

POLICY SUB-COMMITTEE MEETING

Special Meeting

Griswold Board of Education

Superintendent's Office

211 Slater Avenue

Griswold, CT 06351

TUESDAY,

February 4th, 2025

5:00 PM

1. Call to Order
2. Approval of the Minutes—January 7th, 2025
3. Review, Discussion, and Possible Action to Approve New Policy 5111.3—Students—Protection of Undocumented Students
4. Review, Discussion, and Possible Action to Approve New Regulation 5111.3—Students—Protection of Undocumented Students
5. Review, Discussion and Possible Action to Amend the Following **Policies** Under Sexual Harassment/Title IX—Prohibition of Sex Discrimination and Sexual Harassment in the Workplace:
 - A. Personnel—4000.1
 - B. Personnel—4200.1
 - C. Students—5145.44
6. Review, Discussion and Possible Action to Amend the Following **Regulations** Under Sexual Harassment/Title IX—Prohibition of Sex Discrimination and Sexual Harassment in the Workplace:
 - A. Personnel—4000.1
 - B. Personnel—4200.1
 - C. Students—5145.44
7. Review, Discussion, and Possible Action to Approve New Bylaw 9273 Civility Code
8. Review, Discussion, and Possible Action to Approve New Bylaw 9325.5 - Requests for Information by Board Members
9. Next Meeting: Tuesday, March 11th, 2025
10. Adjourn

**POLICY SUB-COMMITTEE MEETING
GRISWOLD BOARD OF EDUCATION**

**TUESDAY,
January 7th, 2025**

DRAFT

1. A regular meeting of the Griswold Board of Education's Policy Subcommittee took place on Tuesday, January 7th, 2025, at Griswold Middle School, in the Superintendent's Office, located at 211 Slater Avenue, Griswold, Connecticut. The Policy Subcommittee meeting was called to order at 5:00 PM by Jaimee O'Neill-Eaton, Policy Subcommittee Member in the absence of Policy Subcommittee Chair, Yvonne Palasky.

PRESENT Mary Beth Malin and Jaimee O'Neill-Eaton, GPS Policy Subcommittee Members.

ALSO PRESENT Sean McKenna, GPS Superintendent of Schools.

ABSENT Yvonne Palasky, GPS Policy Subcommittee Chair.

2. Approval of the Regular Meeting Minutes—December 10th, 2024

MOTION By Mary Beth Malin
Seconded by Jaimee O'Neill-Eaton
To approve the regular meeting minutes of December 10th, 2024, as presented.
Motion unanimously carried.

3. Review, Discussion, and Possible Action to Approve Revised Policy 4152.6/4252.6 – Personnel – Certified/Non-Certified – Personal Leaves – Family and Medical Leave Act.

MOTION By Jaimee O'Neill-Eaton
Seconded by Mary Beth Malin
To move forward this revised policy to the full Griswold Board of Education for a first reading.
Motion unanimously carried.

4. Review, Discussion, and Possible Action to Approve Revised Regulation 4152.6/4252.6 - Personnel – Certified/Non-Certified – Personal Leaves – Family and Medical Leave Act.

MOTION By Mary Beth Malin
Seconded by Jaimee O'Neill-Eaton
To move forward this revised regulation to the full Griswold Board of Education for a first reading.
Motion unanimously carried.

5. Review, Discussion, and Possible Action to Approve New Policy 4222 – Personnel – Non-Certified Paraeducators/Title I Paraeducators –

MOTION

By Mary Beth Malin
Seconded by Jaimee O'Neill-Eaton
To move forward this new policy to the full Griswold Board of Education
for a first reading.
Motion unanimously carried.

6. Review, Discussion, and Possible Action to Approve New Bylaw 9273 – Civility Code

MOTION

By Mary Beth Malin
Seconded by Jaimee O'Neill-Eaton
To table this new Bylaw at this time and bring back to the next Policy
subcommittee meeting.
Motion unanimously carried.

7. Anything Else that May Properly Come before the Committee – There was no other business discussed.

8. Next Meeting: Tuesday, February 11th, 2025 – The Policy subcommittee will hold their next regular
meeting on Tuesday, February 11th, 2025 at 5 PM.

9. Adjourn

MOTION

By Mary Beth Malin
Seconded by Jaimee O'Neill-Eaton
To adjourn the regular Policy meeting at 5:41 PM.
Motion unanimously carried.

Minutes prepared by: Sean McKenna/Robin Drobiak

A sample policy to consider.

Students

Protection of Undocumented Students

All students have the right to attend public school and enjoy access to equitable educational and programmatic services regardless of the immigration status of the student or of the student's family members.

For the purposes of this policy, "District personnel" includes all District employees, counsel for the District, and any agencies contracting with the District.

District personnel shall not take any steps that would deny students access to education based on their immigration status or any steps that would impede the rights of any students to public education under the U.S. Supreme Court's 1982 ruling in *Plyler v. Doe*, the Family Educational Rights and Privacy Act (FERPA), the Connecticut General Statutes, and any other applicable state and federal law.

Absent any applicable federal, state, local law or regulation or local ordinance or court decision, District personnel shall abide by the following conduct:

- District personnel shall not treat students disparately for District residency determination purposes on the basis of their immigration status.
- All District students who meet the relevant programmatic criteria are entitled to receive all school services, including free lunch, free breakfast, transportation, and educational services, regardless of the immigration status of the student or of the student's family members. This entitlement exists whether or not the student or the student's family members have social security numbers.
- District personnel shall not inquire about, or record in any way, a student's immigration status, nor shall District personnel require documentation of any student's legal status, such as asking for a "green card" or citizenship papers, at initial registration or at any other time, for any purpose.
- District personnel shall not require students to apply for Social Security numbers nor shall the District require students to supply a Social Security number for any purpose.

If any member of the District community (including students, families, or staff) has questions about their immigration status, District personnel shall not refer them to the Immigration and Customs Enforcement Office ("ICE") or any other government agency. Instead, District personnel shall refer them to state and/or local non-profit immigration law organizations. A list of such organizations shall be compiled by the Superintendent or designee and disseminated at school sites and on the District's website. The Superintendent is also encouraged to increase and enhance partnerships with community-based organizations, legal services organizations, and other educational institutions (such as community colleges and universities) to provide resources for families of students or District employees who are facing deportation or other adverse immigration consequences.

Students

Protection of Undocumented Students (continued)

It is the general policy of the District not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit. The Board of Education believes that ICE activities in and around schools, preschool education centers, and adult school facilities would constitute a severe disruption to the learning environment and educational setting for students. Therefore, any request by ICE to any District personnel to visit a school site shall be immediately forwarded to the Superintendent for review and consultation with legal counsel, to ensure the safety of all students, as well as compliance with *Plyler v. Doe* and other applicable state and federal laws.

All requests for documents by ICE to the District or any District personnel shall be immediately forwarded to the Superintendent for review and consultation with legal counsel and the Board to ensure the safety of all students, as well as compliance with *Plyler v. Doe* and other applicable state and federal laws.

The Superintendent or designee shall ensure that copies of this Policy are distributed to all District and school sites.

The Superintendent or designee shall ensure all teachers, school administrators, and other staff are trained on how to implement this policy and shall ensure that notification with required translation be distributed to families to fully inform them of their rights in the District.

(cf. 0521 - Nondiscrimination)
(cf. 5111 – Admission/Placement)
(cf. 5112 - Ages of Attendance)
(cf. 5118.1 - Homeless Students)
(cf. 5124 – Student Records)
(cf. 5141 - Student Health Services)
(cf. 6171 - Special Education)

Legal Reference: Connecticut General Statutes
 10-15 Towns to maintain schools
 10-15c Discrimination in public schools prohibited
 10-76a - 10-76g re special education
 10-184 Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive)
 10-186 Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission, as amended.
 10-220h Transfer of student records, as amended.
 10-261 Definitions

Students

Protection of Undocumented Students

Legal Reference: Connecticut General Statutes (continued)
State Board of Education Regulations
10-76a-1 General definitions (c) (d) (q) (t)
10-204a Required immunizations
Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g.).
Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21/96, and Final Rule 34 CFR Part 99, December 9, 2008, December 2, 2011)
McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.
Phyller v. Doe, 457 U.S.202, 102S. Ct. 2382 (1982)

This regulation provides greater specificity in preparation for an ICE visit to a school.

Students

Protection of Undocumented Students

U.S. Immigration and Customs Enforcement (ICE) Enforcement Protocols

Please be mindful that policies, regulations, and protocols addressing visits by immigration officials should be vetted by, or crafted in consultation with, districts' board attorneys. Additionally, the State Department of Education stated in an update on January 23, 2025 that it is currently preparing guidance on the issue.

Background

In the U.S. Supreme Court Case known as *Plyler v Doe*, the court held that schools are responsible for extending the equal protection clause of the 14th Amendment of the Constitution to undocumented children and that public schools could not request citizenship documentation of students nor deprive children of their education. Therefore, public schools cannot discriminate against nor force undocumented families to pay tuition if they reside in the school's community.

"Protected Areas" status derived from a 13-year-old Homeland Security policy discouraging enforcement action in or near a location that would restrain access to essential services or engagement in essential activities, including schools. On January 20, 2025, the Department of Homeland Security changed the Protected Areas policy, leaving schools at greater risk of DHS enforcement action.

As schools continue to meet their commitment to educating undocumented students and lose their Protected Areas status, once again, they are put in the middle, forced to navigate political headwinds, executive orders, and established laws while meeting their mission to educate and protect all children.

