

Title IX FAQs

What is Title IX (9)?

Title IX (9) is one of the articles/sections of the broader Civil Rights Act passed by the US Congress. It is a federal law that is specifically designed and written to remove many barriers that once prevented people, on the basis of sex, from participating in educational opportunities and careers of their choice. Title IX (9) formally 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 education program or activity receiving Federal financial assistance.

Title IX was passed in 1972 to ensure that male and female students and employees in educational settings are treated equally and fairly. It protects against discrimination based on gender. Title IX was the first comprehensive federal law to prohibit gender discrimination against students and employees of educational institutions. It is one of several federal and state anti-discrimination laws that define and ensure equality in education. The regulations passed to guide educational organizations, like the Waterbury Public School (WPS), regarding Title IX, prohibit discrimination, exclusion, denial, limitation, or separation based on gender.

What is covered or prohibited by Title IX (9)?

- It protects against discrimination based on gender.
- State and federal laws, over the years, have also expanded or changed, to prohibit broader discrimination based on gender and sexual orientation or forms of sexual harassment or sexual violence.
- At the federal level, the U.S. Department of Education, which enforces Title IX, has broadly defined the prohibitions of Title IX to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access educational programs and opportunities.
- Also the State level, Connecticut law prohibits discrimination based on gender and gender identity
- Essentially, taken together, school districts like WPS, have an obligation to:
 - protect students, teachers, staff and other people within the school community;
 - to ensure that its programs and curriculum are free of bias and prejudice
 - to formally coordinate and provide formal procedures to report, process, review, investigate and appeal allegations of sexual assault, sexual harassment or other forms of sexual misconduct.
 - Title IX also requires that the district notify all its students and employees of the name, office address and telephone number(s) of the employee(s) appointed pursuant to these roles.

Who is/are the WPS Title District Coordinator(s)?

Senior HR Generalist Lisa Dunn

ldunn@waterbury.k12.ct.us

Phone Number: (203) 574-8019 Ext. 11240

236 Grand Street

Waterbury, CT 06702

Geen Thazhampallath HR Director

geen.thaz@waterbury.k12.ct.us

Phone Number: (203) 574-8019 Ext. 11244

236 Grand Street

Waterbury, CT 06702

What may constitute a potential Title IX violation?

- Allegations of gender based discrimination, specifically against a person or systematically or based on institutional policy, are potential violations
- Allegations of sexual harassment or sexual violence
- Allegations of gender or gender identity, specifically against an individual or systematically or based on institutional policy, are potential violations

Is Sexual Harassment covered by Title IX? For the purposes of this Title IX Grievance Procedures, “covered sexual harassment” includes any conduct on the basis of sex that satisfies one or more of the following:

- An employee conditioning educational benefits 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 educational institution’s education program or activity;
- Sexual assault which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
- Dating violence which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
- Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under WPS misconduct policies or CT law and/or training.

Who may report an alleged Title IX violation?

- Any person may report sex or gender based discrimination, including sexual harassment or sexual misconduct,
- The person reporting a potential violation of Title IX does not have to be the alleged victim of conduct that could constitute sex or gender discrimination or sexual harassment or sexual misconduct
- An alleged Title IX violation can be reported by WPS student(s), Staff, Administrators, Parents/Guardians or others with knowledge of alleged incidents or discrimination

How may a person report an alleged Title IX violation?

- This form may be utilized to submit a report/complaint/grievance of Title IX. We note that WPS uses the words “Complaint” and “Grievance” interchangeably for Title IX processing purposes. By utilizing this form, it will be routed to an appropriate Title IX district office/coordinator for potential action or referral to the building level
- However, WPS notes that you, as the complainant (the one bringing report/complaint/grievance forward for yourself or other(s) under Title IX), do not have to use this form to file a formal complaint with WPS. This Title IX Complaint form is to assist you through the process of filing a Title IX Complaint or “Grievance.”
- WPS has designated a district Title IX Coordinator and also has building based Title IX coordinators. WPS understands that this may be a difficult time and circumstance. Therefore, usage of any district or building coordinator to report potential Title IX violations or complaints is acceptable.
- Reports of alleged Title IX violations can be by any other means that results in the WPS Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time

(including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the WPS Title IX Coordinator or building level

- Reports of alleged Title IX violations can be in person, by mail, by telephone, or by electronic mail, using the contact information listed for the WPS Title IX Coordinator, or any of WPS' building level Title IX coordinators
- If you decide to use this WPS Title IX Complaint Form, please type into the fillable boxes then save the pdf of the form and email it as an attachment to the district's Title IX Coordinator or your building level coordinator. It is the district's intention to have the technological auto-routing of your submitted complaint form to the district's Title IX Coordinator. Even if duplicated, we welcome and encourage you to email a copy of this form in PDF form to the district's Title IX Coordinator.

