

To view this meeting, the livestream link is: <https://vimeo.com/event/729428>

To make a public comment, the call in number is

(US) 1-352-612-0366 PIN 227 206 137#

Regular BOE Agenda
March 18, 2025

Council Chambers
3 Primrose St.
Newtown, CT 06470
7:00 PM

As citizens of our community, we will conduct ourselves in accordance with Newtown's Core Character Attributes as displayed in our character tree. We will be responsible for our actions and show respect for each other. We will interact peacefully, productively, and politely. We will be trustworthy and honest and show compassion toward others. Newtown's continued success is contingent upon our ability to persevere, to follow through with our commitments, and to stay focused on the greater good.

AGENDA

1. PLEDGE OF ALLEGIANCE
2. CELEBRATION OF EXCELLENCE
 - A. Spelling Bee Winners - Sandy Hook School
3. CONSENT AGENDA
 - A. Correspondence Report
4. **PUBLIC PARTICIPATION
5. REPORTS
 - A. Chair Report
 - B. Superintendent's Report
 - C. Committee and Liaison reports
 - D. Student Representatives Report
 - E. Action on Financial Report Month Ending February 28, 2025
6. PRESENTATIONS
 - A. Newtown Community Partnership
7. OLD BUSINESS
 - A. Action on Minutes of March 4, 2025
8. NEW BUSINESS
 - A. Policies for First Read
 1. 5131.81 Use of Private Technology Devices by Students
 2. 5145.5 Policy and Administrative Regulations Regarding Prohibition of Sex Discrimination, Including Sex-Biased Harassment

3. 4118.112/4218.112 Policy and Administrative Regulations Regarding Prohibition of Sex Discrimination, Including Sex-Based Harassment in the Workplace
4. 1050 Policy Regarding Non-Discrimination (Community Members)

B. Administrative Regulations

1. 5145.5 Administrative Regulations Regarding Prohibition of Sex Discrimination, Including Sex-Based Harassment
2. 4118.112/4218.112 Administrative Regulations Regarding Prohibition of Sex Discrimination, Including Sex-Based Harassment in the Workplace
3. 1050 Administrative Regulations Regarding Non-Discrimination (Community Members)

C. Policy To Be Rescinded

1. 5124.1 Reporting to Parents - District/School Report Cards

D. Discussion and Possible Action on Newtown Middle School Moving Up Ceremony and Newtown High School Graduation Dates

9. PUBLIC PARTICIPATION

10. ADJOURNMENT

***During the first Public Participation, the Board welcomes commentary regarding items on the agenda. After being recognized, please state your name and address for the record. We request that speakers be respectful and limit comments to not more than three minutes. The Board of Education does not discuss personnel items or student matters in public. During the second Public Participation, commentary may address the agenda or may introduce issues for the Board to consider in the future. The Board does not engage in dialogue during either public comment period. If you desire more information or answers to specific questions, please email the BOE: NewtownBOE@newtown.k12.ct.us*



Newtown Public School District

Newtown Board of Education

Correspondence Report 03/04/2025 – 03/17/2025

Date	Sender Name	Subject
03/04/2025	Deborra Zukowski	Correspondence Report: 03/04/2025
03/04/2025	Newtown Scholarship Association	How to Make a Difference in Newtown
03/04/2025	Shannon Hamilton	Policy Highlights 3/4/25
03/05/2025	Alison Plante	Letter from Newtown Board of Education (to Newtown Delegation)
03/05/2025	Alison Plante	Letter from Newtown Board of Education (to Governor)
03/05/2025	Nancy Propfe	What's Going On at CABE? 03.5.25
03/07/2025	Gail Heath	Advocacy Highlights - March 7, 2025
03/07/2025	Anne Uberti	Friday Notes 3.7.25
03/07/2025	Derya Elmali	Fwd: Your message below has been sent to the Board of Finance
03/07/2025	Jessica Ibbitson	email to the BOF
03/07/2025	Laura Howard Herrmann	Enrollment concerns
03/09/2025	Alison Plante	Week in Preview - March 9
03/10/2025	Jules Calabro	Strengthen mental health supports for schools in Connecticut
03/10/2025	Anne Uberti	NPS Weekly Update 3.10.25
03/11/2025	Sarah Connell	BOE Policy Minutes 3/4/25
03/12/2025	Nancy Propfe	What's Going On at CABE? 03.12.25
03/13/2025	Katherine Mellen	Re: Fw: Re: Form submission from: Email the Board of Finance
03/13/2025	Kat Mellen	Fwd: Your message below has been sent to the Legislative Council
03/14/2025	Newtown Allies For Change	Diversity, Equity, and Inclusion
03/14/2025	Gail Heath	Advocacy Highlights - March 14, 2025
03/14/2025	BoardBook	Meeting Notification: March 18, 2025 at 7:00 PM - Regular BOE Agenda
03/14/2025	Anne Uberti	Friday Notes 3.14.25
03/16/2025	Lydia McLaughlin	Inquiry Regarding School District Policy on Social Transition Without Parental Consent
03/17/2025	Kathy June	Budget Summary Detail
03/17/2025	Shannon Hamilton	Policy Highlights 3/17/25
03/17/2025	Anne Uberti	NPS Weekly Update 3.17.25
03/17/2025	Alison Plante	Week in Preview - March 17

**NEWTOWN BOARD OF EDUCATION
MONTHLY FINANCIAL REPORT
FEBRUARY 28, 2025**

SUMMARY

The financial report for period ending February 28, 2025 continues to provide year to date expenditures, encumbrances and information for anticipated obligations. Many of the accounts within our major objects continue to include anticipated obligations at a “full-budget spend” in order to present a more accurate projected year-end balance. These balances are monitored closely and adjusted each month in order to capture any changes and fluctuations that occur throughout the year.

Note: in accordance with our recently revised Board policy 3160, financial summaries will be posted each month on our website; however, the policy now provides a change in how we publish the written narrate. Each written report will capture changes for the period of coverage and published during the month as indicated below.

For more information on this policy, please click the link: [Revised BoE Policy - Budget Procedures](#)

Period of Coverage	Report Due
July, August, September	October
October, November, December	January
January, February	March
March, April	May
Year-End Report*	August

*The year-end report shall be completed and presented by the end of August

During the month of February, the district spent approximately \$6.3M for all operations. About \$4.4M was spent on salaries with the remaining balance of \$1.9M spent on all other objects.

For the prior period ending January 31, 2025, the projected year-end balance was \$33,973; expending 99.96% of our total budget. We had experienced a large shortfall in State reimbursement funding that is applied towards special education tuition and other expenditures within this department. The shortfall was about \$220,000. However, state legislatures were not in agreement with the Governor’s decision to cut this important grant as many districts had already included the offset in their budgets. Therefore, changes were made at the state level, passing a bill to reinstate districts with the funding that was originally anticipated.

The February financial statement now includes this funding in the projected year-end balance. The change in the State’s reimbursement rate increased from 59.96% to 72.8%, equating to \$273,824 (when compared to our budget, we show additional funding of \$167,439). This amount is based on our March 1st submission of Special Education expenditures to the State and will be subject to approval. If the State does not agree with our reconciliation, offsets will be made to our educational cost share fund sometime in FY26.

Our new estimated year-end projection shows a balance of \$270,701. This includes the estimated state reimbursement of \$273,824. Had this reimbursement not come through, our year-end projection was displaying a negative balance of -\$3,123.

SALARY OBJECT

Our salary object continues to display a surplus with a projected year-end balance of \$458,113, having decreased by \$32,958 over the prior month. This large balance continues to be driven by our non-certified staff due to unfilled positions and employee turnover.

- **CERTIFIED SALARIES**

The projected balance in this sub-object now displays -\$32,788. Notable areas of change in this category include certified subs as this account has now dipped into the red with a negative balance of -\$29,536. This is due to changes in anticipated obligations as our average expenditures have increased. Not completely abnormal for this time of year as teacher PTO does begin to increase towards the latter half of the fiscal calendar. We will continue to watch and adjust this account (if needed) in the upcoming months.

Also, important to note that we have not achieved our certified turnover goal of \$500,000, falling short by \$141,000. This shortfall also plays a factor in the negative balance.

- **NON-CERTIFIED SALARIES**

We did not experience many changes in this area of the budget; however, adjustments have been made for open positions that will not be filled this year. Specifically, in our para and custodian unions as some of these positions are included in the FY26 budget reduction.

The balance found in special education service salaries is currently showing \$85,053 which will most likely be transferred to cover the exorbitant costs that we have experienced in contracted services as we continue to outsource Behavior Techs.

EMPLOYEE BENEFITS

We are currently on target in this area of the budget; however, this month we are analyzing our FICA/MCR and pension accounts. Due to the turnover and unfilled positions, we are anticipating a balance to emerge in this object. It's too early to estimate exactly how much, although, we anticipate a change in the balance by the close of March.