These protocols are designed to assist districts and their schools in providing a consistent and legally sound series of actions in the Event of an ICE Visit:

1. Immediate Notification

Contact the district's designated point person for immigration matters immediately upon ICE arrival. Prior to an ICE visit, the superintendent will assume the role of or appoint an *ICE Response Coordinator* (point person), who will be responsible for the following:

- a. Completing legal training on essential aspects related to responding to an ICE visit, including, but not limited to verifying credentials, warrant examination, appropriate and legal response to agent action, Rights of those being targeted, documenting the visit, student records compliance, and conducting a post-visit review.
- b. Providing immediate support and direction to a building administrator receiving an ICE visit.

Students

Protection of Undocumented Students

U.S. Immigration and Customs Enforcement (ICE) Enforcement Protocols (continued)

1. Immediate Notification (continued)

- c. Consulting with the superintendent and a board-approved attorney on matters including, but not limited to the validity of warrants, actions required by court orders and/or subpoenas, and visit documentation.
- d. Consulting with and updating the superintendent on all matters related to ICE agent visitations and communications.

2. Training

- a. The superintendent or designee will be responsible for staff training by legal experts who are updated on immigration enforcement law and required protocols, student and staff privacy rights, student records, response to warrants, navigating potentially tense interactions with immigration officers, and overall compliance.
- b. Training shall also include steps to follow should U.S. Immigration and Customs Enforcement officers request entry to a school or request student information. This includes training school bus drivers, custodial staff, security guards, front desk personnel, and others likely to be confronted with such an engagement.
- c. Offer “know-your-rights” presentations to families and students where appropriate. Engage with families and look for opportunities to provide information and updates related to ICE activity. Address families’ fears and get ahead of misinformation.
- d. Continue to share resources and legal updates.

3. Visit Procedures

When informed of or upon an official visit of an ICE agent, immediately notify the District Response Coordinator (IRC) and await instructions.

- i. Remain calm and cooperative, maintaining a professional demeanor.
- ii. Establish the identity and credentials of the ICE agent(s). Request their names, badge numbers, and business cards or other forms of identification.
- iii. Inquire if the agents have a warrant. If so, carefully examine it to determine whether it is a judicial warrant (valid for entry) or an administrative one (not valid for nonpublic areas).
- iv. Do not resist the agent’s questions or requests.
- v. Do not interfere with or obstruct the Agent’s work by hiding individuals or providing false information, as this may lead to legal consequences.

Students

Protection of Undocumented Students

U.S. Immigration and Customs Enforcement (ICE) Enforcement Protocols (continued)

3. Visit Procedures (continued)

- vi. Document the visit to the extent possible:
 - 1. Keep detailed records of the interaction;
 - 2. Take notes, make copies of any document provided, and obtain receipts for items taken.
 - 3. If comfortable, take photographs or videos of the incident.
- vii. The disclosure of student records requires a court order or subpoena. Without these, records should not be released without parental consent or the consent of a student 18 years and older. (FERPA)
- viii. Protocols should be displayed in visible locations with copies readily available for frontline personnel to show ICE and parents, as it signals that this is a safe space and there are protocols in place.

4. After-Visit Procedures

- i. After the incident, review the protocols and conduct training sessions to improve preparedness for future events.
- ii. Consult with the board's attorney to review any changes to protocols to ensure they meet the appropriate legal standards.

5. Additional Information

- a. An "administrative" warrant differs from those that show probable cause of a criminal offense and are not approved by a judge or magistrate. Therefore, it does not authorize the ICE agent to access non-public areas of school grounds or authorize the agent to search school records. This means a school official can deny the agent entry to the school or access to records.
- b. If an ICE agent presents a federal warrant signed by a federal judge, the school should follow its protocols, which begin with alerting the superintendent and/or ICE Response Coordinator, legal counsel for the district, and the parents if the child is implicated in the warrant.

Regulation approved:

cps 1/25

A sample regulation to consider/modify.

Students

Protection of Undocumented Students

In order to provide a free public education for all children and to provide a welcoming, safe, and supportive school environment, the following guidelines are to be followed when handling requests and visits from the U.S. Immigration and Customs Enforcement (ICE):

1. If an ICE agent approaches a school asking for student information or for access to a student, that agent is to be referred to the Superintendent's Office or to the office of an appropriate administrator designated by the Superintendent.
2. Generally, the Superintendent or his/her designee should immediately contact the district's attorney before taking any action or providing any information in response to a request or visit from an ICE agent. The Superintendent or his/her designee is to ask the ICE agent to state the reasons and authority for the visit, whether the "sensitive locations" policy is being followed, and, if so, why such "sensitive locations" policy permits the visit.
3. The Superintendent or his/her designee is to ask the ICE agent to confirm that the agent has a warrant and to show the warrant. If the agent does not have a warrant, the District shall prohibit entry to school facilities to the ICE agent.
4. If the ICE agent does have a warrant, the school official shall review it carefully to determine what it authorizes the ICE agent to do, and who issued it.
 - a. Note, that depending on the situation, ICE agents may have an "administrative warrant" which is not a court order signed by a judge.
 - b. School officials should not assume that an ICE agent has the authority to enter school facilities or obtain information or records based on an administrative warrant.
5. Situations could arise in the school setting, including when ICE agents demand records or information concerning a student, where a warrant signed by a judge or other appropriate court order likely would be required by law. In such situations, school officials are to consult with the District's attorney.
6. Resources to assist families informing them of their rights regarding immigration and connecting them with legal and social services that are available within the community should be made available and translated in multiple languages.
7. Schools participating in the Student Exchange Visitor Program (SEVP) must continue to comply with the specific requirements of that program.
8. Counselors and mental health support services are to be made available to students who are experiencing stress or anxiety as a result of the repercussions of the Presidential executive order regarding immigration and the news of immigration enforcement actions across the country.

Students

Protection of Undocumented Students (continued)

RESOURCES

For families:

ACLU - Know Your Rights: What to Do If Immigration Agents are at Your Door

Connecticut Students for a Dream

For districts and schools:

ICE Sensitive Locations Policy

U.S. Department of Education guidance for supporting undocumented youth

United We Dream – Deferred Action for Childhood Arrivals guide

School Counselors Working with Undocumented Students

U.S. Department of Health and Human Services information on the rights of unaccompanied children to enroll in school and participate meaningfully and equally in educational programs

The following organizations provide direct legal services:

International Institute of Connecticut

Integrated Refugee & Immigrant Services

Catholic Charities Migration, Refugee, and Immigration Services

Center for Children's Advocacy

Connecticut Legal Services

New Haven Legal Assistance

UConn School of Law Asylum and Human Rights Clinic

Yale Law School Worker and Immigrant Rights Advocacy Clinic

Regulation approved:

cps 3/17

reviewed 1/25

Current
Policy

P4000.1(a)
4200.1
5145.44

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Nondiscrimination Policy, Notices of Nondiscrimination, and Grievance Procedures (under the 2024 Amendments to the U.S. Department of Education's Title IX Regulations) Prohibition of Sex Discrimination and Sexual Harassment (Sex-based Harassment) in the Schools for Staff and Students

Statement of Policy

Pursuant with 2024 's Title IX "Final Rule," The Griswold Public Schools ("the District") prohibits any form of sex-based discrimination or sex-based harassment in all Board of Education ("Board") employment, programs and activities. All students, staff, and third parties under the Board's authority are expected to follow this policy to maintain a work and educational environment free from sex-based harassment, insults, or intimidation on the basis of sex stereotypes, sex characteristics, sexual orientation, gender identity, and pregnancy or related conditions.

Conduct that may constitute a violation of the Board's policy includes those occurring under the District's education program or activity in the United States, including conduct that is subject to the District's disciplinary authority. The District shall address matters that create a sex-based hostile environment under its employment, education programs and activities, even when some conduct alleged to be contributing to the hostile environment occurred outside the education program or activity or outside the United States.

Any employee or student who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including termination or expulsion, respectively, as well as civil and criminal penalties. Third parties who engage in conduct prohibited by this policy will be subject to other sanctions, which may include exclusion from Board property and/or subject to civil and criminal penalties. All district employees are required to notify the District's Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination and sex-based discrimination involving staff, students or third parties.

The Board shall not adopt or implement a policy/practice/procedure regarding or discriminating in its education programs or activities against any student or employee based on the student's/employee's current, potential, or past parental, family, or marital status that treats students/employees differently on the basis of sex. The District shall ensure that when students or parents tell an employee of a student's pregnancy or related conditions unless the employee reasonably believes the Title IX Coordinator has been notified, the employee shall promptly provide the Title IX Coordinator's contact information and inform the person that the Coordinator can coordinate specific actions to prevent discrimination and ensure access. The District shall provide the student with information about the District's obligations, reasonable modifications, voluntary access to a separate comparable portion of the program/activity/or voluntary leaves of absence, and lactation space.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Statement of Policy (continued)

The Superintendent of Schools (“Superintendent”) shall develop Administrative Regulations (“Grievance Procedures”) implementing this policy in accordance with Title IX, Title VII, and Connecticut law. The Grievance Procedures shall provide for adequate, reliable, and impartial investigation for all sex discrimination complaints, with specific requirements regarding evidence, response, and privacy.

