

**GROTON BOARD OF EDUCATION
REGULAR MEETING MINUTES
FEBRUARY 24, 2024 @ 6:00 P.M.
CENTRAL OFFICE, ROOM 11/HYBRID**

MEMBERS PRESENT: Beverly Washington – Chairperson, Adrian Johnson Vice Chairperson, Andrea Ackerman, Dean Antipas, Matthew Shulman, Ian Thomas, Jay Weitlauf (remote), Jennifer White, Michael Whitney (remote)

ALSO PRESENT: Susan Austin, Anne Marie Mancini, Denise Doolittle, Ray Engle (remote) Sam Kilpatrick, Clint Kennedy (remote), Lauren Casini (remote), Mahi Patel

I. CALL TO ORDER – Mrs. Washington, Chairperson, called the meeting to order at 6:00 p.m.

A. Pledge of Allegiance

The first order of business was the Pledge of Allegiance to the flag led by Mr. Shulman.

II. RECOGNITION AND PARTICIPATION OF VISITORS AND DELEGATIONS

A. Martin Luther King Scholarship Recipient - Dr. Ackerman shared the many accomplishments of the 2024 Martin Luther King Scholarship winner Mahi Patel.

III. COMMENTS FROM CITIZENS

1. Mrs. Portia Bordelon, 24 Jefferson Drive, addressed the following concerns:

- She acknowledged the 2024 Martin Luther King Scholarship winner.
- Asked for support for education.
- The need for closing the achievement gap at the elementary and middle school level.
- The need for more English as a Second Language (ESL).
- To continue supporting FHS with all the support they need.
- Software
- The need for more Career Counseling.

2. Chairman Washington read a letter from Sandra San Lucas, 19 Quincy Court, advocating for paraprofessionals who play a vital role in supporting our special needs children.

IV. RESPONSE TO COMMENTS FROM CITIZENS

- Mr. Thomas thanked the citizens for their input.

V. STUDENT REPRESENTATIVE REPORT

Student Representative reported:

- That the Theater Club will be showing *Grease*.
- College and Career Fair on March 4, 2025.
- TR Child Fair on March 23, 2025
- Yearly Keyette Blood Drive will be in mid-March

V. STUDENT REPRESENTATIVE REPORT – cont.

Superintendent Austin noted that the More Than Words club will be doing workshops at Groton Middle School on February 28, 2025.

Chairman Washington suggested to change the order of the agenda to address Action Items under Old Business and New Business.

VI. ACTION ITEMS

A. Consent Agenda

MOTION: Antipas, Thomas: To approve the special meeting minutes of January 27, 2025, February 3, 2025, February 5, 2025, February 10, 2025, February 11, 2025, and February 12, 2025.
PASSED - UNANIMOUSLY

B. Old Business

1. Discussion and possible action regarding a second reading of policy P 5131.81 Electronic Devices (Attachment #1)

MOTION: Washington, Shulman: To approve policy P 5131.81 Electronic Devices as a second reading.
PASSED UNANIMOUSLY

2. Discussion and possible action regarding a second reading of policy P 3120 Budget Document (Attachment #2)

MOTION: Washington, Thomas: To approve policy P 3120 Budget Document as a second reading.
PASSED - UNANIMOUSLY

C. New Business

1. Discussion and possible action compliance with Executive Order 14190: Ending Radical Indoctrination in K-12 Schooling

MOTION: Washington, Antipas: To comply with Executive Order 14190: Ending Radical Indoctrinations in K-12 Schooling (Federal Register Citation: 90 FR 8853, Federal Register Document #2025-02232) until such time as it is amended or superseded and any other federal state, and local regulations and that any policies or practices in violation are hereby null and void.
YES – Washington, Johnson, Ackerman, Antipas, Shulman, Weitlauf, White
ABSTAINED – Thomas, Whitney
PASSED

C. New Business – cont.

2. Discussion and possible action rescinding policy P 4118.112/P 5145.5 Prohibition of Sex Discrimination approved on January 7, 2025 and reinstate policies P 4118.112 & P 5145.5 Sexual Harassment revised on January 25, 2021 (Attachment #3) and (Attachment #4)

MOTION: Shulman, Ackerman: To rescind policy P 4118.112/P 5145.5 Prohibition of Sex Discrimination approved on January 7, 2025, and reinstate policies P 4118.112 & P 5145.5 Sexual Harassment revised on January 25, 2021.

YES – Washington, Johnson, Ackerman, Antipas, Shulman, Weitlauf, White

ABSTAINED – Thomas, Whitney

PASSED-UNANIMOUSLY

3. Discussion and possible action regarding transferring the nurses' expenditures to DoD Supplemental Impact Aid

MOTION: Washington, Thomas: To approve the transferring of the nurses' expenditures to DoD Supplemental Impact Aid.

MOTION: Washington, Thomas: To amend the motion to read, to approve the transfer of the nurses' expenditures to DoD Supplemental Aid (\$494,883.47) and non-lapsing account (\$407,911.83) for a total of \$902,795.30

VOTE ON AMENDMENT: PASSED – UNANIMOUSLY

VOTE ON MAIN MOTION AS AMENDED: PASSED – UNANIMOUSLY

VII. SUPERINTENDENT AND ADMINISTRATION REPORTS

A. Superintendent Report

1. School News
 - Career Pathways

B. Reports and Information from the Staff

1. Interim Director Finance - Mr. Ray Engle noted that for the sake of time, the Board should review the Narrative, the General Fund Financial Report, the Health Insurance Report, and the Utilities Report and send him any questions they may have.
2. Director of Buildings and Grounds – Mr. Kilpatrick reported:
 - Plans and specs for Manufacturing Center in the amount of \$100,000
 - FHS Water Heater in the amount of \$85,000
 - Dr. Kennedy and Mr. Kilpatrick attended the Planning Commission meeting regarding and that Dr. Kennedy addressed 3 items:
 - District Finance Software in the amount of \$330,000
 - FHS PA System in the amount of \$63,000
 - School Video Cameras in the amount of \$100,000

VIII. COMMITTEE REPORTS

1. Policy – There was no report.
2. Curriculum – There was no report.
3. Finance/Facilities – Mr. Antipas noted that the Finance/Facilities Committee met on February 10, 2025 and discussed the systems in place for handling/resolving problems and complaints that arise in school building (i.e., leaks, temperature, air quality, etc.).
4. LEARN – There was no report.
5. Athletic Fields – Mr. Thomas noted an email sent to the Board and himself regarding the Athletic Fields Committee coming to the Board to give a presentation.
6. Trails – There was no report.
7. Library – Mr. Shulman noted that he had chatted with Jen Mealy, Librarian.