PROFESSIONAL SERVICES

This area of the budget has remains positive with an anticipated spend of 99.38%. Costs included here are for all professional services (student and district-wide) as well as professional learning for our staff. To date, we anticipate to expend the full budget in both areas of this object; however, we will begin our analysis on anticipated staff training projections and make adjustments where necessary.

This month, we reclassified \$20,000 from our Medicaid fund into professional services for nursing costs associated with a student. This reclass was necessary in order to submit the student costs for State reimbursement under our Excess Cost Grant. The balance in this area is now slightly negative; however, we currently anticipate some savings in student testing services. However, these costs are variable and difficult to predict as they are based on the needs of our students. As we begin our descent towards year-end, we will continue to watch this area and make adjustments based on anticipated costs.

OTHER PURCHASED SERVICES

This area of the budget was hit hard in December as we experienced a major shortfall in our Excess Cost Grant reimbursement; however (as stated above) the State legislatures have passed a bill to restore our reimbursement rate from 59.96% to 72.8% which ultimately means additional funding for us. This is great news for many districts as we were all struggling with the large deficit that was anticipated.

The Excess Cost Grant has been allocated to the appropriate accounts (see last page of the financial report for details), with the majority of the funding found in transportation and tuition. The year-end projected balance in these two sub-objects has increased over the prior month by \$51,000 and \$214,519 respectively.

This major object still shows an overall negative balance, driven by contracted services. This area of the budget has been of major concern this year (and the last several years) due to hiring outside services to backfill our open behavior tech positions. These positions are found in our special education department and typically work 1:1 with some of our most highly impacted students. The majority of them can be found in our PAL program, working with students from grades 1-4. Despite the high costs to hire this contracted service, the program is very successful and ultimately saves the district money by keeping students in-district and not having to out-place them in high cost educational facilities.

This year we will spend about \$800,000 for in-house behavior tech salaries (currently show a positive balance of about \$85,000 which will be transferred in the upcoming months), and an additional \$280,000-\$320,000 in services to backfill open positions. Depending on how the year pans out, we are looking at a net differential in additional costs of approximately \$200,000 - \$250,000 for the fiscal year.

SUPPLIES

The overall position of this object remains negative as the unforeseen factors in electricity have highly impacted this area of the budget.

- **Electric**

We continue to show a negative balance here, now at -\$348,000. This is due to budgeting issues, unforeseen increases in demand and lower than anticipated returns on our virtual net metering credits. Our current deficits show virtual net metering is 43.4% or \$200,000 less than budget and demand is up 42.9% or \$240,000 over budget. Our supply costs show an offsetting balance of about \$70,000 due to lower usage.

The projected year-end balance also includes about \$10,000 savings in solar and \$12,000 in lower demand charges as we anticipate a slight relief in demand costs.

- **Natural Gas & Oil**

These two accounts are holding steady, and thankfully to the warm weather and lower costs of natural gas, we are able to slightly offset the large negative balance found in electricity.

ALL OTHER OBJECTS

Our account-by-account analysis will continue throughout the year and we will keep the board apprised of any issues or concerns as they arise.

REVENUE

The board of education received \$3,809.65 in tuition.

Tanja Gouveia
Director of Business & Finance
February 28, 2025

**NEWTOWN BOARD OF EDUCATION
2024-25 BUDGET SUMMARY REPORT
FOR THE MONTH ENDING FEBRUARY 28, 2025**

OBJECT CODE	EXPENSE CATEGORY	EXPENDED 2023 - 2024	2024- 2025 APPROVED BUDGET	YTD TRANSFERS 2024- 2025	CURRENT BUDGET	YTD EXPENDITURE	ENCUMBER	BALANCE	ANTICIPATED OBLIGATIONS	PROJECTED BALANCE	% EXP
<u>GENERAL FUND BUDGET</u>											
100	SALARIES	\$ 54,869,892	\$ 56,415,958	\$ 35,143	\$ 56,451,101	\$ 31,638,371	\$ 23,705,797	\$ 1,106,932	\$ 648,819	\$ 458,113	99.19%
200	EMPLOYEE BENEFITS	\$ 12,834,863	\$ 13,673,917	\$ (21,643)	\$ 13,652,274	\$ 12,564,837	\$ 110,296	\$ 977,141	\$ 977,063	\$ 77	100.00%
300	PROFESSIONAL SERVICES	\$ 757,057	\$ 672,930	\$ (6,732)	\$ 666,198	\$ 309,254	\$ 52,413	\$ 304,531	\$ 300,398	\$ 4,133	99.38%
400	PURCHASED PROPERTY SERV.	\$ 1,702,959	\$ 1,890,644	\$ (26,809)	\$ 1,863,835	\$ 997,780	\$ 320,118	\$ 545,937	\$ 538,343	\$ 7,595	99.59%
500	OTHER PURCHASED SERVICES	\$ 10,905,469	\$ 11,047,142	\$ 7,668	\$ 11,054,810	\$ 7,706,641	\$ 3,896,768	\$ (548,599)	\$ (510,211)	\$ (38,388)	100.35%
600	SUPPLIES	\$ 3,344,907	\$ 3,170,329	\$ -	\$ 3,170,329	\$ 2,076,763	\$ 161,717	\$ 931,848	\$ 1,188,239	\$ (256,391)	108.09%
700	PROPERTY	\$ 349,252	\$ 357,069	\$ 12,373	\$ 369,442	\$ 263,639	\$ 109,437	\$ (3,634)	\$ 803	\$ (4,437)	101.20%
800	MISCELLANEOUS	\$ 76,349	\$ 81,077	\$ -	\$ 81,077	\$ 67,738	\$ 1,781	\$ 11,558	\$ 11,558	\$ -	100.00%
910	SPECIAL ED CONTINGENCY	\$ -	\$ 100,000	\$ -	\$ 100,000	\$ -	\$ -	\$ 100,000	\$ -	\$ 100,000	0.00%
TOTAL GENERAL FUND BUDGE		\$ 84,840,747	\$ 87,409,066	\$ -	\$ 87,409,066	\$ 55,625,025	\$ 28,358,327	\$ 3,425,714	\$ 3,155,013	\$ 270,701	99.69%
900	TRANSFER NON-LAPSING <i>(unauc \$ 228,904 this amount has been recommended for transfer into the BoE's Non-Lapsing Fund)</i>										
GRAND TOTAL		\$ 85,069,651	\$ 87,409,066	\$ -	\$ 87,409,066	\$ 55,625,025	\$ 28,358,327	\$ 3,425,714	\$ 3,155,013	\$ 270,701	99.69%