Definitions (Referenced in the District’s Grievance Procedures)

Sex Discrimination: occurs when an employer refuses to hire, discipline, or discharge any individual or otherwise discriminates against an individual with respect to his, her, their compensation, terms, conditions, or privileges of employment on the basis of the individual’s sex or gender identity. Sex discrimination (sex-based discrimination) also occurs when a person, because of the person’s sex or gender identity, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

Sexual Harassment under Title IX and Connecticut Law: means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the Board conditioning the provision of aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct. (i.e., quid pro quo) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, education programs and/or activities. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board’s education programs or activities. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or educational performance or creating an intimidating, hostile, or offensive working or educational environment; 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 1229(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 Harassment under Title VII and Connecticut Law: means 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;

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Definitions (Referenced in the District's Grievance Procedures) (continued)

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.

Title IX Coordinator is the person designated and authorized to coordinate the District's efforts to comply with its responsibilities under Title IX and the regulations. As appropriate, the District may delegate, or permit the Title IX Coordinator to delegate specific duties to one or more designees.

Complainant means:

1. A student or employee 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 or employee 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.

Complaint means an oral or written request 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.

Disciplinary sanctions mean consequences imposed on a respondent following a determination under Title IX that the respondent violated the District's prohibition on sex discrimination.

Party means a complainant or respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person the recipient 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 recipient's education program or activity after the District determines that sex discrimination occurred.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Definitions (Referenced in the District's Grievance Procedures) (continued)

Respondent means a person who is alleged or found to have violated the District's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person under Board control, a student, or an employee or other person authorized by the Board 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 its regulations, 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, or hearing under the Title IX regulations.

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.** An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct;
2. **Hostile environment harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a District education program or activity (i.e., creates a hostile environment). 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 recipient'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; and/or
3. **Specific offenses.**
 - a. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime system of the Federal Bureau of Investigation;
 - b. Dating violence meaning violence committed by a person:

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Definitions (Referenced in the District's Grievance Procedures) (continued)

- i. Who is or has been in a 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:
 - 1. The length of the relationship;
 - 2. The type of relationship; and
 - 3. 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 the jurisdiction of the recipient, 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 youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
- 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.

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 a school's educational environment; or
- 2. Provide support during the District's grievance procedures or during an informal resolution process.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Definitions (Referenced in the District's Grievance Procedures) (continued)

Confidential employees are those whose communications are privileged or confidential under federal or state law and whom the District has designated as confidential for the purpose of providing services to persons related to sex discrimination. **"Confidential employees"** are required to explain to any person informing them of conduct that reasonably may constitute sex discrimination (1) their confidential status and circumstances in which they are not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination; (2) how to contact the Title IX Coordinator and to make a complaint; and (3) that the Title IX Coordinator may be able to offer and coordinate supportive measures and initiate an informal resolution process/investigation. The District shall notify all participants in its program or activity of how to contact confidential employees, if any.

Prohibition Against Retaliation

The District expressly prohibits intimidation, threats, coercion, or discrimination against any person by the District, a student, 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 its regulations, 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, or hearing under the Title IX regulations. When the District has information about conduct that reasonably may constitute retaliation under Title IX or this part, the District will respond promptly and effectively within its Title IX framework.

Reporting Sex Discrimination, Sexual Harassment, or Sex-Based Harassment

The Board expressly encourages victims of sex discrimination, sexual harassment, or sex-based harassment to report such claims. Employees are encouraged to report complaints promptly in accordance with the appropriate process established in the grievance procedures provided in the Administrative Regulations to this Policy.

Employee violations of this Policy will not be permitted and may result in discipline, up to and including termination. Individuals who engage in acts of sex discrimination or sexual or sex-based harassment may also be subject to civil and criminal penalties.

The District administration will provide training to the Title IX Coordinator, those who may serve in the role of investigators, decision-makers, and any person who facilitates an informal resolution process. Training shall include the definition of sex and sex-based discrimination and sexual and sex-based harassment, the scope of the Board's education program and activity, how to conduct an investigation and implement the grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Reporting Sex Discrimination, Sexual Harassment, or Sex-Based Harassment (continued)

The Administration will periodically provide training to all Board employees on the topic of sex and sex-based discrimination and sexual and sex-based harassment under Title IX, Title VII, and Connecticut law, which includes but not be limited to when reports of discrimination and harassment must be made. The Administration will distribute this Policy and the Administrative Regulations to employees, union representatives, students, parents, and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free from sex and sex-based discrimination and sexual and sex-based harassment. Administration will make the training materials used to provide these trainings publicly available on the Board's website.

The District Title IX Coordinator is (Deborah A. Martin, Director of Fiscal and Personnel Services). Any individual may make a report of sex and sex-based discrimination and/or sexual and sex-based harassment to the Title IX Coordinator using any one or multiple of the following points of contact:

- ❖ 211 Slater Avenue
- ❖ Griswold, CT 06351
- ❖ DMartin@Griswoldpublicschools.org
- ❖ 860-376-7600

Any Board employee in receipt of allegations of sex or sex-based discrimination or sexual or sex-based harassment or in receipt of a formal complaint shall immediately forward such information to the Title IX Coordinator. Board employees may also make a report of sex or sex-based discrimination or sex-based harassment to the U.S. Department of Education: Office of Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone: 617-289-0111).

Employees may also report sex or sex-based discrimination and/or sexual or sex-based harassment 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).

Notice of Non-Discrimination

The Board is obligated to provide an educational environment free from discrimination on the basis of sex and, therefore, prohibits any form of sex discrimination in any education program or activity that it operates, pursuant to Title IX. Therefore, the Board assigns the task of providing a notice of nondiscrimination to the Superintendent. Such discrimination or harassment prohibition includes students, staff, or third parties under the Board's authority.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Notice of Non-Discrimination (continued)

This notice is to be disseminated to students, parents, guardians, or other authorized legal representatives of elementary school and secondary school students, employees, applicants for employment, and all unions and professional organizations holding bargaining agreements with the District.

In addition to the above attestation, the notice of nondiscrimination shall direct all inquiries regarding Title IX to the District Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. This notice shall include the name and title, office address, email address, and telephone number of the District Title IX Coordinator. This notice shall also include that the District's nondiscrimination policy and grievance procedures can be located at (<https://www.griswold.k12.ct.us/resources/title-ix>). Finally, the notice shall include language that encourages those needing to report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX; please refer to <https://www.griswold.k12.ct.us/resources/title-ix>.

To ensure full compliance, the Superintendent shall prominently include all elements of the Board's notice of nondiscrimination on the District website and in each handbook, catalog, announcement, bulletin, and application form that the District makes available to people entitled to notice or which are otherwise used in connection with the recruitment of employees. Minimally, such notice shall be covered in the following statement:

Pursuant to Title IX's 2024 Final Rule, the Griswold Public School District does not discriminate on the basis of sex and prohibits sex discrimination in any educational program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Inquiries about Title IX may be referred to the Griswold Public School District's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. The Griswold Public School District Coordinator is Deborah A. Martin, Director of Fiscal and Personnel Services and can be reached the following ways:

- ❖ 211 Slater Avenue
- ❖ Griswold, CT 06351
- ❖ DMartin@Griswoldpublicschools.org
- ❖ 860-376-7600

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Notice of Non-Discrimination (continued)

The Griswold Public School District's nondiscrimination policy and grievance procedures can be located at <https://www.griswold.k12.ct.us/resources/title-ix>.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to <https://www.griswold.k12.ct.us/resources/title-ix>.

In developing administrative regulations conforming with 2024's Title IX Final Rule Regulations, the Superintendent shall ensure the grievance procedures provide vital protections from all forms of sex-based harassment, including sexual violence and unwelcome sex-based conduct that creates a hostile environment by limiting or denying a person's ability to participate in or benefit from a school's education program or activity.

District schools are required to take prompt and effective action to end any sex discrimination in their education programs and activities, prevent its recurrence, and remedy its effects. To that end, the Board shall require and support the training of employees about the school's obligation to address sex discrimination and the employee's obligation to notify or provide contact information for the Title IX Coordinator.

Prohibition Against Retaliation

The District expressly prohibits intimidation, threats, coercion, or discrimination against any person by the District, a student, 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 its regulations, 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, or hearing under the Title IX regulations. When the District has information about conduct that reasonably may constitute retaliation under Title IX or this part, the District will respond promptly and effectively within its Title IX framework.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace (continued)

Reporting Sex Discrimination, Sexual Harassment, or Sex-Based Harassment

The Board expressly encourages victims of sex discrimination, sexual harassment, or sex-based harassment to report such claims. Employees are encouraged to report complaints promptly in accordance with the appropriate process established in the grievance procedures provided in the Administrative Regulations

Employee violations of this Policy will not be permitted and may result in discipline, up to and including termination. Individuals who engage in acts of sex discrimination or sexual or sex-based harassment may also be subject to civil and criminal penalties.

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

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Legal References: (continued)
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
Title IX, Final Rule, August 1, 2024

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Grievance Procedures

Pursuant with 2024 's Title IX "Final Rule," the Griswold Board of Education ("Board") prohibits any form of sex or sex-based discrimination or sexual or sex-based harassment in its employment, education programs and activities, whether by students, staff, or third parties subject to substantial control by the Board. Discrimination and harassment on the basis of sex include gender identity, sexual orientation, sex stereotypes, sex characteristics, and pregnancy or related conditions. Sex-based harassment includes harassment based on sexual orientation and gender identity and exists when "unwelcome sex-based conduct is subjectively and objectively offensive and is 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.

