent without first following the grievance procedures set out herein and a determination of responsibility has been made. If the respondent has engaged in conduct other than sexual harassment in violation of a code of conduct or similar restriction, the respondent may be disciplined for such action(s) notwithstanding an ongoing investigation.

Emergency Removal/Administrative Leave

With or without the filing of a formal complaint, an emergency removal of a respondent from the education program or activity is permissible provided that the District conducts an individualized safety and risk analysis and determines that emergency removal is necessary in order to protect a student or other individual from an immediate threat to physical health or safety, and provides notice and an opportunity to challenge the decision. This does not modify any rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act (ADA).

A non-student employee respondent may be placed on administrative leave during the pendency of an investigation.

Dismissals of Complaints

Mandatory Dismissal

A complaint of sexual harassment must be dismissed if:

- 1.) it fails to allege conduct that constitutes sexual harassment, even if proved;
- 2.) the alleged conduct did not occur in a District activity or program or
- 3.) the alleged conduct did not occur against a person in the United States.

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Permissive Dismissal

A complaint of sexual harassment may be dismissed if:

- 1.) the complainant notifies the Title IX Coordinator that he/she wishes to withdraw the complaint or an allegation;
- 2.) the respondent's enrollment or employment ends;
- 3.) specific circumstances exist that prevent the District from gathering enough evidence to reach a determination i.e. significant passage of time between the formal complaint and the alleged conduct; failure of a complainant to cooperate with the grievance process.

The complainant and the respondent will promptly and simultaneously be provided written notice of the dismissal of a complaint or allegation including the reasons for the mandatory or discretionary dismissal and an explanation of appeal rights.

Grievance Procedures (to be used for formal complaints only)

Grievance Procedures consistent with the regulations under Title IX as promulgated by the U.S. Department of Education and the principles of due process, the Trumbull Board of Education adopts the following Grievance Procedures responsive to formal complaints.

a. Notice

Written notice of the complaint shall be provided to the respondent prior to an initial interview with the respondent.

Written notice provided to the respondent shall include:

- notice of the Grievance Procedure, including any informal resolution process;
- notice of the allegations in sufficient detail to allow the respondent to prepare a response; a statement that the respondent is presumed not responsible and responsibility will be determined at the conclusion of the Grievance Process;
- notice of the right to have an advisor to inspect/review evidence; and
- notice of any provision in applicable codes of conduct that prohibit knowingly making false statements or providing false information in the grievance process.

Likewise, the complainant shall be provided written notice of a formal complaint.

Additional written notice shall be provided to the parties in the event of additional or revised allegations of sexual harassment.

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b. Investigation

The District will promptly investigate all formal complaints of sexual harassment in accordance with these grievance procedures. The District will designate personnel to investigate formal complaints and such personnel shall be trained in accordance with this regulation. The person(s) designated as the investigator(s) may not be the same person as the Decision-maker(s).

The investigator will attempt to collect all relevant information and evidence. While the investigator, acting on behalf of the District, will have the burden of gathering evidence, it is crucial that the parties present evidence and identify witnesses to the investigator so that they may be considered during the investigation. The investigation may include, among other things, interviewing the complainant, the respondent, any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student or employment files (preserving confidentiality as required by law); and gathering and examining other relevant documents, social media, and evidence.

The respondent shall be entitled to a presumption of “innocence” (i.e. that the respondent is not responsible for sexual harassment) until the investigation is complete. Both parties are to be treated fairly throughout the investigation and shall be entitled to an unbiased investigator who has not prejudged the matter being investigated.

The burden of proof shall be by a preponderance of the evidence. Both parties shall be provided with an equal opportunity to present facts and witnesses and other inculpatory or exculpatory evidence. However, the burden of proof rests on the District not the parties.

Each party shall have the opportunity to select an advisor of the parties “choice. “The advisor may accompany the parties during any grievance proceeding at which the party’s attendance is requested. The District may, in its discretion, establish certain restriction regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.

The school shall send written notice to both the complainant and respondent of any investigative interviews, or other meetings providing sufficient time for the party to prepare to participate.

Prior to the conclusion of the investigation and the issuing of a final investigative report, the complainant and respondent and their advisors, if applicable, shall be provided evidence directly related to the allegations (electronic or hard copy) with at least ten (10) days to inspect, review and respond in writing to the evidence. The evidence provided shall include the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source. Such evidence shall not be further disseminated by the parties. The parties and advocates shall not further disseminate such evidence and may be required to execute a non-disclosure agreement.

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The complainant and respondent shall not be prohibited from discussing the allegations or gather evidence, i.e., no “gag” orders. All parties’ First Amendment rights shall be honored.

Confidential information such as medical or psychological reports cannot be used as part of the investigation without written voluntary consent of the party.

Evidence of the complainant’s prior sexual activity is not relevant and may not be introduced except to prove that someone other than the respondent committed the alleged misconduct or is offered to prove consent.