Chairman Washington stated that she spoke with Ian Thomas regarding reinstating the Ad Hoc Budget Procedure Committee whose charge will be to look at ways to make the budget book better. Committee members will be Ian Thomas as Chairperson, Jen White, and Mike Whitney.

IX. INFORMATION AND PROPOSALS

Letters, communications, and comments by Board members on meeting items and any other items in their jurisdiction.

- NONE

X. ADVANCE PLANNING

A. Future Meeting Dates and Calendar Items for Board Attention

As noted in the agenda.

B. Suggested Agenda Items

- AI
- Special Education
- Elementary Education
- Health Insurance
- Software
- Tech Education 6-12
- Federal Funding
- Athletic Fields
- Update on Wit and Wisdom

XI. ADJOURNMENT

MOTION: Ackerman, Shulman:

To adjourn at 7:40 p.m.
PASSED UNANIMOUSLY

Students

~~Use of Electronic Communication~~ Devices

Personal Technology Use in Schools – Cell Phones

The Board of Education (Board) is committed to providing a safe, positive, and productive learning environment for its students. To maintain a secure and orderly learning environment, student use and possession of cellular telephones and other wireless communication devices shall be subject to the limitations set forth in this policy.

A growing body of research-based evidence that suggests student access to cellular telephones and other electronic communication devices may be detrimental to student emotional well-being and academic growth. While students may possess cellular telephones and other wireless communication devices on school property and school-sponsored transportation, students must adhere to the restrictions contained within this policy and regulation. Specific guidance regarding cell phones and other electronic devices is available in the Board Regulation and student handbooks. Any unauthorized use of cellular telephones and other wireless communication devices during the instructional school day or at such times as not authorized by the school principal or designee is prohibited.

Disciplinary action will be taken if the policy is violated. Details of such action appear in the regulation.

~~Using an electronic communication device which disrupts the educational environment. This includes using the device to compromise academic integrity, signal others, or otherwise violates school conduct rules of the student, or the confidentiality/privacy rights of another individual.~~

~~Electronic communication devices are permitted under certain restricted conditions.~~

~~All electronic communication devices may be used during the regular school day to support teaching and learning under the following circumstances:~~

- ~~a. the supervising teacher grants permission~~
- ~~b. use of the device is provided in a student's IEP~~
- ~~c. it is needed in an emergency that threatens the safety of students, staff or other individuals.~~

Legal Reference: Connecticut General Statutes
[10-233j](#) Student possession and use of telecommunications devices

~~P.A. 95-304 An Act Concerning School Safety~~

~~P.A. 96-108 An Act Concerning Student Use of Telecommunication Devices and the Establishment of Graduation Dates~~

~~P.A. 99-256 An Act Concerning AAC Laser Pointers~~

[31-48d](#) Employees engaged in electronic monitoring required to give prior notice to employees.

[53a-182](#) Obstructing free passage: Class C misdemeanor.

[53a-183](#) Harassment in the second degree: Class C misdemeanor.

[53a](#)-250 Definitions.

Electronic Communication Privacy Act, 28 U.S.C. §§2510 through 2520.

Eisner v. Stamford Board of Education, 440 F. 2d 803 (2nd Cir 1971)

Trachtman v. Anker, 563 F. 2d 512 (2nd Cir. 1977) cert. denied, 435 U.S. 925 (1978)

Hazelwood School District v. Ruhlmeir, 484 U.S. 260, 108 S Ct 562 (1988)

Bethel School District v. Fraser, 478 US 675 (1986)

Tinker v. Des Moines Independent Community Dist., 393 US 503, (1969)

Policy Adopted: March 10, 2008
Revised: December 15, 2014

GROTON PUBLIC SCHOOLS
Groton, Connecticut

Electronic Devices Regulation

Disciplinary action will be taken if the policy is violated. The use of cellular telephones or other wireless communication devices in any manner that disrupts the educational environment or violates the rights of others, including the use of the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules is prohibited. Prohibited conduct specifically includes creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person.

Use of Electronic Communication Devices at the Elementary School

Devices such as cellular phones, pagers, MP3 players or IPODS, radios, games, laser pointers, etc. are not to be used during the school day. If visible, they will be taken from the student and held until the end of the school day for the first offense. Subsequent violations will result in disciplinary action including devices being taken from the student and held until parents pick them up. The school is not responsible for lost or stolen articles. Therefore, it is recommended that these items not be brought to school.

Use of Electronic Communication Devices at the Middle School

Cell phones are restricted from the time students first enter the school building in the morning until the dismissal bell at the end of the school day.

Electronic communication devices (ECD) and their accessories, including, but not limited to, mobile phones, “smart” watches, earbuds, headphones, etc. should be turned off and be put away in the student’s locker or backpack. When these expectations are not met, the following disciplinary steps will apply.

Disciplinary steps include:

- 1st Offense: Student has ECD confiscated and may retrieve ECD at office, at the end of school day.
- 2nd Offense: ECD is confiscated and parent/guardian must pick up from main office.
- 3rd Offense and beyond: Same as 2nd with other disciplinary consequences possible.

Additional disciplinary action may be taken against any student for using an electronic communication device which disrupts the educational environment. This includes using the device to compromise academic integrity, signal others, or otherwise violates school conduct rules of the student or the confidentiality/privacy rights of another individual. Please note that Groton Middle School and Groton Public Schools are not responsible for the theft or damage to ECDs.

Electronic Communication Regulation – cont.