The District shall maintain an environment free from harassment, insults, or intimidation based on an employee's and/or student's sex or gender identity and sex and sex-based discrimination. Verbal or physical conduct relating to an employee's or student's sex or gender identity that results in creating an intimidating, hostile, or offensive work or educational environment, unreasonably interfering with the employee's work performance or student's educational performance, or adversely affecting the employee's employment opportunities is prohibited.

Any employee or student who engages in conduct prohibited by this Board Policy shall be subject to disciplinary action. Any third party who engages in conduct prohibited by this Policy shall be subject to remedial measures, which may include exclusion from school property.

Conduct that may constitute a violation of the Board's policy includes those occurring under the District's education program or activity in the United States, including conduct that is subject to the District's disciplinary authority. The District shall address matters that create a sex-based hostile environment under its education program and activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the education program or activity or outside the United States.

Any employee or student who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including termination or expulsion, respectively and further subject to civil and criminal penalties. Third parties who engage in conduct prohibited by this policy will be subject to other sanctions, which may include exclusion from Board property and/or subject to civil and criminal penalties. All District employees are required to notify the District's Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination and sex-based discrimination.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Grievance Procedures (continued)

To allow for an appropriate level of discretion and flexibility in accounting for variations in school size, student populations, and administrative structures, the Title IX Coordinator, in consultation with the Superintendent and/or designee(s) shall determine whether or not to use a single-investigator model and to use this model in some but not all cases as long as the grievance procedures clearly state when this model will be utilized. The Title IX Coordinator shall also determine whether or not to offer an informal resolution process for sex discrimination complaints unless the complaint includes allegations that an employee engaged in sex-based harassment of an elementary or secondary school student or unless such a process would conflict with Federal, State, or local law.

Definitions

Sex Discrimination: occurs when an employer refuses to hire, discipline, or discharge any individual or otherwise discriminates against an individual with respect to his, her, their compensation, terms, conditions, or privileges of employment on the basis of the individual's sex or gender identity. Sex discrimination (Sex-Based Discrimination) also occurs when a person, because of the person's sex or gender identity, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

Sexual Harassment under Title IX and Connecticut Law: means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the Board conditioning the provision of aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct. (i.e., quid pro quo) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education programs or activities. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education programs or activities. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment; 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. 1229(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).

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Definitions (continued)

Sexual Harassment under Title VII and Connecticut Law: means 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.

Title IX Coordinator is the person designated and authorized to coordinate the District's efforts to comply with its responsibilities under Title IX (2024 Final Rule) and the regulations. As appropriate, the District may delegate, or permit the Title IX Coordinator to delegate specific duties to one or more designees.

Complainant means:

1. A student or employee 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 or employee 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.

Complaint means an oral or written request 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.

Disciplinary sanctions mean consequences imposed on a respondent following a determination under Title IX that the respondent violated the District's prohibition on sex discrimination.

Party means a complainant or respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these 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 decision-maker in determining whether the alleged sex discrimination occurred.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Definitions (continued)

Remedies means measures provided, as appropriate, to a complainant or any other person the recipient 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 recipient's education program or activity after the District determines that sex discrimination occurred.

Respondent means a person who is alleged or found to have violated the District's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person under Board control, a student, or an employee or other person authorized by the Board 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 its regulations, 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, or hearing under the Title IX regulations.

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.** An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct;
2. **Hostile environment harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a District education program or activity (i.e., creates a hostile environment). 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 recipient'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 and/or

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Definitions (continued)

3. Specific offenses.

- a. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime system of the Federal Bureau of Investigation;
- b. Dating violence meaning violence committed by a person:
 - i. Who is or has been in a 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:
 - 1. The length of the relationship;
 - 2. The type of relationship; and
 - 3. 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 the jurisdiction of the recipient, 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 youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
- 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.

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 a school's educational environment; or

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Definitions (continued)

2. Provide support during the District's grievance procedures or during an informal resolution process.

Confidential employees are those whose communications are privileged or confidential under federal or state law and whom the District has designated as confidential for the purpose of providing services to persons related to sex discrimination. "Confidential employees" are required to explain to any person informing them of conduct that reasonably may constitute sex discrimination (1) their confidential status and circumstances in which they are not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination; (2) how to contact the Title IX Coordinator and to make a complaint; and (3) that the Title IX Coordinator may be able to offer and coordinate supportive measures and initiate an informal resolution process/investigation. The District shall notify all participants in its program or activity of how to contact confidential employees, if any.

All grievance procedures are required to ensure the following:

- All schools must treat complainants and respondents equitably.
- Title IX *Coordinators, investigators, decision-makers, and facilitators* of an **informal resolution process** must not have a conflict of interest or bias for or against complainants or responders generally or an individual complainant or respondent.
- The grievance procedures must include a *presumption that the respondent is not responsible for the alleged sex discrimination* until a determination is made at the conclusion of the grievance procedures.
- The grievance procedures must require *adequate notice* to the parties of the allegations, dismissal, delays, meetings, proceedings, and determinations. All such notifications and records must be in writing with copies maintained at Central Office.
- The grievance procedures must give the parties an *equal opportunity to present and access* relevant and not otherwise impermissible evidence and provide a reasonable opportunity for each party to respond to that evidence.
- The decision-maker or the "single investigator" must objectively evaluate each party's relevant and not otherwise impermissible evidence.
- The grievance procedures must enable the decision-maker to assess a party's or witness's credibility when credibility is in dispute and relevant.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

All grievance procedures are required to ensure the following: (continued)

- In evaluating the party's evidence, the grievance procedures must use the *preponderance of the evidence standard of proof*.
- The District must not impose disciplinary sanctions under Title IX on any person unless it determines at the conclusion of grievance procedures that sex discrimination for which the person was responsible has occurred.

Important Considerations:

If Griswold Public Schools has knowledge of conduct that reasonably may constitute sex discrimination, including sex-based harassment as defined in this policy in its education program or activity, it will respond promptly and effectively. These procedures apply to a complaint of sex-based harassment in the District's program or activity under Policy 4200.1/5145.44. "District Program or Activity" includes those occurring on or off school grounds.

As used in these procedures, a "complaint" is an oral or written request to the District that objectively can be understood as a request to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

All grievance procedures are required to ensure the following: (continued)

If the Title IX Coordinator reasonably determines conduct as alleged could *not* constitute sex-based discrimination under Title IX, the Title IX Coordinator is not required to implement the formal procedures under this policy. The reported conduct may, in such cases, be referred to the appropriate administrator(s) for response under relevant policies and procedures (i.e., personnel policies, student code of conduct, student counseling, other student services, restorative practices, policies governing visitors to district property, technology use policies, etc.)

The Title IX Coordinator may serve as investigator and decision-maker in these procedures (under the single-investigator model). The District requires that any Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against complaints or respondents generally or an individual complainant or respondent.

Protections for Students, Employees, and Applicants from Discrimination Based on Pregnancy or Related Conditions

Schools must provide reasonable modifications for students based on pregnancy or related conditions, allow employees reasonable break time for lactation, and provide students and employees with access to a clean, private lactation space.

Prohibition Against Retaliation

The Board prohibits all forms of intimidation, threatening, coercion, or discrimination against someone in order to interfere with their Title IX rights or because they reported sex discrimination, including sexual violence or other forms of sex-based harassment, or participated in, or refused to participate in, the district's Title IX process. The District shall protect students from peer retaliation by other students.

The Rights of Parents and Guardians to Act on Behalf of Their Children

The Board expressly supports parents' and guardians' rights to act on behalf of a minor student, including when seeking assistance under Title IX and participating in a school's Title IX grievance procedures. While it is permissible for parents/legal guardians to attend meetings where their child is interviewed as a witness, complainant, or respondent, the staff member conducting the interview shall ensure the student has the opportunity to provide direct testimony.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace (continued)

Ensuring District Communication Regarding its Non-Discrimination Policies and Procedures

The Board shall require its schools to clearly and effectively inform key people, including students, employees, and applicants, of the District's non-discrimination policies and procedures.

Prohibition Against Schools Sharing Personal Information (Confidentiality and Privacy)

The Board prohibits any of its schools under its jurisdiction from disclosing personally identifiable information they obtain through complying with Title IX, with limited exceptions, such as when they have prior written consent or when the information is disclosed to the parent of a minor. Such consent should be in writing and maintained in secured areas.

The District shall not disclose personally identifiable information obtained in the course of complying with Title IX, except in the following circumstances:

1. When the District has obtained prior written consent from a person with the legal right to consent to the disclosure;
2. When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
3. To carry out the purposes of Title IX, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in the District's education program or activity;
4. As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; and/or
5. To the extent that such disclosures do not otherwise conflict with Title IX when required by state or local law or permitted under FERPA,

Privacy During Grievance Process: The District shall take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps shall not restrict the parties' ability to obtain and present evidence, including by speaking to witnesses, consulting with their family members, using confidential resources or advisors, or otherwise preparing for or participating in the grievance procedures.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace (continued)

In School Protections from Harm when Students Are Separated or Treated Differently Based on Sex

Pursuant to Title IX, the Board prohibits separation or treating people differently based on sex in a manner that subjects them to more than de minimis harm, except in limited circumstances permitted by Title IX. The Board further recognizes that preventing someone from participating in school (including in sex-separate activities) consistent with their gender identity causes that person more than de minimis harm. This general nondiscrimination principle applies except in the limited circumstances specified by statute, such as in the context of sex-separate living facilities and sex-separate athletic teams.