Supportive measures shall be offered to the complainant or respondent pending a final resolution after consultation with them.

c. Investigative Report

The investigator shall create an investigative report that fairly summarizes relevant evidence. The investigator shall provide the District’s Decision-Maker the investigative report along with the evidence considered. The parties will be provided with a copy of the final investigative report shared with the Decision-Maker.

d. Decision-Maker (may not be the same person as Title IX Coordinator or the Investigator)

The Superintendent of Schools will appoint a Decision-Maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s).

The parties may submit a written response to the Decision-Maker within ten (10) days of receiving the investigative report from the investigator. The Decision-Maker may extend this deadline for good cause.

Before reaching a determination regarding responsibility, the Decision-Maker must afford each party the opportunity to submit written, relevant questions that a party or complainant wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The Decision-Maker will determine if the questions submitted are relevant to the case and will then forward the relevant questions to the respective parties or witness for a response. The Decision-Maker will explain to the party proposing the questions any decision to exclude a question as not relevant. The Decision-Maker will provide the parties with the answers to their questions and allow for limited follow-up questions by the parties.

The Decision-Maker must review all of the evidence; apply the preponderance of the evidence standard; and issue a written determination. The written determination must include:

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- a) an identification of the allegations potentially constituting sexual harassment;
- b) a description of procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) findings of fact supporting the determination;
- d) conclusions as to whether the conduct alleged occurred and whether the conduct violated the District's code of conduct
- e) the rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
- f) the District's procedures and permissible bases for the complainant and respondent to appeal.

The Decision-Maker's written determination shall not be issued sooner than ten days from receipt of the investigative report, allowing minimally ten days for an opportunity for the parties to submit written responses and exchange questions and responses and for consideration of these by the Decision-Maker. While taking into consideration the District's overall obligation to respond promptly to sexual harassment complaints, there is no specified timeframe for issuing a written determination. The timeframe may vary on a case-by-case basis in light of the totality of the circumstances, the unique nature of each complaint, and the extent of the evidence to be considered.

The Decision-Maker shall send the written determination simultaneously to the parties along with an explanation of how to file an appeal. Appeal procedures shall apply equally for both parties.

The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

Remedies will be provided to a complainant when a respondent is found responsible. Remedies shall be designed to maintain the complainant's equal access to education.

The range of remedies in the case a violation is found can range from counseling to serious discipline, up to and including expulsion/termination.

The range of remedies depends on the circumstances but may include previously provided supportive measures, grade changes; the opportunity to retake a test or resubmit an assignment;

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reassignment of class; school-based counseling; and reinstatement to a team or activity as well as other appropriate measures.

The Title IX Coordinator shall oversee the effectiveness of the remedies toward ensuring no continued discrimination occurs.

Appeal

A written appeal of the determination may be filed by either party with the Superintendent of Schools, for one of the following reasons:

- 1.) procedural irregularities
- 2.) newly discovered evidence that could affect the outcome
- 3.) the Title IX personnel (Title IX coordinator, investigator/Decision-Maker, etc.) had a conflict of interest or bias that altered the outcome

The Superintendent must **receive** the appeal within 10 school days of the issuance of the decision. The appeal must specify the reasons the party is challenging the decision. The appeal must be submitted in writing to the Superintendent with a copy sent simultaneously to the other party. The non-appealing party may submit a statement in response to the appeal within 10 school days of submission of the appeal. The statement must be submitted in writing to the Superintendent with a copy sent to the other party and must be **received** by the Superintendent within 10 school days of the submission of the appeal. All submissions shall be via email or fax and must be received by 11:59 p.m. on the date due to be considered timely.

The Superintendent or designee shall determine any additional procedures for the appeal and render a decision within 10 school days following the non-appealing party's deadline for a written submission, whether or not a submission is made.

The Superintendent or designee may extend deadlines pertaining to the appeal process for good cause. However, the deadline to file the appeal may not be extended.

The District will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will be given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. The Superintendent shall consider the appeal and simultaneously notify the parties in writing of the decision on appeal describing the result of the appeal and the rationale for the result.

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Retaliation

Retaliation against any party, witness or other participant to an investigation is prohibited. Any claim of such may be filed in accordance with this Grievance Procedure. Discipline for filing or making a false statement shall not constitute retaliation absent evidence of such motivation.

Informal Resolution

At any point in the formal complaint process, the District Title IX Coordinator, in his/her discretion, may offer an informal resolution option such as mediation or restorative justice. The staff member appointed to conduct the informal resolution shall be unbiased and receive appropriate training.

Both parties must give voluntary, informed written consent.

Either party has a right to withdraw consent at any time, in which case the formal investigation shall proceed.

The informal resolution process shall not be available if the complainant/victim is a student, and the respondent is an employee.

Informal resolution may encompass a broad range of conflict resolution strategies, including, but not limited to, arbitration, mediation, or restorative justice.

Confidentiality

The identities of the complainants, respondents and witnesses, except as provided herein or as required by law, including FERPA, shall not be disclosed.

Record Keeping

The District must keep records related to reports of alleged sexual harassment for a minimum of seven years, including investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken, including supportive measures. Additionally, the District must also keep for a minimum of seven years any materials used to train Title IX Coordinators, investigators, Decision-Makers, and any employee designated to facilitate an informal process.