Use of Electronic Communication Devices at the High School

CELL PHONE EXPECTATIONS:

Cell phones can be responsibly, safely, and respectfully used in the halls during passing time and the cafeteria. Upon entering a classroom/office, all cell phones must be turned off and out of sight. Failure to comply will result in disciplinary action. ***In the halls during class time, phones should **NOT** be visible or heard. The procedures are as follows:

1st offense

- Teacher reminds student to put device/item away

2nd offense

- Office will confiscate device for the rest of the school day
- 1.5 detention
- Parent/guardian will be notified

3rd offense

- Office will confiscate the device for the rest of the school day. Parent picks up the device.
- 3 hour detention
- Parent/Guardian will be notified

4th offense

- Office will confiscate the device for the rest of the school day. Parent picks up the device and meets with the administrator to arrange loss of device privileges for 1-2 school weeks.
- 4 hour detention

Use of Earbuds/Sound Devices

Safe, responsible and respectful use of earbuds prior to 7:45 AM, passing time, and lunch will be allowed. Earbud use in the classrooms will be allowed by the teacher for instructional purposes only. The use of all speakers in the building is prohibited.

Regulation adopted:

GROTON PUBLIC SCHOOLS
Groton, Connecticut

Business**~~Preparation of~~ Budget Document**

The Superintendent shall direct the preparation of a recommended annual budget. To make the budget a comprehensive reflection of the financial needs of the school system, representatives of the community, students, certified and non-certified staff, and administrative staff shall be involved in the budget process. Procedure for such involvement shall be developed by the Superintendent and implemented by the Superintendent's office following review by the Board of Education (Board).

Board Members and the Superintendent are expected to report communications with Town Officials that may require substantive budget changes including, but not limited to, moving items in or out of the budget. Such reports shall be given at the next Regular, Committee of the Whole, or Budget Work Session meeting.

The Board shall review the Superintendent's proposed budget at one or more budget meetings and make changes as the majority of the Board may desire. The budget shall then be submitted to the Town Manager in accordance with Chapter IX Budget and Finance of the Charter of the Town of Groton.

~~The Superintendent of Schools shall be responsible for the preparation of the annual school budget. A recommended budget shall be compiled and submitted to the Board of Education. The Board of Education shall examine, alter if necessary, and approve the school budget, which shall then be submitted to the Town Manager in accordance with Sections 8.1 and 8.2 of the Charter of the Town of Groton.~~

Legal Reference: Connecticut General Statutes

10-222 Appropriations and budget. Financial information system.

Charter of the Town of Groton, Chapter IX. Budget and Finance ~~Section 8.1 and 8.2~~

Policy Adopted: October 9, 1990
Revised:

GROTON PUBLIC SCHOOLS
Groton, Connecticut

P 4118.112

Personnel

Sexual Harassment

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

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

Sexual harassment may take the form of student-on-student, employee-on-student, employee-on-employee, student-on-employee, or may be perpetrated against students or employees by third parties under the control of the District. Students who engage in proven sexual harassment may be subject to discipline, up to and including expulsion. Employees who engage in proven sexual harassment may be subject to disciplinary action, up to and including termination, as well as, other action required under the law including but not limited to a referral to DCF for suspected child abuse.

Definition of Sexual Harassment for the Purposes of Title IX

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

- (i) A school employee conditioning an education benefit or service on participation in unwelcome sexual conduct (i.e. quid pro quo)
- (ii) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- (iii) "Sexual assault" as defined in 20 U.S.C. 1092 (f)(6)(A)(v)(the Clery Act), "dating violence" as defined 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30) (the Violence Against Women Act (VAWA)).

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

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

Other Definitions

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

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

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

Title IX Coordinator

The Superintendent of Schools shall designate and authorize the Director of Pupil Personnel Services to be the District's Title IX Coordinator. This individual shall be given the title of, and shall be referred to as, the Title IX Coordinator and shall be responsible for ensuring compliance across the District with Title IX, corresponding state law, and applicable Board policy concerning sex discrimination/sexual harassment.

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

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

Reporting Sexual Harassment

Any person, including, but not limited to, students, parents or guardians, employees, bystander, or third parties (whether or not the person is the alleged victim), may report sexual harassment, including sexual assault, occurring in the District's education program or activities. Reporting may occur in person, by mail, by

telephone, or by electronic mail, using the contact information provided for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Reports may be made at any time, including during non-business hours.

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

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

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

Response including Supportive Measures

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

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

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

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

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

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

Emergency Removal/Administrative Leave

An emergency removal of a respondent from the education program or activity is permissible provided that the District conducts an individualized safety and risk analysis and determines that emergency removal is necessary

to protect a student or other individual from an immediate threat to physical health or safety and notice and an opportunity to challenge the decision is provided. This does not modify any rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act (ADA).

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

Informal Resolution

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

Both parties must give voluntary, informed written consent.

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

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

Grievance Procedures

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

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

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

The District's grievance procedures shall be designed to comply with the regulation under Title IX as promulgated by the U.S. Department of Education, as it may be amended from time to time. Among other required provisions, the grievance procedures shall establish standards for fairness and equity, including a requirement that the decision maker not be the same individual as the Title IX Coordinator or the investigator shall:

- Explain how to file a complaint;
- address required notice;
- set out timelines for various components of the investigation and adjudication process;
- establish and explain grounds for the dismissal of a complaint;
- provide and explain the appeal process available to both parties;
- include a presumption of innocence for the respondent;
- state the evidence standard to be used to determine responsibility;
- require objective evaluation of all available evidence.

Training

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

Prohibition Against Retaliation

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

Dissemination, Posting, and Discussion of Policy

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

Record Keeping

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

Alternate Complaint Procedures

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

Statement of Protected Rights

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

Legal References: Connecticut General Statutes

10-15c Discrimination in public schools prohibited. School attendance by five-year-olds.

United States Constitution, Article XIV.

Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, *et seq.*

Title IX of the Education Amendments of 1972, 34 C.F.R. 106.1, *et seq.*

Title IX Regulation, 34 C.F.R. Part 106

20 U.S.C. 1092 (f)(6)(A)(v)

34 U.S.C. 12291 (a)(8), (a)(10), (a)(36)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Bd. Of Educ., 526 U.S. 629 (1999)

Policy adopted: September 14, 1992
Revised: February 27, 2017
Revised: January 25, 2021

GROTON PUBLIC SCHOOLS
Groton, Connecticut

Regulations

Personnel

Sexual Harassment

Prohibition Against Sexual Harassment: Response to Reports of Sexual Harassment and Grievance Procedures for Formal Complaints

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

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

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

Reporting of Sexual Harassment

Informal Reports

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

Formal Complaint

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

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

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

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

Response Including Supportive Measures

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

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

Supportive measures may include, but are not be limited to:

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

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

No disciplinary action or other punitive measure for sexual harassment shall be taken against a respondent without first following the grievance procedures set out herein and a determination of responsibility has

been made. If the respondent has engaged in conduct other than sexual harassment in violation of a code of conduct or similar restriction, the respondent may be disciplined for such action(s) notwithstanding an ongoing investigation.