Child Services or Law Enforcement Reporting

Nothing in this policy or regulation modifies the District's legal responsibility for reporting child abuse and neglect or violations of the law. In cases where a Child Abuse and Neglect call has been made that concerns conduct that also triggers the District's obligation to respond under Title IX, the Title IX Coordinator will engage as appropriate and legally required with the Department of Children and Families (DCF), law enforcement agencies, and related service agencies as appropriate.

The Title IX response from the District should be integrated with, not replaced by, the DCF response to a report. In cases of law enforcement engagement with conduct reported, the District will coordinate with law enforcement concerning the District's response, including the provision of appropriate Title IX supportive measures to affected parties and the sequencing of formal Title IX procedures relative to any law enforcement investigatory and adjudicatory process.

Special Education/504 Considerations

If a complainant or respondent is a student with a disability, the Title IX Coordinator must consult with one or more members, as appropriate, the Team responsible for implementing the Student's Individualized Education Program, the Planning and Placement Team (PPT), or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under Section 504, if any, to determine how to comply with the requirements of the District's implementation of grievance procedures and/or supportive measures.

Supportive Measures

As part of promptly and effectively ending any sex-based discrimination in the district's program or activity, preventing its recurrence, and remedying its effect, the District will offer and coordinate supportive measures through the Title IX Coordinator, to complainants as appropriate and, if a grievance has commenced, to the respondent as appropriate.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Supportive Measures (continued)

For complaints of sex-based harassment, these supportive measures may include 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 recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
2. Provide support during the recipient's grievance procedures or during an informal resolution process.

For allegations of sex discrimination other than sex-based harassment or retaliation, the District's provision of supportive measures does not require the District, its employees, or any other person authorized to provide aid, benefit, or service on the District's behalf to alter the alleged discriminatory conduct during the grievance process for the purpose of providing a supportive measure.

Supportive measures may vary depending on what the District deems to be reasonably available. These measures may include but are not limited to: counseling; deadline extensions and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

The District may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or the informal resolution process, or it may continue them beyond that point.

The District will provide a complainant or respondent with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the District's decision to provide, deny, modify, or terminate supportive measures applicable to them. The reviewing employee must be someone other than the employee who made the challenged decision and must have the authority to modify or reverse the decision if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures. The District shall also allow a party to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The District will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or when an exception to this policy's prohibition on disclosures of personally identifiable information applies.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Supportive Measures (continued)

If the complainant or respondent is a student with a disability, the Title IX Coordinator will consult with one or more members, as appropriate, of the Team overseeing the student's IEP, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision, if any, to determine how to comply with the requirements of the 504 Plan in the implementation of supportive measures.

Complaint Procedures

The following people have a right to make a complaint of sex discrimination in the program or activity of the District:

1. Any student or district employee;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complaint;
3. Any person other than a student or employee who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination;
4. Title IX Coordinator.

Limitation on Complaints of Sex-Based Harassment including Hostile Environment: A person is entitled to make a complaint of sex-based harassment (a sub-category of sex discrimination), including a sex-based hostile environment, only if:

1. They themselves are alleged to have been subjected to the sex-based harassment;
2. They have a legal right to act on behalf of such person; or
3. The Title IX Coordinator initiates a complaint in cases where Title IX permits or requires the Title IX Coordinator to make the complaint.

District-Initiated Complaints: In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator may determine whether to initiate a complaint of sex discrimination that complies with the grievance procedures. To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

1. The complainant's request not to proceed with the initiation of a complaint;
2. The complainant's reasonable safety concerns regarding the initiation of a complaint;
3. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

District-Initiated Complaints (continued)

4. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from school grounds or the imposition of another disciplinary sanction to end the discrimination and prevent recurrence;
5. The age and relationship of the parties, including whether the respondent is an employee of the District;
6. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist the Title XI Coordinator or the assigned Decision-maker in determining whether sex discrimination occurred; and
8. 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 conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person or that the conduct as alleged 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.

Complaint Consolidation

The District may consolidate complaints of sex discrimination against more than one respondent, 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. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include plural, as applicable.

Complaints Concerning District Policy or Practice

Not all complaints of sex discrimination involve active participation by complainants and respondents, including those alleging that the District's own policies and procedures discriminate based on sex. When a sex discrimination complaint alleges that the District's own policies or practices discriminate on the basis of sex, the District is not considered a "respondent" for procedural purposes. However, the District shall fully implement and follow those parts of the grievance procedures that apply to such complaints and complainants, including when respondents allege that the District's policy or practice discriminates on the basis of sex.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Complaints Concerning District Policy or Practice (continued)

For a complaint alleging that an individual engaged in sex discrimination based on actions the individual took in accordance with the District's policies or practices, the District shall treat the individual as a respondent and comply with the requirements in these grievance procedures that apply to respondents. This is due to the fact that such complaints may involve factual questions regarding whether the individual was, in fact, following the District's policies or practices, what actions the individual took, and whether the individual could be subject to disciplinary sanctions depending on these facts. To the extent an individual was following the District's policies or practices, the District has the flexibility to determine whether the original complaint must be amended to be a complaint against the District itself or whether this determination can be made based on the original complaint against an individual.

Upon Complaint Receipt

When notified of conduct that reasonably may constitute sex discrimination under Title IX or its regulations, the Title IX Coordinator will:

1. Treat the complainant and respondent equally;
2. Offer and coordinate supportive measures as appropriate for the complainant. In addition, if the District has initiated grievance procedures or offered an informal resolution process to the respondent, the Title IX Coordinator will offer and coordinate supportive measures as appropriate for the respondent;
3. 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;
4. If a complaint is made, notify the respondent of the grievance and the informal resolution process, if available and appropriate;
5. In response to a complaint, initiate the grievance procedures or the informal resolution process;
6. Regardless of whether a complaint is initiated, take other appropriate, prompt, and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the District's education program or activity;
7. The Title IX Coordinator is not required to comply with 1-7 of this section upon being notified of conduct that may constitute sex discrimination if the Title IX Coordinator reasonably believes that the conduct as alleged could not constitute sex discrimination under Title IX or this part.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Upon Complaint Receipt (continued)

Upon initiation of the District's Title IX Grievance Procedures, the District will further notify parties of the following:

1. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incidents(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
2. Retaliation is strictly prohibited; and
3. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the District provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the District decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the District will notify the parties of the additional allegations.

Dismissal of a Complaint

The Title IX Coordinator may dismiss a complaint of sex discrimination if:

1. The District is unable to identify the respondent after taking reasonable steps to do so;
2. The respondent is not participating in the District's education program or activity and is not employed by the District;
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 District 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 District determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX.

Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations with the complainant. Upon dismissal, the District 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 District will also notify the respondent of the complainant, or simultaneously if notification is in writing.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Dismissal of a Complaint (continued)

When a complaint is dismissed, the District will, at a minimum:

1. Offer supportive measures to the complainant as appropriate;
2. If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue to recur within the District's education program or activity.

Dismissal on these grounds does not prevent the application of any other District policy that applies to the alleged conduct or referral of the alleged conduct to appropriate administrators.

Appeal of Dismissal of Complaint

The District 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 District will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following basis:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
3. The Title IX Coordinator (or the assigned investigator or decision-maker) 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.

If the dismissal is appealed, the District will:

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
2. Implement appeal procedures equally for the parties;
3. Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
4. Ensure that the decision-maker for the appeal has been trained consistent with the Title IX regulations;
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
6. Notify the parties of the result of the appeal and the rationale for the result.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace (continued)

Investigation of the Complaint by the District

The District will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the District -not on the parties- to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. Any employee or any other person authorized by the District to provide aid, benefit, or service under the District's education program or activity must, upon request by the Title IX Coordinator (or an assigned investigator or a decision-maker), participate as a witness in, or otherwise assist with, an investigation or proceeding under this policy, including these grievance procedures.

1. The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures;
2. The District will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence;
3. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness;
4. The District will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
5. The District will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance;
6. The District 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 in the following manner:
 - a. The District will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the District provides a description of the evidence, the District will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
 - b. The District will provide a reasonable opportunity to respond to the evidence or the description of the evidence; and
 - c. The District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Investigation of the Complaint by the District (continued)

Evidentiary Exclusions:

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

1. Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. A party's or witnesses' records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness unless the District obtains that party's or witness' 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 a determination that sex-based harassment occurred.

Questioning the Parties and Witnesses:

The grievance decision-maker (or the Title IX Coordinator if applying the "single-investigator model) will question parties and witnesses to adequately assess a party's or witnesses' credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. Where the investigator (or the Title IX Coordinator) has interviewed a party or witness, and the investigator is also serving as the grievance decision-maker, credibility evaluation is inherent in the process of conducting the interview. In situations where credibility determinations are required from a grievance decision-maker who did not interview a party or witness, the Title IX Coordinator will facilitate an opportunity for the decision-maker's process of engaging with the evidence resulting from the investigation.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Investigation of the Complaint by the District (continued)

Determining Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the grievance decision-maker (or Title IX Coordinator) will:

1. Use the “preponderance of evidence” standard of proof to determine whether sex discrimination occurred.
 - a. The standard of proof requires the decision-maker (or Title IX Coordinator) to evaluate relevant and not otherwise impermissible evidence for its persuasiveness.
 - b. If the decision-maker (or Title IX Coordinator) is not persuaded by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decision-maker (or Title IX Coordinator) will not determine that sex discrimination occurred.
2. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX, including the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal.
3. Identify recommended discipline for the respondent for sex discrimination prohibited by Title IX under the District’s Code of Conduct.
4. Promptly transmit the grievance record and the determination to the Title IX Coordinator if the Title IX Coordinator did not serve as the decision-maker.