OBJECT CODE	EXPENSE CATEGORY	EXPENDED 2023 - 2024	2024- 2025 APPROVED BUDGET	YTD TRANSFERS 2024 - 2025	CURRENT BUDGET	YTD EXPENDITURE	ENCUMBER	BALANCE	ANTICIPATED OBLIGATIONS	PROJECTED BALANCE	% EXP
100	SALARIES										
	Administrative Salaries	\$ 4,341,348	\$ 4,415,759	\$ 16,968	\$ 4,432,727	\$ 2,787,111	\$ 1,636,375	\$ 9,241	\$ 4,258	\$ 4,983	99.89%
	Teachers & Specialists Salaries	\$ 35,054,141	\$ 35,746,541	\$ 14,675	\$ 35,761,216	\$ 19,355,273	\$ 16,504,935	\$ (98,992)	\$ (44,920)	\$ (54,072)	100.15%
	Early Retirement	\$ 13,000	\$ 13,000	\$ -	\$ 13,000	\$ 13,000	\$ -	\$ -	\$ -	\$ -	100.00%
	Continuing Ed./Summer School	\$ 115,676	\$ 124,447	\$ 1,630	\$ 126,077	\$ 108,308	\$ 19,377	\$ (1,609)	\$ -	\$ (1,609)	101.28%
	Homebound & Tutors Salaries	\$ 159,491	\$ 184,110	\$ -	\$ 184,110	\$ 77,132	\$ 44,416	\$ 62,562	\$ 23,833	\$ 38,729	78.96%
	Certified Substitutes	\$ 749,519	\$ 830,665	\$ -	\$ 830,665	\$ 460,472	\$ 229,300	\$ 140,893	\$ 170,429	\$ (29,536)	103.56%
	Coaching/Activities	\$ 728,440	\$ 701,036	\$ -	\$ 701,036	\$ 396,738	\$ -	\$ 304,298	\$ 304,298	\$ -	100.00%
	Staff & Program Development	\$ 103,564	\$ 102,950	\$ 3,500	\$ 106,450	\$ 38,238	\$ 54,975	\$ 13,238	\$ 4,521	\$ 8,717	91.81%
	CERTIFIED SALARIES	\$ 41,265,178	\$ 42,118,508	\$ 36,773	\$ 42,155,281	\$ 23,236,273	\$ 18,489,377	\$ 429,631	\$ 462,419	\$ (32,788)	100.08%
	Supervisors & Technology Salaries	\$ 1,043,860	\$ 1,029,988	\$ 37,346	\$ 1,067,334	\$ 627,442	\$ 334,648	\$ 105,244	\$ 60,000	\$ 45,244	95.76%
	Clerical & Secretarial Salaries	\$ 2,488,988	\$ 2,411,941	\$ 11,229	\$ 2,423,170	\$ 1,460,462	\$ 860,516	\$ 102,192	\$ 22,544	\$ 79,648	96.71%
	Paraeducators	\$ 2,790,191	\$ 3,056,971	\$ 78,117	\$ 3,135,088	\$ 1,743,214	\$ 1,260,270	\$ 131,604	\$ 2,727	\$ 128,877	95.89%
	Nurses & Medical Advisors	\$ 946,366	\$ 1,018,820	\$ (4,022)	\$ 1,014,798	\$ 534,870	\$ 430,801	\$ 49,127	\$ 8,518	\$ 40,609	96.00%
	Custodial & Maint. Salaries	\$ 3,382,650	\$ 3,545,200	\$ -	\$ 3,545,200	\$ 2,226,481	\$ 1,241,797	\$ 76,922	\$ 4,708	\$ 72,214	97.96%
	Non-Certied Adj	\$ -	\$ 171,650	\$ (174,264)	\$ (2,614)	\$ -	\$ -	\$ (2,614)	\$ -	\$ (2,614)	0.00%
	Career/Job Salaries	\$ 155,653	\$ 206,773	\$ 989	\$ 207,762	\$ 127,940	\$ 106,548	\$ (26,726)	\$ (57,034)	\$ 30,307	85.41%
	Special Education Svcs Salaries	\$ 1,635,815	\$ 1,738,248	\$ 46,317	\$ 1,784,565	\$ 1,008,526	\$ 682,553	\$ 93,486	\$ 8,434	\$ 85,053	95.23%
	Security Salaries & Attendance	\$ 720,650	\$ 727,212	\$ -	\$ 727,212	\$ 434,780	\$ 279,787	\$ 12,645	\$ 1,384	\$ 11,260	98.45%
	Extra Work - Non-Cert.	\$ 131,774	\$ 122,647	\$ 2,658	\$ 125,305	\$ 59,328	\$ 19,500	\$ 46,477	\$ 46,175	\$ 302	99.76%
	Custodial & Maint. Overtime	\$ 273,517	\$ 236,000	\$ -	\$ 236,000	\$ 149,396	\$ -	\$ 86,604	\$ 86,604	\$ -	100.00%
	Civic Activities/Park & Rec.	\$ 35,249	\$ 32,000	\$ -	\$ 32,000	\$ 29,661	\$ -	\$ 2,339	\$ 2,339	\$ -	100.00%
	NON-CERTIFIED SALARIES	\$ 13,604,713	\$ 14,297,450	\$ (1,630)	\$ 14,295,820	\$ 8,402,099	\$ 5,216,420	\$ 677,302	\$ 186,401	\$ 490,901	96.57%
	SUBTOTAL SALARIES	\$ 54,869,892	\$ 56,415,958	\$ 35,143	\$ 56,451,101	\$ 31,638,371	\$ 23,705,797	\$ 1,106,932	\$ 648,819	\$ 458,113	99.19%

OBJECT CODE	EXPENSE CATEGORY	EXPENDED 2023 - 2024	2024- 2025 APPROVED BUDGET	YTD TRANSFERS 2024- 2025	CURRENT BUDGET	YTD EXPENDITURE	ENCUMBER	BALANCE	ANTICIPATED OBLIGATIONS	PROJECTED BALANCE	% EXP
200	EMPLOYEE BENEFITS										
	Medical & Dental Expenses	\$ 9,549,973	\$ 10,305,448	\$ -	\$ 10,305,448	\$ 10,294,194	\$ 212	\$ 11,042	\$ 10,962	\$ 80	100.00%
	Life Insurance	\$ 88,377	\$ 92,000	\$ -	\$ 92,000	\$ 67,881	\$ -	\$ 24,119	\$ 24,119	\$ -	100.00%
	FICA & Medicare	\$ 1,709,986	\$ 1,768,360	\$ -	\$ 1,768,360	\$ 1,007,793	\$ -	\$ 760,567	\$ 760,567	\$ -	100.00%
	Pensions	\$ 965,625	\$ 999,360	\$ -	\$ 999,360	\$ 841,795	\$ 2,750	\$ 154,815	\$ 154,815	\$ -	100.00%
	Unemployment & Employee Assist.	\$ 105,555	\$ 81,600	\$ -	\$ 81,600	\$ 43,545	\$ 11,455	\$ 26,600	\$ 26,600	\$ -	100.00%
	Workers Compensation	\$ 415,349	\$ 427,149	\$ (21,643)	\$ 405,506	\$ 309,630	\$ 95,879	\$ (3)	\$ -	\$ (3)	100.00%
	SUBTOTAL EMPLOYEE BENEFIT	\$ 12,834,863	\$ 13,673,917	\$ (21,643)	\$ 13,652,274	\$ 12,564,837	\$ 110,296	\$ 977,141	\$ 977,063	\$ 77	100.00%
300	PROFESSIONAL SERVICES										
	Professional Services	\$ 603,797	\$ 439,743	\$ -	\$ 439,743	\$ 179,426	\$ 15,956	\$ 244,360	\$ 245,950	\$ (1,590)	100.36%
	Professional Educational Serv.	\$ 153,260	\$ 233,187	\$ (6,732)	\$ 226,455	\$ 129,828	\$ 36,456	\$ 60,171	\$ 54,448	\$ 5,723	97.47%
	SUBTOTAL PROFESSIONAL SER	\$ 757,057	\$ 672,930	\$ (6,732)	\$ 666,198	\$ 309,254	\$ 52,413	\$ 304,531	\$ 300,398	\$ 4,133	99.38%
400	PURCHASED PROPERTY SERV.										
	Buildings & Grounds Contracted Svc.	\$ 611,768	\$ 711,000	\$ -	\$ 711,000	\$ 502,940	\$ 134,502	\$ 73,558	\$ 73,558	\$ -	100.00%
	Utility Services - Water & Sewer	\$ 94,774	\$ 128,315	\$ -	\$ 128,315	\$ 67,331	\$ -	\$ 60,984	\$ 45,484	\$ 15,500	87.92%
	Building, Site & Emergency Repairs	\$ 533,666	\$ 495,000	\$ -	\$ 495,000	\$ 233,167	\$ 61,143	\$ 200,691	\$ 200,691	\$ -	100.00%
	Equipment Repairs	\$ 222,475	\$ 268,994	\$ (26,809)	\$ 242,185	\$ 48,566	\$ 14,340	\$ 179,279	\$ 179,279	\$ -	100.00%
	Rentals - Building & Equipment	\$ 240,275	\$ 287,335	\$ -	\$ 287,335	\$ 145,776	\$ 110,133	\$ 31,425	\$ 39,331	\$ (7,905)	102.75%
	Building & Site Improvements	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-
	SUBTOTAL PUR. PROPERTY SEI	\$ 1,702,959	\$ 1,890,644	\$ (26,809)	\$ 1,863,835	\$ 997,780	\$ 320,118	\$ 545,937	\$ 538,343	\$ 7,595	99.59%
500	OTHER PURCHASED SERVICES										
	Contracted Services	\$ 1,040,758	\$ 1,005,847	\$ 26,968	\$ 1,032,815	\$ 858,766	\$ 195,937	\$ (21,888)	\$ 257,453	\$ (279,341)	127.05%
	Transportation Services	\$ 4,990,431	\$ 5,130,320	\$ -	\$ 5,130,320	\$ 2,723,376	\$ 1,861,496	\$ 545,448	\$ 464,948	\$ 80,500	98.43%
	Insurance - Property & Liability	\$ 435,965	\$ 461,988	\$ (17,000)	\$ 444,988	\$ 334,260	\$ 92,147	\$ 18,581	\$ 25,000	\$ (6,419)	101.44%
	Communications	\$ 189,179	\$ 188,915	\$ -	\$ 188,915	\$ 135,740	\$ 81,105	\$ (27,930)	\$ 9,102	\$ (37,033)	119.60%
	Printing Services	\$ 24,329	\$ 27,700	\$ (2,000)	\$ 25,700	\$ 3,617	\$ 6,305	\$ 15,778	\$ 15,778	\$ -	100.00%
	Tuition - Out of District	\$ 4,011,238	\$ 3,989,164	\$ -	\$ 3,989,164	\$ 3,524,384	\$ 1,643,139	\$ (1,178,360)	\$ (1,333,522)	\$ 155,162	96.11%
	Student Travel & Staff Mileage	\$ 213,569	\$ 243,208	\$ (300)	\$ 242,908	\$ 126,497	\$ 16,638	\$ 99,773	\$ 51,030	\$ 48,743	79.93%
	SUBTOTAL OTHER PURCHASEI	\$ 10,905,469	\$ 11,047,142	\$ 7,668	\$ 11,054,810	\$ 7,706,641	\$ 3,896,768	\$ (548,599)	\$ (510,211)	\$ (38,388)	100.35%