Emergency Removal/Administrative Leave

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

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

Dismissals of Complaints**Mandatory Dismissal**

A complaint of sexual harassment must be dismissed if:

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

Permissive Dismissal

A complaint of sexual harassment may be dismissed if:

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

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

Grievance Procedures (to be used for formal complaints only)

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

- a. Notice

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

Written notice provided to the respondent shall include:

- notice of the Grievance Procedure, including any informal resolution process;
- notice of the allegations in sufficient detail to allow the respondent to prepare a response; a statement that the respondent is presumed innocent and that responsibility will be determined at the conclusion of the Grievance Process;
- notice of the right to have an advisor to inspect/review evidence; and
- notice of any provision in applicable codes of conduct that prohibit knowingly making false statements or providing false information in the grievance process.

The complainant shall be provided written notice of a formal complaint.

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

b. Investigation

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

The respondent shall be entitled to a presumption of innocence until the investigation is complete. Both parties are to be treated fairly throughout the investigation and shall be entitled to an unbiased investigator who has not prejudged the matter being investigated.

The burden of proof shall be by a preponderance of the evidence. Both parties shall be provided with an equal opportunity to present facts and witnesses and other inculpatory or exculpatory evidence.

Each party shall have the opportunity to select an advisor of the parties “choice”, which may, but does not have to be an attorney.

The District shall send written notice to both the complainant and respondent of any investigative interviews, meetings or hearing.

The complainant and respondent and their advisors, if applicable, shall be provided evidence directly related to the allegations (electronic or hard copy) with at least ten (10) days to inspect, review, and respond to the evidence. Such evidence shall not be further disseminated by the parties. The parties and advocates shall not further disseminate such evidence and may be required to execute a non-disclosure agreement.

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

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

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

Pending a final resolution after consultation with them, supportive measures shall be offered to the complainant or respondent.

c. Investigative Report

At the conclusion of the investigation, the investigator shall prepare a report summarizing the evidence, shall provide a copy to the complainant and respondent, and shall give the parties ten (10) days to respond. Each party shall be provided an opportunity to submit written, relevant questions that a party wants asked of the other party, or a witness, and shall provide each party with the answers to each such questions.

d. Decision Maker

The Superintendent or designee must review the evidence applying the preponderance of the evidence standard and issue a written determination regarding responsibility with findings of fact, conclusions as to whether the conduct alleged occurred; the rationale for the result as to each allegation; and any discipline imposed on the respondent, and any other remedies to be provided to the complainant to restore or preserve equal access to the District's education program or activity

The written determination will be sent simultaneously to the parties along with an explanation of how to file an appeal.

Remedies

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

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

The range of remedies depends on the circumstances but may include previously provided supportive measures, grade changes, the opportunity to retake a test or resubmit an assignment, reassignment of class, school-based counseling, and reinstatement to a team or activity as well as other appropriate measures.

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

Appeal

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

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

Retaliation

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

Informal Resolution

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

Both parties must give voluntary, informed written consent.

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

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

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

Confidentiality

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

Record Keeping

The District shall keep records related to reports of alleged sexual harassment for a minimum of seven years, including investigation records, disciplinary sanctions, remedies, appeals, and records of any action

taken, including supportive measures. Additionally, districts must also keep for a minimum of seven years any materials used to train Title IX Coordinators, investigators, decision makers, or any employee designed to facilitate an informal process.

Alternate Complaint Procedures

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

Statement of Protected Rights

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

Mandated Reporters

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

Training

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

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

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

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

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

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

Regulation approved: September 5, 2012
Revised: November 28, 2016
Revised: January 25, 2021

GROTON PUBLIC SCHOOLS
Groton, Connecticut

GROTON PUBLIC SCHOOLS

INFORMAL REPORT OF SEXUAL HARASSMENT

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

Return this form to the District Title IX Coordinator who may be contacted as follows:

Director, Pupil Personnel Services, Groton Public Schools P.O. Box K Groton, CT 06340 (860-572-2150)

Reporter's Name _____

Home Address _____

Name of School (if a student/employee) _____

Home Phone _____ Work Phone _____ Cell Phone _____

Email address _____

Preferred method of contact _____

Date of Alleged Incident(s) _____

Alleged victim's name (if not the reporter) _____

Name of person(s) you believe engaged in sexual harassment _____

List any witnesses that were present/have knowledge _____

Where did the incident(s) occur? _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used: any specific verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; what did you do to avoid the situation, etc. (Attach additional pages if necessary.)

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

(Reporter's Signature)

(Date)

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

Received By: _____
(Name)

(Date)

(Signature)

**GROTON PUBLIC SCHOOLS
FORMAL COMPLAINT OF SEXUAL HARASSMENT**

This form may be used by any student or employee of the District who believes he/she is a victim of sexual harassment occurring in the District's education program or activities and wishes to file a formal complaint. The filing/signing of this form will trigger a full investigation. With or without a formal complaint, supportive measures will be offered to both a complainant (alleged victim) and respondent (alleged perpetrator). To initiate this complaint, return this form to the District's Title IX Coordinator who may be contacted as follow: Director, Pupil Personnel Services, Groton Public Schools P.O. Box K Groton, CT 06340 (860-572-2150)

Complainant's Name _____

Home Address _____

Name of School of attendance or employment _____

Home Phone _____ Work Phone _____ Cell Phone _____

Grade (student) _____

Current position/job (employee) _____

Email address _____

Preferred method of contact _____

Date of Alleged Incident(s) _____

Name of person(s) you believe engaged in sexual harassment _____

List any witnesses that were present/have knowledge _____

Where did the incident(s) occur? _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any specific verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; what did you do in response to the situation, etc. (Attach additional pages if necessary.)