Disciplinary Sanctions for Sex-Based Harassment

Notice is hereby given that following a determination that sex-based harassment occurred, the District may impose disciplinary sanctions, which may include consequences imposed on a respondent following a determination under Title IX that the respondent violated the District’s prohibition on sex discrimination. For employees, prohibitions and consequences are stated in policies, labor contracts, and statutes. For students, prohibitions and consequences are stated in Student Handbooks and in the Board’s policies in the 5000 series.

The Title IX Coordinator shall provide the appropriate administrator with the findings and determinations arising from the grievance procedures to implement disciplinary sanctions against a respondent for violating the prohibition on sex discrimination.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace (continued)

Remedies

Notice is hereby given that the District may provide remedies, which may include measures provided, as appropriate, to a complainant or any other person the District identifies as having had 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. A wide variety of remedies affecting personal circumstances may be appropriate depending on the circumstance. Remedies may cause additional burdens upon respondents who have violated the prohibition on sex discrimination. Remedies may include recommended adjustments in District Policies and Practices.

District Determination that Sex Discrimination Occurred

When the respondent is found to have violated the prohibition on sex discrimination under this policy, the Title IX Coordinator will, as appropriate:

1. Coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education program or activity limited or denied by sex discrimination;
2. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions;
3. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue to recur within the District's education program or activity;
4. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
5. Refrain from disciplining 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 of whether sex discrimination occurred.

Appeal of the Determination that Sex Discrimination Occurred (Merits Appeals)

All persons serving as decision-makers in appeals arising from the Title IX grievance process are subject to applicable training requirements. The Title IX Coordinator will continue to manage appropriate supportive measures during all appeals.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Appeal of the Determination that Sex Discrimination Occurred (Merits Appeals) (continued)

For *student respondents*, generally, a determination of whether sex discrimination occurred will be appealable by either the complainant or the respondent, or both. Appropriate supportive measures managed by the Title IX Coordinator will continue during the appeals. If the determination that sex discrimination occurred is affirmed, reversed, or modified on appeal, the grievance returns to the Title IX Coordinator to modify the District's response actions as and if appropriate.

For *employee respondents*, a determination that sex discrimination occurred will be appealable by either the complainant or the respondent, or both. Appropriate supportive measures managed by the Title IX Coordinator will continue during the appeals. If the determination that sex discrimination occurred is affirmed, reversed, or modified on appeal, the grievance returns to the Title IX Coordinator to modify the District's response actions as and if appropriate. However, when a final determination is made that an employee violated the prohibition on sex discrimination under Title IX, the concluded grievance record and determination will be sent to the Superintendent or a designee for purposes of determining disciplinary action specifically directed at that employee.

Timeframe

There are six major stages of the grievance procedure. Specific timelines are *not* identified, but the investigation should be "prompt" in resolving Title IX matters. Timelines will vary in each case based on a variety of circumstances, including but not limited to the complexity of the complaint and numbers and availability of witnesses.

1. Evaluation of the complaint (i.e., decision whether to dismiss or investigate a complaint).
2. Notices and Investigation.
3. Evidence organization, summarization by the Title IX Coordinator or a chosen Investigator.
4. Evidence review and response by parties.
5. Title IX Coordinator or a chosen Decision-maker evidence evaluation determination.
6. Appeal of determination.: Completion of appeal process, including determination. Appeals must be made by parties within ten business days.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in The Workplace

Timeframe (continued)

Overlapping Discrimination Claims and This Procedure

To the extent that the underlying facts and legal questions in a complaint handled under the Title IX grievance process overlap with and pertain to the District's compliance with another law or regulation concerning discrimination, the evidence and findings of the Title IX grievance process may be used for both purposes, in the discretion of the Title IX Coordinator.

Maintenance of Records

The District is required to maintain for seven (7) years each notification received by the Title IX Coordinator of conduct that reasonably may constitute sex discrimination under Title IX or the regulations, documentations of the actions the District took to meet its obligations to respond promptly and effectively to complaints. Such records will be securely maintained in a locked file cabinet located in a secured office accessible to the Title IX Coordinator.

Opening Statement from CAGE—will be

On January 9, 2025, a federal district court in Kentucky ruled that the 2024 Title IX Regulations “are invalid and must be set aside.” In response, the U.S. Department of Education’s Office for Civil Rights (OCR) issued guidance indicating, “Consistent with the court’s order, the 2024 Title IX regulations are not effective in any jurisdiction.” Districts are advised to discontinue the use of policies and regulations that follow the 2024 Title IX Regulations and resume using policies and regulations that were in place under the 2020 Regulations.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment In The Workplace

The Griswold Board of Education (the “Board”) prohibits any form of sex discrimination or sexual harassment in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee’s sex and free from discrimination based on sex.

The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”), Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law not to discriminate in such a manner. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Any employee or student who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including termination or expulsion, respectively. Third parties who engage in conduct prohibited by this Policy shall be subject to other sanctions, which may include exclusion from Board property and/or activities. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

For conduct to violate Title IX, the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of Title VII, Connecticut law, and/or another Board policy.

The Superintendent of Schools shall develop Administrative Regulations, which will include Grievance Procedures implementing this Policy and in accordance with Title IX, Title VII, and Connecticut law (the “Administrative Regulations”).

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment In The Workplace (continued)

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

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (*i.e.*, *quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education programs or activities; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual harassment under Title VII and Connecticut law means 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 working environment.

Reporting Sex Discrimination or Sexual Harassment

It is the policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Employees are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process established in the Administrative Regulations. All complaints are to be responded to in a prompt and equitable manner.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Reporting Sex Discrimination or Sexual Harassment (continued)

Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any employee with a complaint about sex discrimination or sexual harassment is prohibited under this Policy and illegal under state and federal law.

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

The Griswold Public Schools administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), which training shall include, but need not be limited to, the definition of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and implement the grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The Administration shall make the training materials used to provide these trainings publicly available on the Board's website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX, Title VII, and Connecticut law, which shall include when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to employees, union representatives, students, parents and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator is Deborah Martin, Director of Fiscal and Personnel Services. Any individual may make a report of sex discrimination and/or sexual harassment to any Board employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

***Deborah Martin, Title IX Coordinator
Griswold Public Schools
211 Slater Avenue
Griswold, CT 06351
860-376-7600 & Email: dmartin@griswoldpublicschools.org***

Any Board employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. Board employees may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S.

Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone: 617-289-0111).

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Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Reporting Sex Discrimination or Sexual Harassment (continued)

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

Legal References:

- Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).
- Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990.
- Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, et seq.
- Title IX of the Education Amendments of 1972, 34 CFR §106, et seq.
- Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)
- Conn. Gen. Stat. §46a-54 Commission powers Connecticut
- Conn. Gen. Stat. §46a-60 Discriminatory employment practices prohibited.
- Conn. Gen. Stat. §46a-81c Sexual orientation discrimination: Employment
- Conn. Gen. Stat. §10-153 Discrimination on the basis of sex, gender identity or expression or marital status prohibited
- Conn. Agencies Regs. §§ 46a-54-200 through §46a-54-207

The grievance procedures in these regulations are legally required.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment In The Workplace

The Griswold Board of Education (the "Board") prohibits any form of sex discrimination or sexual harassment in the Board's education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation.

Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

Any employee or student who engages in conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) shall be subject to remedial measures, which may include exclusion from school property.

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

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education programs or activities; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment In The Workplace

Sexual harassment under Title VII and Connecticut law means 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 working environment.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel):

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

Notice of The Title IX Coordinator

The Board's Title IX Coordinator is Deborah Martin, Director of Fiscal & Personnel Services Any individual may make a report of sex discrimination and/or sexual harassment to any Board employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Deborah Martin, Title IX Coordinator
Griswold Public Schools
211 Slater Avenue
Griswold, CT 06351
860-376-7600 & Email: dmartin@griswoldpublicschools.org

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Notice of the Title IX Coordinator (continued)

Any District employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. The Title IX Coordinator manages the District's compliance with Title IX, Title VII and Connecticut law with respect to sexual harassment and/or sex discrimination and is an available resource to anyone seeking information or wishing to file a formal complaint of same. When a student, District employee, or other participant in the District's programs and activities feels that such person has been subjected to discrimination on the basis of sex in any District program or activity, including without limitation being subjected to sexual harassment, such person may contact the Title IX Coordinator or utilize the Title IX, Title VII and Connecticut law grievance systems set forth herein to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

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

Explanation of Complaint Process and Procedure

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems:

- a grievance process for complaints of sex discrimination involving allegations of sexual harassment; and
- grievance procedures for complaints of sex discrimination that are not sexual harassment.

Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the **grievance process** set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these regulations.

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of these Administrative Regulations, including the conduct of any investigation, hearing, or judicial proceeding arising from these Administrative Regulations.