OBJECT CODE	EXPENSE CATEGORY	EXPENDED 2023 - 2024	2024- 2025 APPROVED BUDGET	YTD TRANSFERS 2024- 2025	CURRENT BUDGET	YTD EXPENDITURE	ENCUMBER	BALANCE	ANTICIPATED OBLIGATIONS	PROJECTED BALANCE	% EXP
600	SUPPLIES										
	Instructional & Library Supplies	\$ 823,882	\$ 857,256	\$ (3,468)	\$ 853,788	\$ 553,933	\$ 89,860	\$ 209,995	\$ 209,995	\$ -	100.00%
	Software, Medical & Office Supplies	\$ 203,661	\$ 230,186	\$ 7,032	\$ 237,218	\$ 124,951	\$ 42,222	\$ 70,045	\$ 70,045	\$ -	100.00%
	Plant Supplies	\$ 344,916	\$ 343,000	\$ -	\$ 343,000	\$ 220,752	\$ 25,069	\$ 97,179	\$ 97,179	\$ -	100.00%
	Electric	\$ 941,701	\$ 923,681	\$ -	\$ 923,681	\$ 698,346	\$ -	\$ 225,335	\$ 573,335	\$ (348,000)	137.68%
	Propane & Natural Gas	\$ 340,574	\$ 496,657	\$ -	\$ 496,657	\$ 194,429	\$ -	\$ 302,228	\$ 212,228	\$ 90,000	81.88%
	Heating Oil	\$ 83,874	\$ 52,065	\$ -	\$ 52,065	\$ 64,891	\$ -	\$ (12,826)	\$ (14,435)	\$ 1,609	96.91%
	Fuel for Vehicles & Equip.	\$ 143,424	\$ 140,930	\$ -	\$ 140,930	\$ 125,891	\$ -	\$ 15,039	\$ 15,039	\$ -	100.00%
	Textbooks	\$ 462,875	\$ 126,554	\$ (3,564)	\$ 122,990	\$ 93,569	\$ 4,566	\$ 24,854	\$ 24,854	\$ -	100.00%
	SUBTOTAL SUPPLIES	\$ 3,344,907	\$ 3,170,329	\$ -	\$ 3,170,329	\$ 2,076,763	\$ 161,717	\$ 931,848	\$ 1,188,239	\$ (256,391)	108.09%
700	PROPERTY										
	Technology Equipment	\$ 307,106	\$ 315,083	\$ 1,809	\$ 316,892	\$ 226,307	\$ 90,000	\$ 585	\$ 585	\$ -	100.00%
	Other Equipment	\$ 42,146	\$ 41,986	\$ 10,564	\$ 52,550	\$ 37,332	\$ 19,437	\$ (4,219)	\$ 218	\$ (4,437)	108.44%
	SUBTOTAL PROPERTY	\$ 349,252	\$ 357,069	\$ 12,373	\$ 369,442	\$ 263,639	\$ 109,437	\$ (3,634)	\$ 803	\$ (4,437)	101.20%
800	MISCELLANEOUS										
	Memberships	\$ 76,349	\$ 81,077	\$ -	\$ 81,077	\$ 67,738	\$ 1,781	\$ 11,558	\$ 11,558	\$ -	100.00%
	SUBTOTAL MISCELLANEOUS	\$ 76,349	\$ 81,077	\$ -	\$ 81,077	\$ 67,738	\$ 1,781	\$ 11,558	\$ 11,558	\$ -	100.00%
910	SPECIAL ED CONTINGENCY	\$ -	\$ 100,000	\$ -	\$ 100,000	\$ -	\$ -	\$ 100,000	\$ -	\$ 100,000	0.00%
	TOTAL LOCAL BUDGET	\$ 84,840,747	\$ 87,409,066	\$ -	\$ 87,409,066	\$ 55,625,025	\$ 28,358,327	\$ 3,425,714	\$ 3,155,013	\$ 270,701	99.69%
900	Transfer to Non-Lapsing										
	GRAND TOTAL	\$ 84,840,747	\$ 87,409,066	\$ -	\$ 87,409,066	\$ 55,625,025	\$ 28,358,327	\$ 3,425,714	\$ 3,155,013	\$ 270,701	99.69%

OBJECT CODE	EXPENSE CATEGORY	2024- 2025		YTD	CURRENT BUDGET	YTD		ENCUMBER	BALANCE	ANTICIPATED OBLIGATIONS	PROJECTED BALANCE	% EXP
		EXPENDED 2023 - 2024	APPROVED BUDGET	TRANSFERS 2024- 2025		EXPENDITURE						
<u>SPECIAL REVENUES</u>												
	EXCESS COST GRANT REVENUE	EXPENDED	APPROVED	SUBMITTED	STATE ESTIMATE	STATE ESTIMATE	ESTIMATED	VARIANCE				% TO
		2023-2024	BUDGET @ 70%	Dec 1 @ 68%*	Jan 1 @ 59.96%	March 1 @ 72.8%	Total	to January Est		FEB DEPOSIT	MAY DEPOSIT	BUDGET
51266	<i>Special Education Svcs Salaries ECG</i>	\$ (48,339)	\$ (45,000)	\$ (48,934)	\$ (30,000)	\$ (12,433)	\$ (12,433)	\$ (17,567)				27.63%
	<i>Additional Services*</i>	\$ -	\$ -	\$ -	\$ -	\$ (23,156)	\$ (23,156)	\$ 23,156				
forecast	<i>Transportation Services - ECG</i>	\$ (386,778)	\$ (398,936)	\$ (371,338)	\$ (321,579)	\$ (375,632)	\$ (375,632)	\$ 54,053				94.16%
54160	<i>Tuition - Out of District ECG</i>	\$ (1,311,846)	\$ (1,133,368)	\$ (1,270,344)	\$ (1,119,340)	\$ (1,333,522)	\$ (1,333,522)	\$ 214,182				117.66%
	<i>Total</i>	\$ (1,746,963)	\$ (1,577,304)	\$ (1,690,616)	\$ (1,470,919)	\$ (1,744,743)	\$ (1,744,743)	\$ 273,824	\$ -	\$ -		110.62%
	Additional services									Total	\$ -	
	<i>Nursing (professional service)</i>					\$ (16,454)				*75% of Jan Proj		
	<i>Para Salaries</i>					\$ (6,702)						
									\$ 3,123			
	Transportation Grant for Magnet	\$ (13,000)	\$ (15,600)	\$ (13,000)			\$ (13,000)	\$ -				100.00%
	<i>(included in transportation forecast)</i>											
	<u>BOARD OF EDUCATION FEES & CHARGES - SERVICES</u>				APPROVED BUDGET	ANTICIPATED	RECEIVED	BALANCE				% RECEIVED
	LOCAL TUITION				\$33,325	\$33,325	\$24,828	\$8,497				74.50%
	HIGH SCHOOL FEES FOR PARKING PERMITS				\$30,000	\$30,000		\$30,000				0.00%
	MISCELLANEOUS FEES				\$6,000	\$6,000	\$2,404	\$3,596				40.06%
	TOTAL SCHOOL GENERATED FEES				\$69,325	\$69,325	\$27,232	\$42,093				39.28%

**Please Note: These minutes are pending Board approval.
Board of Education
Newtown, Connecticut**

Minutes of the Board of Education meeting held on March 4, 2025 at 7:00 p.m. in the Council Chambers, 3 Primrose Street, Newtown, CT.

A. Plante, Chair	A. Uberti
J. Vouros, Vice Chair (virtually)	T. Gouveia
D. Zukowski, Secretary	50 Staff
S. Tomai	1 Public
C. Gilson	1 Press
D. Linnetz	
B. Leonardi	

Mrs. Plante called the meeting to order at 7:00 p.m.

Item 1 – Pledge of Allegiance

Item 2 – Celebration of Excellence

Kim Pereira, grade 7 social studies teacher and coach for the middle school debate team, reported that in January they returned to Pennsylvania for their third trip to the Northeast Regional Model U.S. where students adopt the role of being a representative of a nation and work together in three different simulations over a three-day weekend to discuss and find solutions for global challenges both current and historical. We brought 18 middle school students this year and five were here tonight because they were honored with awards. The students are Kenneth Miller awarded best delegate for his Envoy, Karinna Feder as outstanding first year delegate, Izzy Ribiero received the four core-values award, Sal Ehrens as outstanding first year delegate, and Matthew Nesheiwat received the four core-values award. These are outstanding representatives of what middle school students are capable of accomplishing.