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

(Reporter's Signature)

(Date)

Received By: _____

(Name)

(Date)

(Signature)



GROTON PUBLIC SCHOOLS

ADMINISTRATION OFFICES

P.O. Box K, Groton, Connecticut 06340 • 1300 Flanders Road, Mystic, Connecticut 06355
PHONE (860) 572-2100 • FAX (860) 572-2107

STUDENT/EMPLOYEE NON-DISCLOSURE AGREEMENT TITLE IX INVESTIGATION

I have been selected by _____ to be his/her advisor related to the investigation of a Title IX complaint in which [insert name of student or employee] is a named complainant/respondent. On behalf of _____, I may permissibly discuss allegations under investigation, may review evidence, both exculpatory and inculpatory, and am authorized to review an investigative report issued by the officer assigned to investigate ("confidential information").

I understand and agree to use the materials provided for my inspection and review solely for the purpose of the Title IX Grievance Process. Any further dissemination or disclosure of these confidential materials along with the content therein is prohibited. I may not copy, share, provide or other disclose or disseminate them to any individuals, organizations, groups or entities either in person, in writing, or by use of electronic technology or social media or in any other manner. At the conclusion of the matter, I will return and/or destroy any and all such confidential information provided to me in connection with the Title IX complaint and investigation.

I acknowledge that in the event that I breach this agreement, in addition to any other remedies, the District would be entitled to injunctive relief in that there may not be an adequate remedy at law in the event of such a breach.

I agree by signing below not to further disclose or disseminate the confidential information thereof, including any and all copies and reproductions of the same.

(Name)

(Signature)

(Date)

Received by: _____
(Name/signature)

(Date)

The section below is to be completed upon the issuance of a decision of responsibility or at the conclusion of an appeal, if any.

Materials reviewed/inspected provided:

I hereby certify that the materials provided have been returned or destroyed.

Signature of advisor: _____



GROTON PUBLIC SCHOOLS

ADMINISTRATION OFFICES

P.O. Box K, Groton, Connecticut 06340 • 1300 Flanders Road, Mystic, Connecticut 06355
PHONE (860) 572-2100 • FAX (860) 572-2107

NOTICE TO A COMPLAINANT/ALLEGED VICTIM OF SEXUAL HARASSMENT UPON THE FILING/SIGNING OF A FORMAL COMPLAINT

[Date]

Dear [Student or Employee]

Please be advised that a formal sexual harassment complaint has been filed identifying you as a victim of sexual harassment in a District education program or activity. Specifically, it is alleged that **[insert description to provide sufficient detail. Where known, include the name of parties, the conduct alleged to be sexual harassment, the date and location of the conduct]**.

In accordance with Title IX and District policy, sexual harassment is prohibited in the education programs and activities of the Groton Public Schools. The Groton Public Schools follows its established grievance procedures for the investigation of and response to complaints of sex discrimination/sexual harassment.

Attached for your review is a copy of Groton Board of Education Policy 4118.112 / 5145.5, Prohibition Against Sex Discrimination and Sexual Harassment and its regulation containing the District's grievance procedures.

As someone alleged to be the victim of sexual harassment, you are referred to as a "complainant" and the person alleged to have perpetrated the conduct that could constitute sexual harassment is referred to as a "respondent."

The grievance procedures contain information about how the complaint will be investigated and explain the rights of both the complainant and respondent. One right is the right to designate an advisor of your choosing to review and inspect evidence on your behalf prior to a final determination. An advisor may be, but is not limited to, a parent, a relative, an advocate, or a lawyer, but need not be a lawyer. Whether or not the respondent has engaged in sexual harassment will be determined at the conclusion of the District's grievance process. A respondent is presumed innocent (not responsible for the conduct) until proven otherwise. If sexual harassment is determined to have occurred, remedies will be provided. Retaliation for filing a complaint, or participation in the grievance process, is prohibited.

The respondent(s) has/have also been provided with written notification of the complaint. If you are subjected to new or continued sexual harassment, are physically threatened by the respondent, or retaliated against by anyone for your involvement in this complaint, contact the Title IX Coordinator so appropriate responsive action may be taken.

Be advised that anyone who knowingly makes false statements or provides false information in the grievance process may be subject to disciplinary action in accordance with Board of Education policy 4118.112 / 5145.5.

Your cooperation is appreciated while this matter is investigated.

Sincerely,

District Title IX Coordinator
Groton Public Schools
P.O. Box K
Groton, CT 06340

cc:

Enclosures: Board Policy and regulation P 4118.112/5145.5,
Grievance Procedures



GROTON PUBLIC SCHOOLS

ADMINISTRATION OFFICES

P.O. Box K, Groton, Connecticut 06340 • 1300 Flanders Road, Mystic, Connecticut 06355
PHONE (860) 572-2100 • FAX (860) 572-2107

NOTICE TO A RESPONDENT/INDIVIDUAL ALLEGED TO HAVE COMMITTED SEXUAL HARASSMENT UPON THE FILING OF A FORMAL SEXUAL HARASSMENT COMPLAINT

[Date]

Dear [Student or Employee]

Please be advised that a formal sexual harassment complaint has been filed naming you as a perpetrator of sexual harassment in a district education program or activity. Specifically, it is alleged that **insert description to provide sufficient detail to allow the respondent to prepare a response. Where known, include the name of parties, the conduct alleged to be sexual harassment, the date and location of the conduct**.

In accordance with Title IX and District policy, sexual harassment is prohibited in the education programs and activities of the Groton Public Schools. The Groton Public Schools responds promptly and thoroughly to all formal complaints of sexual harassment following its established grievance procedures for the investigation of and response to complaints of sex discrimination/sexual harassment.

The person alleged to be the victim of sexual harassment is referred to as a complainant. As someone accused of sexual harassment, you are referred to as a “respondent”. A respondent is presumed innocent (not responsible for the conduct). Whether you have engaged in sexual harassment will be determined at the conclusion of the grievance process.

Attached for your review is a copy of Groton Board of Education Policy P 4118.112/5145.5, Prohibition Against Sex Discrimination and Sexual Harassment, and its regulation containing the District’s grievance procedures.