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Alternate Complaint Procedures

In addition, or as an alternative to the filing of a sex discrimination/sexual harassment complaint through the District's grievance procedure, a person may choose to file a complaint with the Office for Civil Rights of the United States Department of Education, any other state or federal agency designated to receive such complaints and/or to report an incident of sexual harassment to law enforcement.

Statement of Protected Rights

Application of this policy and its grievance procedure shall not be interpreted to restrict rights protected under the U.S. Constitution, including the right to free speech, to be free from self-incrimination and to due process of law.

Mandated Reporters

Nothing in the Board's sexual harassment policy or this regulation shall interfere with or alter a mandated reporter's responsibility to report child abuse or neglect or sexual assault to DCF or the police as may be required by law.

Training

Training shall be provided to Title IX personnel, including, but not limited to, Title IX Coordinators, investigators, Decision-Makers, and any employee designated to facilitate an informal process in accordance with the regulation under Title IX as promulgated by the U.S. Department of Education, as it may be amended from time to time.

Training shall include, but is not limited to, explanation or instruction regarding:

- the definition of "sexual harassment"
- grievance procedures
- how to conduct an investigation
- how to prepare an investigative report
- training on any technology that might be needed to carry out responsibility for investigation or decision making e.g., recording device for live hearing
- issues of relevance including how to apply rape shield protections for complainants and application of legally recognized privilege

Training may additionally be provided to other school employees as deemed appropriate.

A record shall be kept reflecting the names of all employees who receive training along with the date and nature of the training.

Materials used to train personnel shall be posted to the District's website and maintained as required under the regulations under Title IX as promulgated by the U.S. Department of Education, as it may be amended from time to time.

**5145.5/4118.112/ 4218.112- Prohibition Against Sexual Harassment
of Students and Personnel**

Form A

TRUMBULL PUBLIC SCHOOLS
INFORMAL REPORT OF SEXUAL HARASSMENT

This form may be used by any individual who wishes to report sexual harassment occurring in the District's education program and activities. Anonymous reports are permitted but may limit the District's ability to respond. A complainant (student or employee believing he/she is a victim of sexual harassment) may choose to file an informal report using this form or to file a formal complaint triggering a full investigation by completing District Form B. With or without the filing of a formal complaint, supportive measures will be offered to both a complainant and respondent (alleged perpetrator).

*Return this form to the District Title IX Coordinator who may be contacted as follows:
Director of Human Resources, 6254 Main Street, Trumbull, CT 06611, 203-452-4353*

Reporter's Name _____
Home Address _____
Name of School (if a student/employee) _____
Home Phone _____ Work Phone _____ Cell Phone _____
Email address _____
Preferred method of contact _____
Date of Alleged Incident(s) _____
Alleged victim's name (if not the reporter) _____
Name of person(s) you believe engaged in sexual harassment _____
List any witnesses that were present/have knowledge _____

Where did the incident(s) occur?

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used: any specific verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved; any response by the victim or others, etc. (Attach additional pages if necessary.)

I hereby certify that the information I have provided in this report is true, correct, and complete to the best of my knowledge and belief.

Reporter's Signature

Date

All reports of sexual harassment will be responded to in accordance with Board Policy 5145.5/4118.112/ 4218.112 and its regulations.

Received By: _____
Name

Date

Signature

**5145.5/4118.112/ 4218.112- Prohibition Against Sexual Harassment
of Students and Personnel**

Form B

TRUMBULL PUBLIC SCHOOLS
FORMAL REPORT OF SEXUAL HARASSMENT

This form may be used by any student or employee of the District who believes they are a victim of sexual harassment occurring in the District's education program or activities and wishes to file a formal complaint. The filing/signing of this form will trigger a full investigation. With or without a formal complaint, supportive measures will be offered to both a complainant (alleged victim) and respondent (alleged perpetrator). To initiate this complaint, return this form to the District's Title IX Coordinator who may be contacted as follow:

Director of Human Resources, 6254 Main Street, Trumbull, CT 06611, 203-452-4353

Complainant's Name _____
Home Address _____
Name of School of attendance or employment _____
Home Phone _____ Work Phone _____ Cell Phone _____
Grade (student) _____
Current position/job (employee) _____
Email address _____
Preferred method of contact _____
Date of Alleged Incident(s) _____
Name of person(s) you believe engaged in sexual harassment _____
List any witnesses that were present/have knowledge _____

Where did the incident(s) occur? _____
Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used: any specific verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved; any response by the victim or others, etc. (Attach additional pages if necessary.)

I hereby certify that the information I have provided in this report is true, correct, and complete to the best of my knowledge and belief. By signing below, I request that a full investigation occur in accordance with Board Policy 5145.5/4118.112/ 4218.112 and its regulations containing grievance procedures designed to address formal complaints of sexual harassment,

_____ Complainant's Signature	_____ Date
Received By: _____ Name	_____ Date
_____ Signature	