The obligation to comply with Title IX is not obviated or alleviated by the FERPA.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment In The Workplace

Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

A. Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- **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:

- A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
- B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- C. It is the responsibility of each person engaging in 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.
- D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:
 - (i) because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant affirmatively consented, or

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment In The Workplace

Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

A. Definitions (continued)

- (ii) if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
- E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of consent.
- For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.
 - **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of 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.
 - **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined under Title IX) against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A "document filed by a complainant" means a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
 - **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment In The Workplace

Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

A. Definitions (continued)

- **School days** means the days that school is in session as designated on the calendar posted on the Board'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 process.
- **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 complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a person in the District's education program or activity, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant files a formal complaint, and will consider the complainant's wishes with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator will explain to the complainant the process for doing so.

Personnel -- Certified/Non-Certified/Students
Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace

Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

B. Reporting Sexual Harassment (continued)

2. The District will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in these Administrative Regulations shall preclude the District from placing an employee respondent on administrative leave during the pendency of the grievance process. Further, nothing in these Administrative Regulations shall limit or preclude the District from removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the District shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the formal complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims.

Personnel -- Certified/Non-Certified/Students
Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace

Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

C. Formal Complaint and Grievance Process (continued)

2. (continued) The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a formal complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.
3. Upon receipt of a formal complaint, if the Title IX Coordinator has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide such supportive measures.
4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment under Title IX and a copy of this grievance process. The written notice must also include the following:
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual harassment as defined above;
 - iii. The date and the location of the alleged incident, if known;
 - iv. statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
 - vi. A statement of any provision in the District's policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace

Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

C. Formal Complaint and Grievance Process (continued)

4. (continued) If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the written notice, the District must provide notice of the additional allegations to the parties whose identities are known.
5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a witness) written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace

Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

C. Formal Complaint and Grievance Process (continued)

- 8.(cont) Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this Subsection.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.
10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the formal complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the formal complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace

Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

C. Formal Complaint and Grievance Process (continued)

11. The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.
12. Student respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)

Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

C. Formal Complaint and Grievance Process (continued)

13. After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Section E of this Section.

D. Informal Resolution

At any time prior to reaching a determination regarding responsibility, but only after the filing of a formal complaint, the District may suggest to the parties the possibility of facilitating an informal resolution process, such as mediation, to resolve the formal complaint without the need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Title IX Coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or designee will provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The District must obtain voluntary, written consent to the informal resolution process from both parties.

Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

Nothing in this section precludes an employee from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.

An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)

Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

E. Appeal Process

After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s) or initial decision-maker(s).

Appeals will be appropriate only in the following circumstances:

- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- procedural irregularity that affected the outcome of the matter;
- the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. A conflict of interest or bias does not exist solely because the Title IX Coordinator, investigators(s), and/or decision-maker(s) previously worked with or disciplined the complainant or respondent.

The District will provide the other party with written notice of such appeal. The 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 process. The decision-maker(s) for the appeal will provide the appealing party's written statement to the other party. The other party will then have ten (10) school days to submit to the decision-maker for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal, in their discretion, will determine any additional necessary and appropriate procedures for the appeal.

Personnel -- Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)

Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

E. Appeal Process (continued)

After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. The decision-maker(s) for the appeal will attempt to issue the written decision within thirty (30) school days of receipt of all written statements from the parties. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

Supportive measures for either or both parties may be continued throughout the appeal process.

F. Dismissal of a Formal Complaint

The Title IX Coordinator shall dismiss any formal complaint that, under Title IX, 1) would not constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in the District's education program or activity, or 3) did not occur against a person in the United States. Such dismissal does not preclude action under another Board policy.

The District may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that 1) the complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in the District; or 3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the District will promptly and simultaneously send written notice of the dismissal and reason(s) therefor to each party. Either party can appeal from the District's dismissal of a formal complaint or any allegations therein using the appeals procedure.

In the event a formal complaint is dismissed prior to the issuance of a decision under Title IX, the Title IX Coordinator shall determine if the allegations of sexual harassment shall proceed through the grievance procedures identified in Section II of these Administrative Regulations for claims of sex discrimination for consideration as to whether the allegations constitute sexual harassment under Title VII or Connecticut law.

A dismissal pursuant to this section does not preclude action by the District under the Student Discipline policy, Code of Conduct for students/or and employees, or any other applicable rule, policy, and/or collective bargaining agreement.

Personnel – Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace

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

G. Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence or illness of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding non-discrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a non-accidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
4. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or 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 these Administrative Regulations. The District will take actions designed to prevent retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Personnel – Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)

Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

G. Miscellaneous (continued)

5. The District will maintain for a period of seven (7) years records of:
 - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
 - ii. Any appeal and the result therefrom;
 - iii. Any informal resolution and the result therefrom; and
 - iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

If the District has actual knowledge of sexual harassment in an education program or activity of the Board, and for any report or formal complaint of sexual harassment, the District will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The District will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Board's education program or activity. If the District does not provide a complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

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

A. Definitions

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

Personnel – Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace

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

B. Reporting Sex Discrimination Other than Sexual Harassment under Title IX

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sex discrimination or alleged sex discrimination against a person in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Title VII or Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.

C. Grievance Procedures

1. As soon as an employee feels that the employee has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Title VII or Connecticut law), the employee should make a written complaint to the Title IX Coordinator or to the building principal, or designee. The employee will be provided a copy of the Board's Policy and Administrative Regulations and made aware of the employee's rights under this Policy and Administrative Regulations. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

Personnel – Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)

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

C. Grievance Procedures (continued)

2. The complaint should state the:
 - i. Name of the complainant;
 - ii. Date of the complaint;
 - iii. Date(s) of the alleged discrimination;
 - iv. Name(s) of the discriminator(s);
 - v. Location where such discrimination occurred;
 - vi. Names of any witness(es) to the discrimination;
 - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
 - viii. Remedy requested.
3. Any employee who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.
4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against an employee, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.

Personnel – Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)

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

C. Grievance Procedures (continued)

6. Any employee who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the employee requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the employee insists that this information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
 - i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
 - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
 - iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
 - iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;

Personnel – Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)

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

C. Grievance Procedures (continued)

- v. consider whether alleged sex discrimination has created a hostile work environment, including consideration of the effects of off-campus conduct on the school;
 - vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and
 - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or designee, and take steps to remedy the effects of the sex discrimination.
- 8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.

Personnel – Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)

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

C. Grievance Procedures (continued)

9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, the complainant or respondent may file a written appeal within five (5) school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the investigation, to the Superintendent of Schools. The Title IX Coordinator or Superintendent shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

D. Miscellaneous

1. If a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

Personnel – Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)

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

D. Miscellaneous (continued)

3. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or 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 these Administrative Regulations. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Section III. Further Reporting

At any time, a complainant alleging sex discrimination or sexual harassment may also file a complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

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

Sexual Assault: An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Rape— (Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sexual Assault with an Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Fondling—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

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

Statutory Rape—Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

**COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX
(PERSONNEL)**

This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

Name(s) of any witness(es) to the sexual harassment _____

Detailed statement of the circumstances constituting the alleged sexual harassment

Remedy requested _____

Signature of Complainant or Title IX Coordinator: _____

COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX) (PERSONNEL)

This complaint form should be used for complaints of sex discrimination as defined on page 1 of the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

Name(s) of any witness(es) to the sex discrimination _____

Detailed statement of the circumstances constituting the alleged sex discrimination

Remedy requested _____

Signature: _____

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

In accordance with the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), a formal complaint of sexual harassment has been filed with the Title IX Coordinator.

Identities of the parties involved, if known:

_____ (Complainant(s))
_____ (Respondent(s))

The conduct allegedly constituting sexual harassment: _____

The date and the location of the alleged incident, if known: _____

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator: **[INSERT CONTACT INFORMATION FOR TITLE IX COORDINATOR]**

The respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility is made at the conclusion of the grievance process.

All parties involved may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

Any employee who knowingly makes false statements or knowing submits false information during this grievance process is subject to discipline, up to and including termination. Additionally, it is a violation of the Board's Student Discipline Policy to lie to school officials or otherwise engage in dishonest behavior, which includes knowingly making false statements or knowingly submitting false information during the grievance process. Any student who knowingly makes false statements or knowingly submits false information during this grievance process will be subject to sanctions pursuant to the Board's Student Discipline Policy.

A copy of the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) is included with this notice.

**NOTICE OF INFORMAL RESOLUTION PROCESS FOR SEXUAL HARASSMENT
COMPLAINTS UNDER TITLE IX**

In accordance with the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), a formal complaint of sexual harassment has been filed with the Title IX Coordinator. The Board has an informal resolution process to promptly and equitably resolve such complaints using mediation *[alternatively, could be restorative justice]*. This informal resolution process will only be utilized if both the Complainant and Respondent agree to do so.

The conduct allegedly constituting sexual harassment: _____

If both parties agree to the informal resolution process, it shall preclude the parties from resuming a formal complaint arising out of the same allegations. However, either party may withdraw from the informal resolution process at any time before agreeing to a resolution and resume the grievance process for formal complaints of sexual harassment.

If both parties agree to a resolution, that resolution is binding upon both parties and cannot be changed or appealed.

The District will maintain for a period of seven (7) years records of the informal resolution process and results therefrom.

I voluntarily consent to the informal resolution process:

Complainant Date

Respondent Date

[To be posted in a conspicuous place readily available
for viewing by employees and emailed to employees within three months of hire with the
subject line "Sexual Harassment Policy" or words of similar import]

SEXUAL HARASSMENT IS ILLEGAL

AND IS PROHIBITED

BY

THE CONNECTICUT DISCRIMINATION EMPLOYMENT PRACTICES ACT

(Section 46a-60(a)(8) of the Connecticut General Statutes)

AND

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

(42 United States Code Section 2000e et seq.)