The grievance procedures contain information about how the complaint will be investigated and your rights and that of the complainant including the right to designate an advisor of your choosing to review and inspect evidence on your behalf prior to a final determination. An advisor may be, but is not limited to, a parent, a relative, an advocate or a lawyer, but need not be a lawyer.

You have been provided with this notice and attached information so you may respond thoughtfully when interviewed. A school official designated as the District’s official investigator in this matter will contact you to schedule an initial interview. The purpose of the initial interview is to explain the grievance process, discuss the allegations and provide you with an opportunity to ask questions, share information, and respond to the allegations. Interviews are part of the investigation process and are essential to the fact-finding process required prior to the issuance of a final determination.

Be advised that anyone who knowingly makes false statements or provides false information in the grievance process may be subject to disciplinary action in accordance with Board of Education policy 4118.112/5145.5.

Your cooperation is appreciated while this is matter is investigated.

Sincerely,

District Title IX Coordinator
Groton Public Schools
P.O. Box K
Groton, CT 06340

cc:

Enclosures: Board Policy and regulation P 4118.112/5145.5,
Grievance Procedures R 4118.112/5145.5

P 5145.5

Students/Personnel

Sexual Harassment

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

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

Sexual harassment may take the form of student-on-student, employee-on-student, employee-on-employee, student-on-employee, or may be perpetrated against students or employees by third parties under the control of the District. Students who engage in proven sexual harassment may be subject to discipline, up to and including expulsion. Employees who engage in proven sexual harassment may be subject to disciplinary action, up to and including termination, as well as, other action required under the law including but not limited to a referral to DCF for suspected child abuse.

Definition of Sexual Harassment for the Purposes of Title IX

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

- (i) A school employee conditioning an education benefit or service on participation in unwelcome sexual conduct (i.e. quid pro quo)
- (ii) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- (iii) "Sexual assault" as defined in 20 U.S.C. 1092 (f)(6)(A)(v)(the Clery Act), "dating violence" as defined 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30) (the Violence Against Women Act (VAWA)).

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

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

Other Definitions

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

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

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

Title IX Coordinator

The Superintendent of Schools shall designate and authorize the Director of Pupil Personnel Services to be the District's Title IX Coordinator. This individual shall be given the title of, and shall be referred to as, the Title IX Coordinator and shall be responsible for ensuring compliance across the District with Title IX, corresponding state law, and applicable Board policy concerning sex discrimination/sexual harassment.

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

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

Reporting Sexual Harassment

Any person, including, but not limited to, students, parents or guardians, employees, bystanders, or third parties (whether or not the person is the alleged victim), may report sexual harassment, including sexual assault,

occurring in the District's education program or activities. Reporting may occur in person, by mail, by telephone, or by electronic mail, using the contact information provided for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Reports may be made at any time, including during non-business hours.

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

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

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

Response including Supportive Measures

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

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

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

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

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

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

Emergency Removal/Administrative Leave

An emergency removal of a respondent from the education program or activity is permissible provided that the District conducts an individualized safety and risk analysis and determines that emergency removal is necessary

to protect a student or other individual from an immediate threat to physical health or safety and notice and an opportunity to challenge the decision is provided. This does not modify any rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act (ADA).

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

Informal Resolution

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

Both parties must give voluntary, informed written consent.

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

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

Grievance Procedures

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

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

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

The District's grievance procedures shall be designed to comply with the regulation under Title IX as promulgated by the U.S. Department of Education, as it may be amended from time to time. Among other required provisions, the grievance procedures shall establish standards for fairness and equity, including a requirement that the decision maker not be the same individual as the Title IX Coordinator or the investigator shall:

- Explain how to file a complaint;
- address required notice;
- set out timelines for various components of the investigation and adjudication process;
- establish and explain grounds for the dismissal of a complaint;
- provide and explain the appeal process available to both parties;
- include a presumption of innocence for the respondent;
- state the evidence standard to be used to determine responsibility;
- require objective evaluation of all available evidence.

Training

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

Prohibition Against Retaliation

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

Dissemination, Posting, and Discussion of Policy

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

Record Keeping

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

Alternate Complaint Procedures

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

Statement of Protected Rights

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

Legal References: Connecticut General Statutes

10-15c Discrimination in public schools prohibited. School attendance by five-year-olds.

United States Constitution, Article XIV.

Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, *et seq.*

Title IX of the Education Amendments of 1972, 34 C.F.R. 106.1, *et seq.*

Title IX Regulation, 34 C.F.R. Part 106

20 U.S.C. 1092 (f)(6)(A)(v)

34 U.S.C. 12291 (a)(8), (a)(10), (a)(36)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Bd. Of Educ., 526 U.S. 629 (1999)

Adopted: September 14, 1992

Revised: February 27, 2017

Revised: January 25, 2021

**GROTON PUBLIC SCHOOLS
Groton, Connecticut**

Regulations

Prohibition Against Sexual Harassment: Response to Reports of Sexual Harassment and Grievance Procedures for Formal Complaints

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

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

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

Reporting of Sexual Harassment

Informal Reports

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

Formal Complaint

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

While there is no time limit for making an informal report or filing a formal complaint of sexual harassment, reporters/complainants are encouraged to promptly report incidents of sexual harassment to avoid the potential loss of evidence, a lapse in the memories of parties or witness, or the unavailability of persons key to an investigation. The District understands that a victim may decide not to report sexual harassment, to file a formal complaint, and/or may decide to wait to come forward with a report/formal complaint for a variety of reasons. The District respects complainants' decisions. However, the Title IX Coordinator has discretion to sign a formal

complaint that initiates the grievance process where necessary to avoid deliberate indifference to sexual harassment even without a formal complaint from the complainant.

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

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

Response Including Supportive Measures

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

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

Supportive measures may include, but are not be limited to:

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

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

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

Emergency Removal/Administrative Leave

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

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

investigation.

Dismissals of Complaints

Mandatory Dismissal

A complaint of sexual harassment must be dismissed if:

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

Permissive Dismissal

A complaint of sexual harassment may be dismissed if:

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

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

Grievance Procedures (to be used for formal complaints only)

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

a. Notice

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

Written notice provided to the respondent shall include:

- notice of the Grievance Procedure, including any informal resolution process;
- notice of the allegations in sufficient detail to allow the respondent to prepare a response; a statement that the respondent is presumed innocent and that responsibility will be determined at the conclusion of the Grievance Process;
- notice of the right to have an advisor to inspect/review evidence; and
- notice of any provision in applicable codes of conduct that prohibit knowingly making false statements or providing false information in the grievance process.

