



## **POLICY REGARDING SEX DISCRIMINATION AND SEXUAL HARASSMENT (STUDENTS)**

For Sexual Harassment that falls under Title IX of the Education Amendments of 1972, U.S.C. §1681 et seq. see policy 5170A.

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

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

### Definitions

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

**Sexual harassment:** In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal, or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive such that it interferes with or limits a student's ability to participate in or benefit from the school's program. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.

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

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

#### Procedure

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

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

Sex discrimination and/or sexual harassment may also constitute bullying behavior under the Board's Bullying Behavior in the Schools Policy.

Legal References: United States Constitution, Amendment 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.

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

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Office for Civil Rights, U.S. Department of Education, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 66 Fed. Reg. 5512 (Jan. 19, 2001).

Office for Civil Rights, U.S. Department of Education Dear Colleague Letter: Sexual Violence (April 4, 2011).

Constitution of the State of Connecticut, Article I, Section 20.

## ADMINISTRATIVE REGULATIONS REGARDING SEX DISCRIMINATION AND SEXUAL HARASSMENT (STUDENTS)

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

### Definitions

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

**Sexual harassment:** In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal, or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive that it interferes with or limits a student's ability to participate in or benefit from the school's program. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

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

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

### Complaint Procedure

1. It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to promptly report such claims. Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. As soon as a student feels that he or she has been subjected to sex discrimination or sexual harassment, he/she or his/her parent/legal guardian should make a written complaint to the Building Principal, or his/her designee. The student will be provided a copy of the Board's policy and regulation and made aware of his or her rights.
3. The complaint should state the:
  - A. Name of the complainant,
  - B. Date of the complaint,
  - C. Date(s) of the alleged harassment/discrimination,
  - D. Name(s) of the harasser(s) or discriminator(s),
  - E. Location where such harassment/discrimination occurred,
  - F. Names of any witness(es) to the harassment/discrimination,
  - G. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and
  - H. Remedy requested.
4. Any student who makes an oral complaint of harassment or sex discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, such as due to the age of the student

making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.

5. If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
6. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. In addition, a copy of any complaint filed under this policy shall be forwarded to the Title IX Coordinator.
7. The Title IX Coordinator or designee shall promptly investigate all complaints of sexual discrimination or sexual harassment against a student, regardless of whether the conduct occurred on or off-school grounds. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
8. Any student who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the student insists that his/her personally identifiable information not be shared with the alleged perpetrator, the student will be informed that the District's ability to investigate and/or take corrective action may be limited.
9. Upon receipt of a sexual harassment or sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
  - a) offer to meet with the complainant within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have.
  - b) provide the complainant with a copy of the Board's sexual harassment policy and accompanying regulations.
  - c) consider whether any interim measures may be appropriate to protect the alleged victim, pending the outcome of the investigation.

- d) investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint.
  - e) consider whether alleged sex discrimination or sexual harassment has created a hostile school environment, including consideration of the effects of off-campus conduct on the school.
  - f) communicate the outcome of the investigation in writing to the complainant, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within sixty (60) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;
  - g) when sex discrimination or sexual harassment has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the harassment or discrimination, as deemed appropriate by the Superintendent or his/her designee and take steps to remedy the effects of the sex discrimination or sexual harassment.
10. If the student complainant or alleged perpetrator is dissatisfied with the findings of the investigation, he or she may file a written appeal within thirty (30) calendar days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sexual harassment or sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant, in writing, within fifteen (15) school days following the receipt of the written request for review.

If a sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, so as to ensure that

any such bullying investigation complies with the requirements of applicable Board policies.

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

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

Copies of this regulation will be distributed to all students.

#### Title IX Coordinator

Position: Director of Human Resources  
Address: 50 Major Besse Dr., Torrington, CT 06790  
Phone number: 860-48-2327 extension 5451  
Email address: [HR@torrington.org](mailto:HR@torrington.org)

Policy 6170: Adopted May 6, 1992. Revised and Approved February 21, 2001. Consolidated with R6170 May 18, 2011. 6170R – Adopted May 6, 1992. Revised and Approved February 21, 2001. Revised and Approved on February 26, 2019. Revised and Approved on March 27, 2019. Revised and Approved on April 24, 2019. Revised and Approved on November 19, 2020. Policy Number Changed to 5170 on September 22, 2021 with BOE Approval.

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