Mrs. Uberti thanked Ms. Pereira and congratulated the students for representing Newtown Public Schools so proudly and looks forward to their many accomplishments in the future.

MOTION: Ms. Zukowski moved to add an agenda item to discuss and possibly take action on a letter to our state officials regarding the Excess Cost Grant to be placed after Item B in New Business. Mrs. Linnetz seconded.

Mrs. Plante said this was regarding sending a letter of support to the Governor or our State delegation regarding the \$40M of funding from the Excess Cost Reimbursement Grant we think is moving forward but we may want to send a letter underscoring our support for that legislation. Motion passes unanimously.

Item 3 – Consent Agenda

MOTION: Ms. Tomai moved that the Board of Education approve the consent agenda which includes the donations to Newtown High School and the correspondence report. Mrs. Linnetz seconded. Motion passes unanimously

Item 4 – Public Participation

Item 5 – Reports

Chair Report: Mrs. Plante had no report for tonight.

Superintendent's Report: Mrs. Uberti extended her thanks to the school Board members as we recognize Board member appreciation month. She appreciates everything they do on behalf of the students and personally thanked them for their support this year. She reminded everyone

that at Thursday night's Board of Finance meeting there may be a decision on the Board of Education and Board of Selectman budgets and their final recommendation. Parents have been engaged and she urged the public to come out and share their opinions. It will be held in the community center and not in council chambers.

There were no committee or liaison reports.

Student Representatives Report:

Ms. Ihlefeld noted a new club has been created at the high school called Operation Support for Our Military. This club is dedicated to giving back to the veterans in our community. On April 10 they will hold a blanket and pillow making event in the high school to support the West Haven VA hospital. Today the College and Career Center hosted a scholarship workshop for seniors that included a presentation from the Newtown Scholarship Association. The high school cheerleading team had an incredible performance at the CIAC State Championships and the high school dance team also won the state championship and will be performing at regionals on March 15.

Mr. Jerfy reported that nine of Newtown's wrestlers qualified for state opens and Kenna Gioffre won the 120 pound division along with numerous NHS wrestlers that place in the top six. Applied Science Students Gus Osier placed first at the CT STEM Fair in the physical science proposal category. The Computer Science Honor Society is hosting a CS night for middle school students tomorrow and CSHS students will host a discussion on AI with former IBM Vice President Albert Schneider on March 11 in the lecture hall. Winter Guard and Winter Percussion are having their Home Show this Saturday at NHS.

Item 6 – New Business

Newtown Federation of Teachers Grievance Hearing:

Mrs. Plante invited Mr. Harrison and Mr. Sullivan to provide background information. Tonight the Board will consider the grievance brought by the Newtown Federation of Teachers. The evidentiary portion will be held in open session in accordance with FOIA. The Board will hear a brief overview from the union and the Superintendent will have the opportunity to respond. Once the evidentiary portion is over, the Board will recess into a non-meeting to deliberate and then will come back into public session to possibly makes a motion on the disposition of the grievance.

Trent Harrison stated he was President of the Newtown Federation of Teachers and John Sullivan stated he was Vice President of the Newtown Federation of Teachers.

Mr. Harrison provided information on this grievance which is a result of the change in the school start time schedule specifically for the K-6 schools for the 2017-2018 school year. He was a member of the committee that approved Dr. Erardi's Plan B recommendation but Dr. Erardi made changes to the plan which was approved by the Board but never shared or discussed with the committee or the NFT prior to the Board's approval. Because of this change, the K-4 elementary teachers had to take on an additional 10 minutes in the morning due to the bus drop off schedules. An MOU was agreed to between Dr. Rodrigue and the NFT that these teachers would be relieved of recess duty which were taken over by paraeducators. When these positions were cut for the 2023-24 school year, the staff taking on the additional 10 minutes in the morning were assigned recess duty. For the 2024-2025 school year, the previous superintendent offered the K-4 teachers one extra personal day with a resolution by January 1, 2025 but there was none.

The NFT filed a grievance regarding this amended plan. Mr. Harrison presented handouts to the Board which included the following:

- June 5, 2018 NFT address to the Board of Education from former NFT President, Tom Kuroski
- The Memorandum of Agreement covering K-6 classroom teachers the remainder of the 2017-2018 school year and the 2018-2019 school year which entitled the teachers to an additional personal day over what they currently receive
- Transportation lateness of buses being an issue
- An email from Dr. Rodrigue fully aware of the impact and promised to alleviate the problem
- The May 1 and May 22, 2018 Board of Education meeting minutes
- The Memorandum of Agreement in February 2024 to expire June 30, 2025.

All was good except when previous Superintendent Melillo pulled the paras out of the budget which caused the K-4 teachers to have recess duty. The NFT then grieved the K-4 teachers not receiving compensation for supervising students for ten minutes each morning for the 2024-2025 school year. Superintendent Uberti took over and we were notified that the grievance was denied on February 3, 2025. The additional 10 minutes per day comes to 4.54 days.

Mrs. Uberti acknowledged our elementary teachers and thanked them for their dedication to the students of the Newtown Public Schools. I believe you know that I hold you all in very high regard and I'm grateful for the work you do on a daily basis to support and enrich the lives of our students. This issue is a contractual one and resulted in an MOU which was dated May 24, 2018 and expired June 30, 2020. For reasons unknown to her, despite the number of years this issue has been raised and two contract negotiations since that agreement was entered into there has been no change in contract language regarding this issue. Every effort has been made on the part of the elementary principals and prior superintendents in collaboration with teachers to offset the additional 10 minutes. Other concessions were made such as not requiring elementary teachers to attend Tuesday meetings as outlined in their contract in their school and recess supervision. This issue was brought back to the table when we had to eliminate para positions, which had allowed teachers to not have recess duty. We have tried to find additional time for our elementary classroom teachers and she does not believe the 10 minutes of supervision is a violation of the contract. There are other examples of teachers doing duties during the 60 minutes of additional work time required in their contract to fulfill their workday.

Ms. Tomai asked what the contract says about how the morning time should be used.

Mrs. Uberti said there a difference in the school day and the work day. The school day for elementary teachers is 6 hours 32 minutes and the work day is seven hours 32 minutes.

Mr. Harrison noted that teachers should be in the classroom 10 minutes before students come in.

Ms. Tomai asked how long the Tuesday meetings were.

Mrs. Uberti said they were one hour at the high school and middle school.

Mr. Harrison said the contract states the Tuesday meetings are one hour after school but the elementary schools hold theirs in the morning for up to one hour.

Mrs. Uberti stated that the elementary teachers are required to attend the faculty meeting but not the others held on Tuesdays.

The Board held a non-meeting at 7:44 p.m. and returned to the chambers at 8:26 p.m.
Back 8:26 p.m.

Decision Regarding Grievance:

MOTION: Mrs. Tomai moved that the Board deny the grievance filed by the Newtown Federation of Teachers on January 17, 2025 and heard by the Board on March 4, 2025, on the grounds set forth in the Superintendent's February 3, 2025 Level Two grievance response. Mr. Gilson seconded. Motion passes unanimously.

Discussion and possible action on letter to our State officials regarding the Excess Cost Grant:
MOTION: Ms. Zukowski moved that the Board of Education approve the letter to our State officials regarding the Excess Cost Grant. Mrs. Linnetz seconded.

Mrs. Plante said our excess cost reimbursement came in lower than expected with a \$219,000 shortfall. The State Legislature passed a bill for additional \$40M in funding but the governor was going to veto it. At this time, it doesn't look like that will happen but she feels it still might be useful to send a letter in case anything additional plays out.

MOTION: Ms. Zukowski moved to amend the amendment to allow the chair to rewrite the first and last sentence. Mrs. Linnetz seconded.
Mrs. Plante then checked the news and it looked like the money would be reallocated.

Mr. Gilson advocated for expressing our voice on this issue.
Ms. Zukowski moved to rescind the amendment to give the chair license to advocate before the fact rather than after the fact.

Mrs. Linnetz was comfortable with Mrs. Plante crafting the letter.
Mrs. Plante was going to address it to the Governor and our three legislators to give our support for the \$40M for special education and not reference a specific bill and would send it tomorrow.

MOTION: Ms. Zukowski moved to rescind the amendment. Mrs. Linnetz seconded.
MOTION: Ms. Zukowski moved to amend the motion to provide our chair with the license to write a letter to our State officials representing our view in support of receiving the expected Excess Cost Grant.
Mr. Gilson seconded. Motion passes unanimously.
Vote on main motion: Passes unanimously.

Mrs. Tomai left the meeting at 8:35 p.m.

Policies for First Read:

Mrs. Linnetz noted that there were policies for first read, administrative regulations and policies to rescind upon adoption of the policies for first read.