The complainant shall be provided written notice of a formal complaint.

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

b. Investigation

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

The respondent shall be entitled to a presumption of innocence until the investigation is complete. Both parties are to be treated fairly throughout the investigation and shall be entitled to an unbiased investigator who has not prejudged the matter being investigated.

The burden of proof shall be by a preponderance of the evidence. Both parties shall be provided with an equal opportunity to present facts and witnesses and other inculpatory or exculpatory evidence.

Each party shall have the opportunity to select an advisor of the parties "choice", which may but does not have to be an attorney.

The District shall send written notice to both the complainant and respondent of any investigative interviews, meetings or hearing.

The complainant and respondent and their advisors, if applicable, shall be provided evidence directly related to the allegations (electronic or hard copy) with at least ten (10) days to inspect, review, and respond to the evidence. Such evidence shall not be further disseminated by the parties. The parties and advocates shall not further disseminate such evidence and may be required to execute a non-disclosure agreement.

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

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

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

Pending a final resolution after consultation with them, supportive measures shall be offered to the complainant or respondent.

c. Investigative Report

At the conclusion of the investigation, the investigator shall prepare a report summarizing the evidence, shall provide a copy to the complainant and respondent, and shall give the parties ten (10) days to respond. Each party shall be provided an opportunity to submit written, relevant questions that a party wants asked of the other party, or a witness, and shall provide each party with the answers to each such questions.

d. Decision Maker

The decision maker, Superintendent or designee must review the evidence applying the preponderance of the evidence standard and issue a written determination regarding responsibility with findings of fact, conclusions as to whether the conduct alleged occurred; the rationale for the result as to each allegation; and any discipline imposed on the respondent, and any other remedies to be provided to the complainant to restore or preserve equal access to the District's education program or activity

The written determination will be sent simultaneously to the parties along with an explanation of how to file an appeal.

Remedies

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

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

The range of remedies depends on the circumstances but may include previously provided supportive measures, grade changes, the opportunity to retake a test or resubmit an assignment, reassignment of class, school-based counseling, and reinstatement to a team or activity as well as other appropriate measures.

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

Appeal

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

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

Retaliation

Retaliation against any party, witness, or other participant to an investigation is prohibited.

Any claim of such may be filed in accordance with this Grievance Procedure. Discipline for filing or making a false statement shall not constitute retaliation absent evidence of such motivation.

Informal Resolution

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

Both parties must give voluntary, informed written consent.

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

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

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

Confidentiality

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

Record Keeping

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

Alternate Complaint Procedures

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

Statement of Protected Rights

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

Mandated Reporters

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

Training

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

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

- the definition of "sexual harassment"
- grievance procedures

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

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

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

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

Approved: September 5, 2012
Revised: November 28, 2016
Revised: January 25, 2021

GROTON PUBLIC SCHOOLS
Groton, Connecticut

GROTON PUBLIC SCHOOLS

INFORMAL REPORT OF SEXUAL HARASSMENT

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

Return this form to the District Title IX Coordinator who may be contacted as follows:

Director, Pupil Personnel Services, Groton Public Schools P.O. Box K Groton, CT 06340 (860-572-2150)

Reporter's Name _____

Home Address _____

Name of School (if a student/employee) _____

Home Phone _____ Work Phone _____ Cell Phone _____

Email address _____

Preferred method of contact _____

Date of Alleged Incident(s) _____

Alleged victim's name (if not the reporter) _____

Name of person(s) you believe engaged in sexual harassment _____

List any witnesses that were present/have knowledge _____

Where did the incident(s) occur? _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used: any specific verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; what did you do to avoid the situation, etc. (Attach additional pages if necessary.)

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

(Reporter's Signature)

(Date)

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

Received By: _____
(Name)

(Date)

(Signature)

**GROTON PUBLIC SCHOOLS
FORMAL COMPLAINT OF SEXUAL HARASSMENT**

This form may be used by any student or employee of the District who believes he/she is a victim of sexual harassment occurring in the District's education program or activities and wishes to file a formal complaint. The filing/signing of this form will trigger a full investigation. With or without a formal complaint, supportive measures will be offered to both a complainant (alleged victim) and respondent (alleged perpetrator). To initiate this complaint, return this form to the District's Title IX Coordinator who may be contacted as follow: Director, Pupil Personnel Services, Groton Public Schools P.O. Box K Groton, CT 06340 (860-572-2150)

Complainant's Name _____

Home Address _____

Name of School of attendance or employment _____

Home Phone _____ Work Phone _____ Cell Phone _____

Grade (student) _____

Current position/job (employee) _____

Email address _____

Preferred method of contact _____

Date of Alleged Incident(s) _____

Name of person(s) you believe engaged in sexual harassment _____

List any witnesses that were present/have knowledge _____

Where did the incident(s) occur? _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any specific verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; what did you do in response to the situation, etc. (Attach additional pages if necessary.)

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

(Reporter's Signature)

(Date)

Received By: _____

(Name)

(Date)

(Signature)



GROTON PUBLIC SCHOOLS

ADMINISTRATION OFFICES

P.O. Box K, Groton, Connecticut 06340 • 1300 Flanders Road, Mystic, Connecticut 06355
PHONE (860) 572-2100 • FAX (860) 572-2107

STUDENT/EMPLOYEE NON-DISCLOSURE AGREEMENT TITLE IX INVESTIGATION

I have been selected by _____ to be his/her advisor related to the investigation of a Title IX complaint in which [insert name of student or employee] is a named complainant/respondent. On behalf of _____, I may permissibly discuss allegations under investigation, may review evidence, both exculpatory and inculpatory, and am authorized to review an investigative report issued by the officer assigned to investigate ("confidential information").