SEXUAL HARASSMENT MEANS ANY UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS OR ANY 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 substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

EXAMPLES OF SEXUAL HARASSMENT INCLUDE:

UNWELCOME SEXUAL ADVANCES

SUGGESTIVE OR LEWD REMARKS

UNWANTED HUGS, TOUCHES, KISSES

REQUESTS FOR SEXUAL FAVORS

RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT

DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS, OR DRAWINGS.

REMEDIES FOR SEXUAL HARASSMENT MAY INCLUDE:

CEASE AND DESIST ORDERS

BACK PAY

COMPENSATORY DAMAGES

PUNITIVE DAMAGES

HIRING, PROMOTION, OR REINSTATEMENT

Retaliation against any employee for complaining about sexual harassment is prohibited under this policy and illegal.

VIOLATION OF THIS POLICY IS GROUNDS FOR DISCIPLINE, INCLUDING DISCHARGE.

INDIVIDUALS WHO ENGAGE IN ACTS OF SEXUAL HARASSMENT MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.

AN INFRACTION OF THIS POLICY BY SUPERVISORS OR CO-WORKERS SHOULD BE REPORTED IMMEDIATELY TO THE TITLE IX COORDINATOR **OR THE SUPERINTENDENT IF THE TITLE IX COORDINATOR IS THE SUBJECT OF THE COMPLAINT**. CONFIDENTIALITY WILL BE MAINTAINED TO THE EXTENT POSSIBLE.

ANY EMPLOYEE WHO BELIEVES THAT HE OR SHE HAS BEEN HARASSED OR DISCRIMINATED AGAINST IN THE WORKPLACE IN VIOLATION OF THIS POLICY MAY ALSO CONTACT:

THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
[] REGION OFFICE [REGIONAL OFFICES AND THEIR ADDRESSES CAN BE FOUND
ON THE CHRO WEBSITE, [HTTP://WWW.STATE.CT.US/CHRO/](http://www.state.ct.us/chro/)]
[ADDRESS]
[PHONE NUMBER]

AND/ OR:

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
BOSTON AREA OFFICE
JOHN F. KENNEDY FEDERAL BUILDING
475 GOVERNMENT CENTER
BOSTON, MA 02203
PHONE (800) 669-4000

CONNECTICUT LAW REQUIRES THAT A FORMAL WRITTEN COMPLAINT BE FILED WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES WITHIN THREE HUNDRED (300) DAYS OF THE DATE WHEN THE ALLEGED HARASSMENT/ DISCRIMINATION OCCURRED.

9/24/20

This code of conduct was adopted by the CABE Board of Directors on February 12, 2020.

Bylaws of the Board

Conflict of Interest

Civility Code

As a member of the Griswold Board of Education, I will strive to improve student achievement in public education, and to that end I will:

1. Attend all Board meetings insofar as possible, review relevant information and become informed concerning the issues to be considered at those meetings;
2. Recognize my responsibility as an agent of the State to seek the improvement of education throughout the State;
3. Work collaboratively to ensure the Board's fulfilling the responsibilities of goal setting, policymaking, and evaluation;
4. Ensure that all sides have a fair opportunity to present their respective positions;
5. Recognize that a board member has no authority as an individual, and that decisions can only be made by a majority vote at a board meeting;
6. Ensure any criticism, including the articulation of opposing viewpoints, is expressed respectfully and not disparaging a person or individuals when advocating for a belief or position;
7. Arrive at conclusions only after discussing all aspects of the issue at hand with my fellow Board members in a meeting;
8. Respect the opinions of others, and abide by each decision of the Board as a whole, regardless of my personal vote;
9. Listen respectfully to those who communicate with the board;
10. Strive for a positive, professional relationship with the faculty and staff, while honoring all roles and responsibilities; ~~with the superintendent,~~
11. Respect the superintendent's authority to advise the board, implement board policy, and administer the district;
12. Recognize the importance of an effective governance team;
13. Respect and recognize the importance of achieving consensus as an important tool in board decision-making;
14. Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff by appropriate supervisors;
15. Conduct all business in an open and transparent manner, consistent with the intent and spirit of the open meeting law requirements;

Bylaws of the Board

Civility Code (continued)

16. Respect the confidentiality of information that is privileged under applicable law and refrain from unauthorized disclosure of matters discussed in executive session;
17. Model civility to students, employees, and all elements of the community by encouraging the free expression of opinion by all board members and engaging in respectful dialogue with fellow board members on matters being considered by the board.
- ~~18. Present personal criticism of district operations or of any employee directly to the Superintendent;~~
- ~~19. Understand the chain of command and refer problems or complaints through the proper channels, to the proper administrative office while refraining from actions that could compromise my ability to act if the issue rises to the board level;~~
20. Take no private action that will compromise the Board and administration;
21. Refrain from using the board position for personal or partisan gain and avoid any conflict of interest or the appearance of impropriety;
22. Be informed about the duties of school board members and current educational issues through professional development, such as programs sponsored by my state and national school boards associations;
23. Remember always that my first and greatest concern must be the educational welfare of the students attending the Griswold Public Schools.

Sources:

CABE Model Policy

Virginia School Boards Association Code of Conduct for School Board Members

Texas Association of School Boards Ethics for Board Members

North Carolina School Boards Association Code of Ethics

Illinois Association of School Boards Code of Conduct

Hamden and Norwalk Board of Education Code of Ethics

Meeting Protocol

To ensure that the Board's meetings are conducted with maximum effectiveness and efficiency, members will:

- come to meetings adequately prepared;
- identify issues of concern before the meeting, whenever possible;
- circulate proposed motions and amendments, whenever possible, at least 48 hours before meeting;
- speak only when recognized;
- not interrupt each other during debate;

Bylaws of the Board

Civility Code

Meeting Protocol (continued)

- not engage in disruptive and disrespectful side conversations;
- minimize unnecessary repetition;
- not monopolize the discussion;
- address the merits of the issue being discussed without appealing to the biases, prejudices and emotions of the audience;
- support the chair of the meeting's efforts to facilitate an orderly meeting;
- communicate openly and actively in discussion and dialog to avoid surprises;
- value equal participation of all members;
- practice respectful body language;
- listen actively when other members speak; and
- not surprise or embarrass each other or members of the staff.

(cf. 9005 – Statement of Integrity)

(cf. 9270 – Conflict of Interest)

(cf. 9271 – Code of Ethics)

Bylaw adopted by the Board:

cps 1/14

rev 2/20

Another version of this bylaw to consider.

Bylaws of the Board

Conflict of Interest

Civility Code

In order to promote mutual respect, civility, and orderly conduct among the members of the Board of Education (Board), this bylaw shall provide the ground rules to be followed by the members of the Board. This bylaw is not intended to deprive any member of the Board of his/her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, harassment-free meeting place for the activities of the Board. In the interest of presenting the Board and its individual members as positive role models to the staff, students, and the community, the Board encourages positive communication and discourages volatile, hostile, or aggressive behavior. To achieve this objective, the following guidelines will be followed:

1. We will communicate openly and honestly.
2. What is said in the group stays in the group.
3. We will not allow side conversations.
4. Everyone will listen attentively to each other.
5. We will not personalize ideas.
6. We will respect the dignity of each other.
7. We will not allow interruptions.
8. Everyone will contribute, there will be no observers.
9. The meeting will begin and end on time.

(cf. 9005 – Statement of Integrity)

(cf. 9270 – Conflict of Interest)

(cf. 9271 – Code of Ethics)

Bylaw adopted by the Board:

cps 1/14

CABE's suggested bylaw.

Bylaws of the Board

Requests for Information by Board Members

Board of Education (Board) members represent the public and are entitled to information regarding District performance that will assist them in governance. All Board member requests for documents or information should be made directly to the Superintendent or his/her designee.

Documents subject to Connecticut's Freedom of Information law will be provided, as they are provided to all citizens under Board policy.

Should requests be for information that already exists or data that can be easily gathered and analyzed (provided the request is not for privileged management information, as outlined below), the Superintendent will, in a timely manner provide the information in its most accessible format, to the requesting Board member, with copies to all Board members.

Should the information not exist and/or be difficult to obtain, and should the Superintendent determine that the value of the information to the District be insufficient to justify the time or cost of obtaining it, he/she shall bring the request to the Board, with an estimate of the time/cost of responding to the Board member's request. By Board action, the Board will direct the Superintendent to provide, or not provide, the requested information.

The Board, by this policy, wishes to distinguish between District performance information and privileged management information. Performance information is normally data based on numerical measures of results, District operations or practice patterns. Documents or other management information relating to individuals, contracts, meetings, or events of any ongoing management process, unless under the purview of the Freedom of Information Act, are considered privileged management information and not within the purview of the Board.

(cf. 1120 - Board of Education Meetings re Public Participation)

(cf. 9322 - Public and Executive Sessions)

Legal Reference: Connecticut General Statutes
 1-200 Definitions
 1-206 Denial of access of public records or meetings. Notice. Appeal
 1-210 to 1-213 Access to public records (as amended by PA 02-113)
 1-211 Access to computer stored records.
 1-214 Public contracts as part of public records.
 1-225 to 1-240 Meetings of government agencies to be public

Bylaw adopted by the Board:

cps 1/13