Mrs. Plante asked the Board to send questions to the Policy Committee.
Ms. Zukowski referred to policies 4117 and 4217 regarding coach training and noted that we have policy 5141.25 about other medical emergencies and if they should all be in our plan to train coaches.

Mrs. Linnetz noted her question which would be discussed with the committee.

Ms. Zukowski referred to policy 4117 that the Board will review the emergency action plan and she doesn't know if we ever did this in the past but it means that it would have to be on our meeting schedule to personally review the plan.

Ms. Zukowski noted in section two of policy 6144 regarding students in grade eight and nine taking advanced courses.

Mrs. Uberti said the goal of this policy to provide equitable access for students to take specific classes. We adhere to this policy and through the override process anyone can take any class and no one is denied access.

Ms. Zukowski referred to policy 4152.6 regarding the Family Medical Leave eligibility for employees in all classifications and felt the two paragraphs contradict one another.

Item 7 – Old Business

MOTION: Ms. Zukowski moved that the Board of Education approve rescinding policies 1 through 9 as listed on the agenda under Item 7. Mr. Gilson seconded. Motion passes unanimously.

Minutes of February 19, 2025:

MOTION: Ms. Zukowski moved that the Board of Education approve the minutes of February 19, 2025. Mr. Leonardi seconded. Motion passes unanimously.

Item 8 – Public Participation

MOTION: Mr. Vouros moved to adjourn. Mrs. Linnetz seconded. Motion passes unanimously.

Item 9 – Adjournment

The meeting adjourned at 8:48 p.m.

Respectfully submitted:

Deborra J. Zukowski
Secretary

NOTE: On August 21, 2024, the Connecticut State Board of Education issued a Position Statement and Policy Guidance regarding Personal Technology Use in Connecticut Schools. In light of this guidance, school districts may decide to develop more specific policies or rules restricting the use of cell phones and other personal technology devices during the school day. In Newtown, those rules are set by the school and should be included in the school handbooks for easy reference. Language has been added which reflects current practice and incorporates language regarding AI. The language regarding sexting has been removed because it is covered in “Accessing or attempting to access material that is obscene, obscene as to minors or contains child sexual abuse material.”

**Series 5000
Students**

5131.81

USE OF PRIVATE TECHNOLOGY DEVICES BY STUDENTS

Students may possess privately owned technological devices on school property and/or during school-sponsored activities, in accordance with the mandates of this policy and any applicable administrative regulations as may be developed by the Superintendent of Schools.

Definitions

Board Technology Resources

For the purposes of this policy, “Board technology resources” refers to the Newtown Board of Education’s (the “Board’s”) computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources owned and/or used by the Newtown Public Schools (the “District”) and accessible by students.

Privately Owned Technological Devices

For the purposes of this policy, “privately owned technological devices” refers to privately owned desktop computers, personal computing devices, cellular phones, Smartphones, Smartwatches, network access devices, tablets, laptops, personal gaming systems, Bluetooth speakers, e-readers, and other electronic signaling devices.

Generative Artificial Intelligence

For the purposes of this policy, “generative artificial intelligence” refers to a technology system, including but not limited to ChatGPT, capable of learning patterns and relationships from data, enabling it to create content, including but not limited to text, images, audio, or video, when prompted by a user.

Use of Privately Owned Technological Devices

Privately owned technological devices may not be used during instructional time, except as specifically permitted by instructional staff or unless necessary for a student to access the District’s digital learning platform or otherwise engage in remote learning if remote learning has been authorized in accordance with applicable law.

On school property, at a school-sponsored activity, while in use for a remote learning activity if remote learning has been authorized in accordance with applicable law, or while being used to access or utilize Board technology resources, the use of any such device for an improper purpose is prohibited. Improper purposes include, but are not limited to:

- Sending any form of a harassing, threatening, or intimidating message, at any time, to the extent such communication may violate other applicable Board policy, regulation, or school rule (such communications may also be a crime);
- Gaining or seeking to gain unauthorized access to Board technology resources;
- Damaging Board technology resources;
- Accessing or attempting to access any material that is obscene, obscene as to minors, or contains child sexual abuse material;
- Cyberbullying;
- Using such privately owned device to violate any Board policy or school rule, including the unauthorized recording (photographic, video, or audio) of another individual without the permission of the individual or a school staff member;
- Using such privately owned device for the unauthorized use of generative artificial intelligence; or
- Taking any action prohibited by any Federal or State law.

Search of Privately Owned Technological Devices

A student’s privately owned technological device may be searched if the device is on Board property or in a student’s possession at a school-sponsored activity, in accordance with the applicable Board policy for search and seizure.

Responsibility for Privately Owned Technological Devices

Students are responsible for the safety and use of their privately owned technological devices. If a privately owned technological device is stolen, lost, or damaged while the device is on school property or during a school-sponsored activity, a report should be made to the building principal, who will investigate the loss, or cause it to be investigated, in a manner consistent with procedures for stolen or damaged personal property. Students and parents should be aware that the Board is not liable for any privately owned technological device that is stolen, lost, or damaged while at school or during a school-sponsored activity. For that reason, students are advised to use good judgment when deciding to bring such items to school and advised not to share or loan their privately owned technological devices with other students.

Disciplinary Action

Misuse of the Board's technology resources and/or the use of privately owned technological devices to access or utilize the Board's technology resources in an inappropriate manner or the use of such privately owned technological devices in any manner inconsistent with this policy will not be tolerated and will result in disciplinary action. For students, a violation of this policy may result in loss of access privileges, a prohibition on the use and/or possession of privately owned technological devices on school property or at school-sponsored activities, and/or suspension or expulsion in accordance with the Board's policies related to student discipline.

Access to Board Technology Resources

The Board may permit students, using their privately owned technological devices, to access the Board's computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources used by the District and accessible by students. Additionally, it is the expectation of the Board that students who access these resources while using privately owned technology devices will act at all times appropriately in ways that are fully in accord with applicable policies concerning technology use as well as all local, state, and federal laws.

Through the publication and dissemination of this policy statement and others related to use of the Board's computer systems, as well as other instructional means, the Board educates students about the Board's expectations for technology users.

The Board's technology resources shall only be used to access educational information and to promote learning activities both at home and at school. Students are expected to act at all times appropriately in ways that are fully in accord with applicable policies concerning technology use as well as all local, state, and federal laws when using the Board technology resources. Failure to do so will result in the consequences outlined herein and in other applicable policies (including, but not limited to, the Student Discipline Policy and the Student Use of the District's Computer Systems Policy).

Students must abide by the procedures outlined in this policy and all policies and applicable regulations outlined in the Board's computer use and other applicable policies. Students will be given specific information for log-on and access procedures for using school accounts. No user may deviate from these log-on/access procedures. **Students are advised that the Board's network administrators have the capability to identify users and/or to monitor all privately owned technological devices while they are logged on to the network.** Students must understand that the Board has reserved the right to conduct monitoring of Board technology resources and can do so *despite* the assignment to individual users of passwords for system security. Any password systems implemented by the Board are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user. The system's security aspects, message delete function and personal passwords can be bypassed for monitoring purposes. **Therefore, students should be aware that they should not have any expectation of personal privacy in the use of privately owned technological devices to access Board technology resources. This provision applies to any and all uses of the Board's technology resources and any privately owned technological devices that access the same.**

Harm to Board Technology Resources

Any act by a student using a privately owned technological device that harms the Board technology resources or otherwise interferes with or compromises the integrity of Board technology resources will be considered vandalism and will be subject to discipline and/or appropriate criminal or civil action.

Closed Forum

This policy shall not be construed to establish a public forum or a limited open forum.

Legal References:

Conn. Gen. Stat. § 10-233j

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. §§ 53a-182b; 53a-183; 53a-250 *et seq.*

Electronic Communications Privacy Act of 1986, 28 U.S.C. §§ 2510 through 2523

New Jersey v. T.L.O., 469 U.S. 325 (1985)

ADOPTED: _____

REVISED: _____
10/22/24

Students

**POLICY REGARDING TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 -
PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT
(STUDENTS)**

It is the policy of the Newtown Board of Education (the “Board”) for the Newtown Public Schools (the “District”) that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”) and Connecticut law not to discriminate in such a manner. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of students, employees and third parties. Any student or employee who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including expulsion or termination, respectively.

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

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX and Connecticut law (the “Administrative Regulations”).

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

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

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

Sexual harassment under Connecticut law means conduct in a school setting 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.

Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Students are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner. The Board further directs its employees to maintain confidentiality to the extent appropriate and not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination and/or sexual harassment. Any such reprisals or retaliation will result in disciplinary action against the retaliator, up to and including expulsion or termination as appropriate.