I understand and agree to use the materials provided for my inspection and review solely for the purpose of the Title IX Grievance Process. Any further dissemination or disclosure of these confidential materials along with the content therein is prohibited. I may not copy, share, provide or other disclose or disseminate them to any individuals, organizations, groups or entities either in person, in writing, or by use of electronic technology or social media or in any other manner. At the conclusion of the matter, I will return and/or destroy any and all such confidential information provided to me in connection with the Title IX complaint and investigation.

I acknowledge that in the event that I breach this agreement, in addition to any other remedies, the District would be entitled to injunctive relief in that there may not be an adequate remedy at law in the event of such a breach.

I agree by signing below not to further disclose or disseminate the confidential information thereof, including any and all copies and reproductions of the same.

(Name)

(Signature)

(Date)

Received by: _____
(Name/signature)

(Date)

The section below is to be completed upon the issuance of a decision of responsibility or at the conclusion of an appeal, if any.

Materials reviewed/inspected provided:

I hereby certify that the materials provided have been returned or destroyed.

Signature of advisor: _____



GROTON PUBLIC SCHOOLS

ADMINISTRATION OFFICES

P.O. Box K, Groton, Connecticut 06340 • 1300 Flanders Road, Mystic, Connecticut 06355

PHONE (860) 572-2100 • FAX (860) 572-2107

NOTICE TO A COMPLAINANT/ALLEGED VICTIM OF SEXUAL HARASSMENT UPON THE FILING/SIGNING OF A FORMAL COMPLAINT

[Date]

Dear [Student or Employee]

Please be advised that a formal sexual harassment complaint has been filed identifying you as a victim of sexual harassment in a District education program or activity. Specifically, it is alleged that **[insert description to provide sufficient detail. Where known, include the name of parties, the conduct alleged to be sexual harassment, the date and location of the conduct]**.

In accordance with Title IX and District policy, sexual harassment is prohibited in the education programs and activities of the Groton Public Schools. The Groton Public Schools follows its established grievance procedures for the investigation of and response to complaints of sex discrimination/sexual harassment.

Attached for your review is a copy of Groton Board of Education Policy 4118.112 / 5145.5, Prohibition Against Sex Discrimination and Sexual Harassment and its regulation containing the District's grievance procedures.

As someone alleged to be the victim of sexual harassment, you are referred to as a "complainant" and the person alleged to have perpetrated the conduct that could constitute sexual harassment is referred to as a "respondent."

The grievance procedures contain information about how the complaint will be investigated and explain the rights of both the complainant and respondent. One right is the right to designate an advisor of your choosing to review and inspect evidence on your behalf prior to a final determination. An advisor may be, but is not limited to, a parent, a relative, an advocate, or a lawyer, but need not be a lawyer. Whether or not the respondent has engaged in sexual harassment will be determined at the conclusion of the District's grievance process. A respondent is presumed innocent (not responsible for the conduct) until proven otherwise. If sexual harassment is determined to have occurred, remedies will be provided. Retaliation for filing a complaint, or participation in the grievance process, is prohibited.

The respondent(s) has/have also been provided with written notification of the complaint. If you are subjected to new or continued sexual harassment, are physically threatened by the respondent, or retaliated against by anyone for your involvement in this complaint, contact the Title IX Coordinator so appropriate responsive action may be taken.

Be advised that anyone who knowingly makes false statements or provides false information in the grievance process may be subject to disciplinary action in accordance with Board of Education policy 4118.112 / 5145.5.

Your cooperation is appreciated while this matter is investigated.

Sincerely,

District Title IX Coordinator
Groton Public Schools
P.O. Box K
Groton, CT 06340

cc:

Enclosures: Board Policy and regulation P 4118.112/5145.5,
Grievance Procedures



GROTON PUBLIC SCHOOLS

ADMINISTRATION OFFICES

P.O. Box K, Groton, Connecticut 06340 • 1300 Flanders Road, Mystic, Connecticut 06355
PHONE (860) 572-2100 • FAX (860) 572-2107

NOTICE TO A RESPONDENT/INDIVIDUAL ALLEGED TO HAVE COMMITTED SEXUAL HARASSMENT UPON THE FILING OF A FORMAL SEXUAL HARASSMENT COMPLAINT

[Date]

Dear [Student or Employee]

Please be advised that a formal sexual harassment complaint has been filed naming you as a perpetrator of sexual harassment in a district education program or activity. Specifically, it is alleged that **insert description to provide sufficient detail to allow the respondent to prepare a response. Where known, include the name of parties, the conduct alleged to be sexual harassment, the date and location of the conduct**.

In accordance with Title IX and District policy, sexual harassment is prohibited in the education programs and activities of the Groton Public Schools. The Groton Public Schools responds promptly and thoroughly to all formal complaints of sexual harassment following its established grievance procedures for the investigation of and response to complaints of sex discrimination/sexual harassment.

The person alleged to be the victim of sexual harassment is referred to as a complainant. As someone accused of sexual harassment, you are referred to as a “respondent”. A respondent is presumed innocent (not responsible for the conduct). Whether you have engaged in sexual harassment will be determined at the conclusion of the grievance process.

Attached for your review is a copy of Groton Board of Education Policy P 4118.112/5145.5, Prohibition Against Sex Discrimination and Sexual Harassment, and its regulation containing the District’s grievance procedures.

The grievance procedures contain information about how the complaint will be investigated and your rights and that of the complainant including the right to designate an advisor of your choosing to review and inspect evidence on your behalf prior to a final determination. An advisor may be, but is not limited to, a parent, a relative, an advocate or a lawyer, but need not be a lawyer.

You have been provided with this notice and attached information so you may respond thoughtfully when interviewed. A school official designated as the District’s official investigator in this matter will contact you to schedule an initial interview. The purpose of the initial interview is to explain the grievance process, discuss the allegations and provide you with an opportunity to ask questions, share information, and respond to the allegations. Interviews are part of the investigation process and are essential to the fact-finding process required prior to the issuance of a final determination.

Be advised that anyone who knowingly makes false statements or provides false information in the grievance process may be subject to disciplinary action in accordance with Board of Education policy 4118.112/5145.5.

Your cooperation is appreciated while this is matter is investigated.

Sincerely,

District Title IX Coordinator
Groton Public Schools
P.O. Box K
Groton, CT 06340

cc:

Enclosures: Board Policy and regulation P 4118.112/5145.5,
Grievance Procedures R 4118.112/5145.5