What priority does WPS place on Title IX complaints/grievances/reports?

- WPS is committed to addressing any violations of its policies, programs or practices that may be found to violate Title IX. To this end, even in instances where the alleged misconduct may be found to fall outside the formal parameters of Title IX and/or its complaint/grievance procedures WPS retains authority to investigate and determine the allegations under its varied disciplinary policies and procedures defined within the WPS Code of Conduct or by the State of Connecticut.
- WPS is also committed to non-discrimination in application meaning that the requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness.

Can I be Retaliated Against for Filing a Title IX Complaint?

- Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations. Likewise, no person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Procedures. Retaliation is also prohibited if any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment. Complaints alleging retaliation may be filed accordingly to the Board of Education Chairperson

To be Covered by WPS' practices and application of Title IX, where must the alleged incident(s) have to occur?

- To be under the coverage or application of Title for WPS, the alleged incident(s) must have happened within an Education Program or Activity of WPS. For the purposes of this Title IX Grievance Procedures, a WPS "education program or activity" includes:
 - Any on-WPS school/grounds or campus premises
 - Any off-WPS premises that WPS has substantial control over
 - Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the WPS's programs and/or activities over which the WPS has substantial control.

To be Covered by WPS' practices and application of Title IX, when must the alleged incident(s) have to occur?

- To be under the coverage or application of Title for WPS, the alleged incident(s) must have happened during a School Calendar Days of WPS. For the purposes of this Title IX Grievance Procedures, a WPS “School Calendar Days” means the weekdays (Mondays through Fridays) when WPS classes are in session. The school calendar is subject, on an annual basis, to the approval of the Waterbury Board of Education.
- If sexual harassment, sexual misconduct or gender discrimination should occur during summer school hours and within WPS locations or locations or programs controlled by WPS, this policy and related procedures will be deemed to apply.

Am I guaranteed Confidentiality by WPS if I make a claim/file a Title IX grievance/complaint?

- It is important to distinguish for Title IX purposes between Privacy vs. Confidentiality. References made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or district officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean WPS offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. WPS will limit the disclosure, as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored. The following district officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:
 - Superintendent of Schools, Deputy Superintendent of Schools, Assistant Superintendents of Schools,
 - District Security & Safety Director
 - Title IX Coordinator or designee, Title IX Investigators, Title IX Decision-Makers
 - District Human Resource or Human Capital officials
 - Deputy Title IX Coordinators
 - Responsible Employees

If I need them, can I receive Disability Accommodations?

- This Grievance Procedure does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

What is the next steps in the Title IX process?

- The process begins with this complaint/grievance/intake process. You will be contacted directly by our district or building coordinator regarding the next steps once you submit the grievance/complaint form. At that juncture the complaint will be reviewed, an inquiry furthered with formal notices to all parties and formal interviews with all pertinent parties. Formalities could include a hearing. Various remedies are open to the institution and you as the potential complainant.

What resolutions or help can I seek through this Title IX complaint beyond the investigation?

The district has an obligation to investigate complaints to their full extent and to fulfill all legal obligations. However, you may also seek Supportive Measures. Complainants who report allegations that could constitute covered sexual harassment, sexual misconduct or gender discrimination under this policy, have the right to receive supportive measures from WPS regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and non-punitive. As appropriate, supportive measures may include, but not be limited to:

- Counseling,
- extensions of deadlines or other course-related adjustments,
- modifications of classes, assignments or schedules,
- school/campus escort services,
- restrictions on contact between the parties (no contact orders),
- excused absences for some limited time, scope and reason,
- notification to building level leadership and counselors and security to increase awareness and monitoring of the impacted students.

Can employees be placed on Administrative Leave during a Title IX investigation?

WPS retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with collective bargaining agreements and human resource policies.