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

The Newtown Public Schools administration (the “Administration”) shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), which training shall include but need not be limited to, the definitions of sex discrimination and sexual harassment, the scope of the Board’s education program and activity, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board’s website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX and Connecticut law, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to staff, students and parents and legal guardians and make the Policy and the Administrative Regulations available on the Board’s website to promote an environment free of sex discrimination and sexual harassment.

The Board’s Title IX Coordinator is:

Frank Purcaro
Assistant Superintendent
3 Primrose Street Newtown, CT 06470
Telephone: 203-426-7617
purcarof@newtown.k12.ct.us

Any Board employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. Students may also make a report of sexual harassment and/or sex discrimination to

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

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

Legal References: 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)

Conn. Gen. Stat. § 10-15c - Discrimination in public schools prohibited.

ADOPTED: _____

REVISED: _____

7/15/2021

**ADMINISTRATIVE REGULATIONS REGARDING
TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 - PROHIBITION OF SEX
DISCRIMINATION AND SEXUAL HARASSMENT (STUDENTS)**

It is the policy of the Newtown Board of Education (the “Board”) for the Newtown Public Schools (“the District”) that any form of sex discrimination or sexual harassment is prohibited, whether by students, District employees or third parties subject to substantial control by the Board. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. Any student or employee who engages in conduct prohibited by the Board’s Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board’s Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) shall be subject to remedial measures, which may include exclusion from school property.

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

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

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

Sexual harassment under Connecticut law means conduct in a school setting 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.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students):

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 the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students).

NOTICE OF THE TITLE IX COORDINATOR

The District's Title IX Coordinator is: Frank Purcaro
Assistant Superintendent
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purcarof@newtown.k12.ct.us

Any District employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. The Title IX Coordinator manages the District's compliance with Title IX and Connecticut law regarding sexual harassment and sex discrimination and is an available resource

to anyone seeking information or wishing to file a formal complaint of same. When a student, District employee, or other participant in the District's programs and activities feels that such person has been subjected to discrimination on the basis of sex in any District program or activity, including without limitation being subjected to sexual harassment, such person may contact the Title IX Coordinator or utilize the Title IX grievance systems set forth herein to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems: a grievance process for complaints of sex discrimination involving allegations of sexual harassment and grievance procedures for complaints of sex discrimination that are not sexual harassment. Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the **grievance process** set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these regulations.

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

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

SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT UNDER TITLE IX

A. Definitions

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

- A conflict of interest occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as “affirmative consent”).

For the purposes of an investigation conducted pursuant to these Administrative Regulations, the following principles shall be applied in determining whether consent for sexual activity was given and/or sustained:

- A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
 - B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
 - C. It is the responsibility of each person engaging in a sexual activity to ensure that the person has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
 - D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:
 - (i) because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant consented, or
 - (ii) if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
 - E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of consent.
- For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.
 - Employee means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse,

physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of the individual's duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

- **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined under Title IX) against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A "document filed by a complainant" means a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- **School days** means the days that school is in session as designated on the calendar posted on the Board's website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as "school days" if such designation facilitates the prompt resolution of the grievance process.
- **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

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

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

C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the formal complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a formal complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.
3. Upon receipt of a formal complaint, if the Title IX Coordinator has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide such supportive measures.
4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual

harassment under Title IX and a copy of this grievance process. The written notice must also include the following:

- i. The identities of the parties involved in the incident, if known;
- ii. The conduct allegedly constituting sexual harassment as defined above;
- iii. The date and the location of the alleged incident, if known;
- iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- vi. A statement of any provision in the District's Student Discipline Policy or any other policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the written notice, the District must provide notice of the additional allegations to the parties whose identities are known.

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert

witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a witness), written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this Subsection.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.
10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the formal complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the formal complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.
11. The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural

steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.

12. Student respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.
13. After receiving notification of the decision-maker's decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Subsection E of this Section.

D. Informal Resolution

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

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

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

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

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

E. Appeal Process

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

Appeals will be appropriate only in the following circumstances:

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

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

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

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

F. Dismissal of a Formal Complaint

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

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

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

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

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

Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence or illness of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about 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, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title

IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.

3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
4. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.
5. The District will maintain for a period of seven (7) years records of:
 - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
 - ii. Any appeal and the result therefrom;
 - iii. Any informal resolution and the result therefrom; and
 - iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

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

SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX)

A. Definitions

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

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

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

C. Grievance Procedures

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

1. The complaint should state the:
 - i. Name of the complainant;
 - ii. Date of the complaint;
 - iii. Date(s) of the alleged discrimination;
 - iv. Name(s) of the discriminator(s);
 - v. Location where such discrimination occurred;
 - vi. Names of any witness(es) to the discrimination;
 - vii. Detailed statement of the circumstances constituting the alleged discrimination; and

viii. Remedy requested.

2. Any student who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure. 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.
3. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
4. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against a student, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
5. 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 the student's personally identifiable information not be shared with the alleged discriminator(s), the student will be informed that the District's ability to investigate and/or take corrective action may be limited.
6. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
 - i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
 - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;

- iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
- iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
- v. consider whether alleged sex discrimination has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;
- vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and
- vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed

appropriate by the Superintendent or designee, and take steps to remedy the effects of the sex discrimination.

7. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.
8. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, the complainant or respondent may file a written appeal within five (5) school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the investigation, to the Superintendent of Schools. The Title IX Coordinator or Superintendent shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

E. Miscellaneous

1. 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, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
3. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten,

coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Section III. Further Reporting

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

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

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

1/17/2022

Appendix A

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

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

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

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

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

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

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

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

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

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

**Series
5000
Students**

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

This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

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

Detailed statement of the circumstances constituting the alleged sexual harassment

Remedy requested _____

Signature of Complainant or Title IX Coordinator: _____

Series
5000
Students

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

This complaint form should be used for complaints of sex discrimination as defined on page 1 of the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

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

Detailed statement of the circumstances constituting the alleged sex discrimination

Remedy requested _____

Signature: _____

*SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF STUDENT/STUDENT
SEXUAL HARASSMENT
[LETTERHEAD]*

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX
AND NOTICE OF BULLYING INVESTIGATION UNDER CONN. GEN. STAT. § 10-222d

In accordance with the Board’s Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students), a formal complaint of sexual harassment has been filed with or signed by the Title IX Coordinator. The formal complaint shall also be considered a written report of suspected bullying under the Board’s Bullying Prevention and Intervention Policy and Connecticut General Statutes § 10-222d. As such, a bullying investigation pursuant to the foregoing policy and statute will be conducted as part of the Title IX grievance process. This notice shall serve as notification that an investigation of alleged Title IX sexual harassment and bullying has commenced. Please be advised that students are entitled to different and additional procedural rights under the Title IX grievance process than under the Board’s Bullying Prevention and Intervention Policy.

Identities of the parties involved, if known:

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

The conduct allegedly constituting sexual harassment and bullying:

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

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

Procedural Rights Under Title IX:

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

- All parties involved in the Title IX grievance process may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board’s Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students).

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

A copy of the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) and the Board's Bullying Prevention and Intervention Policy is included with this notice.

1/26/2022

*SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF STUDENT/EMPLOYEE
SEXUAL HARASSMENT
[LETTERHEAD]*

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

In accordance with the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students), a formal complaint of sexual harassment has been filed with or signed by the Title IX Coordinator.

Identities of the parties involved, if known:

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

The conduct allegedly constituting sexual harassment:

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

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

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

All parties involved may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students).

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

A copy of the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) is included with this notice.

1/26/2022

**POLICY REGARDING PROHIBITION OF SEX DISCRIMINATION
AND SEXUAL HARASSMENT IN THE WORKPLACE (PERSONNEL)**

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

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

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

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

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

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

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

Sexual harassment under Title VII and Connecticut law means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Employees are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner. Violations of this Policy by employees will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this Policy and illegal under state and federal law.

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or

the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

The Newtown Public Schools administration (the “Administration”) shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), which training shall include, but need not be limited to, the definition of sex discrimination and sexual harassment, the scope of the Board’s education program and activity, how to conduct an investigation and implement the grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board’s website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX, Title VII, and Connecticut law, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to employees, union representatives, students, parents and legal guardians and make the Policy and the Administrative Regulations available on the Board’s website to promote an environment free of sex discrimination and sexual harassment.

The Board’s Title IX Coordinator is

Frank Purcaro
Assistant Superintendent
3 Primrose Street Newtown, CT 06470
Telephone: 203-426-7617
purcarof@newtown.k12.ct.us

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

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

Legal References:

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).

Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990.

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

Title IX of the Education Amendments of 1972, 34 CFR § 106, et seq.

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Conn. Gen. Stat. § 46a-54 - Commission powers Connecticut

Conn. Gen. Stat. § 46a-60 - Discriminatory employment practices prohibited.

Conn. Gen. Stat. § 46a-81c - Sexual orientation discrimination: Employment

Conn. Gen. Stat. § 10-153 - Discrimination on the basis of sex, gender identity or expression or marital status prohibited

Conn. Agencies Regs. §§ 46a-54-200 through § 46a-54-207

ADOPTED: _____

REVISED: _____

7/30/2021

**ADMINISTRATIVE REGULATIONS REGARDING
THE PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT
(PERSONNEL)**

It is the policy of the Newtown Board of Education (the “Board”) for the Newtown Public Schools (the “District”) that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

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

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

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

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

Sexual harassment under Title VII and Connecticut law means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

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

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

NOTICE OF THE TITLE IX COORDINATOR

The District's Title IX Coordinator is

Frank Purcaro
Assistant Superintendent
3 Primrose Street Newtown, CT 06470
Telephone: 203-426-7617
purcarof@newtown.k12.ct.us

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

EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems: a grievance process for complaints of sex discrimination involving allegations of sexual harassment and grievance procedures for complaints of sex discrimination that are not sexual harassment. Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the **grievance process** set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these regulations.

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

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

SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT UNDER TITLE IX

A. Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as “affirmative consent”).

For the purposes of an investigation conducted pursuant to these Administrative Regulations, the following principles shall be applied in determining whether consent for sexual activity was given and/or sustained:

- A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
 - B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
 - C. It is the responsibility of each person engaging in sexual activity to ensure that the person has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
 - D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:
 - (i) because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant affirmatively consented, or
 - (ii) if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
 - E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of consent.
- For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

- **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of the individual’s duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.
- **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined under Title IX) against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- **School days** means the days that school is in session as designated on the calendar posted on the Board’s website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as “school days” if such designation facilitates the prompt resolution of the grievance process.
- **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

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

respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator will explain to the complainant the process for doing so.

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

C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the formal complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a formal complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.
3. Upon receipt of a formal complaint, if the Title IX Coordinator has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the

complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide such supportive measures.

4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment under Title IX and a copy of this grievance process. The written notice must also include the following:
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual harassment as defined above;
 - iii. The date and the location of the alleged incident, if known;
 - iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
 - vi. A statement of any provision in the District's policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the written notice, the District must provide notice of the additional allegations to the parties whose identities are known.

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a

witness) written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this Subsection.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.
10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the formal complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the formal complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.
11. The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the

determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.

12. Student respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.

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

D. Informal Resolution

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

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

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

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

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

E. Appeal Process

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

Appeals will be appropriate only in the following circumstances:

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

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

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

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

F. Dismissal of a Formal Complaint

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

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

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

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

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

G. Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence or illness of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of

serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

4. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.
5. The District will maintain for a period of seven (7) years records of:
 - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
 - ii. Any appeal and the result therefrom;
 - iii. Any informal resolution and the result therefrom; and
 - iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

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

SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX)

A. Definitions

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

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

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

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

C. Grievance Procedures

1. As soon as an employee feels that the employee has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Title VII or Connecticut law), the employee should make a written complaint to the Title IX Coordinator or to the building principal, or designee. The employee will be provided a copy of the Board's Policy and Administrative Regulations and made aware of the employee's rights under this Policy and Administrative Regulations. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. The complaint should state the:
 - i. Name of the complainant;
 - ii. Date of the complaint;
 - iii. Date(s) of the alleged discrimination;
 - iv. Name(s) of the discriminator(s);
 - v. Location where such discrimination occurred;
 - vi. Names of any witness(es) to the discrimination;
 - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
 - viii. Remedy requested.
3. Any employee who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.

4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against an employee, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
6. Any employee who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the employee requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the employee insists that this information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
 - i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
 - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
 - iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
 - iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;

- v. consider whether alleged sex discrimination has created a hostile work environment, including consideration of the effects of off-campus conduct on the school;
 - vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and
 - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or designee, and take steps to remedy the effects of the sex discrimination.
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.
 9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, the complainant or respondent may file a written appeal within five (5) school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the investigation, to the Superintendent of Schools. The Title IX Coordinator or Superintendent shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

D. Miscellaneous

1. If a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator,

etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.

2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
3. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Section III. Further Reporting

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

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

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

1/17/2022

Appendix A

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

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

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

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

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

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

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

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

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

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

**Series 4000
Personnel**

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

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

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

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

Detailed statement of the circumstances constituting the alleged sexual harassment

Remedy requested _____

Signature of Complainant or Title IX Coordinator: _____
11/23/2020

**Series 4000
Personnel**

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

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

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

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

Detailed statement of the circumstances constituting the alleged sex discrimination

Remedy requested _____

Signature: _____

11/23/2020

SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT
[LETTERHEAD]

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

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

Identities of the parties involved, if known:

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

The conduct allegedly constituting sexual harassment: _____

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

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

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

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

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

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

11/23/2020

*SAMPLE WRITTEN NOTICE FOR THE INFORMAL RESOLUTION PROCESS FOR
SEXUAL HARASSMENT COMPLAINTS*

[LETTERHEAD]

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

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

The conduct allegedly constituting sexual harassment: _____

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

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

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

I voluntarily consent to the informal resolution process:

Complainant

Date

Respondent
11/23/2020

Date

[Note: Although we have included this sample notice in our model policy documents for the convenience of our Board of Education clients, the notice does not need to be approved as a Board policy.]

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

**SEXUAL HARASSMENT IS ILLEGAL
AND IS PROHIBITED
BY
THE CONNECTICUT DISCRIMINATION EMPLOYMENT PRACTICES ACT
(Section 46a-60(a)(8) of the Connecticut General Statutes)
AND
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
(42 United States Code Section 2000e et seq.)**

SEXUAL HARASSMENT MEANS ANY UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS OR ANY CONDUCT OF A SEXUAL NATURE WHEN:

1. SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;
2. SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR
3. SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT.

EXAMPLES OF SEXUAL HARASSMENT INCLUDE:

UNWELCOME SEXUAL ADVANCES
SUGGESTIVE OR LEWD REMARKS
UNWANTED HUGS, TOUCHES, KISSES
REQUESTS FOR SEXUAL FAVORS
RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT
DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS, OR DRAWINGS.

REMEDIES FOR SEXUAL HARASSMENT MAY INCLUDE:

CEASE AND DESIST ORDERS
BACK PAY
COMPENSATORY DAMAGES
PUNITIVE DAMAGES
HIRING, PROMOTION, OR REINSTATEMENT

RETALIATION AGAINST ANY EMPLOYEE FOR COMPLAINING ABOUT SEXUAL HARASSMENT IS PROHIBITED UNDER THIS POLICY AND ILLEGAL.

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

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

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

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

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

AND/ OR:

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

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

9/24/20

**POLICY AND ADMINISTRATIVE REGULATIONS REGARDING
NON-DISCRIMINATION (COMMUNITY MEMBERS)**

Protected Class Discrimination Prohibited:

It is the policy of the Newtown Board of Education (the “Board”) that any form of discrimination or harassment on the basis of race, religion, color, national origin, ancestry, alienage, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”) is prohibited in the Newtown Public Schools (the “District”), whether by students, Board employees, Board members or third parties subject to the control of the Board, subject to the conditions and limitations established by law. The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics, school-sponsored activities, as well as the District website. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

Definitions:

The following definitions apply for purposes of this policy:

A. **Discrimination:** Discrimination in violation of this policy occurs when an individual is denied participation in, or the benefits of, a program or activity of the Board because of such individual's actual or perceived membership in a Protected Class.

B. **Harassment:** Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit an individual's ability to participate in or benefit from the services, activities, or opportunities offered by the District.

The following non-exhaustive list provides examples of the types of prohibited conduct that may be considered Protected Class harassment that can lead to a hostile environment:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- other words or phrases considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to involve intent to harm, be directed toward a specific person, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board policy. For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator at:

Frank Purcaro
Assistant Superintendent
3 Primrose Street Newtown, CT 06470
Telephone: 203-426-7617
purcarof@newtown.k12.ct.us

C. Gender identity or expression: Gender identity or expression refers to a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

D. Sexual orientation: Sexual orientation refers to a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (i) may have previously expressed, or (ii) is perceived by another person to hold.

E. Veteran: A veteran is any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from active service in the United States Army, Navy, Marine Corps, Coast Guard, Air Force, and Space Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (i) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (ii) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (iii) a determination that sexual orientation, gender identity or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

F. Race: The term race is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. "Protective hairstyles" includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

G. Domestic violence: Domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends,

relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

Alleged Discrimination/Harassment of Students or Employees:

Complaints of alleged discrimination and/or harassment of students and/or employees will be investigated in accordance with the non-discrimination policies applicable to students and/or personnel respectively. Complaints pertaining to specific forms of discrimination and/or harassment, such as sexual harassment or disability-based harassment, have specific policies and procedures applicable to these forms of harassment and will be investigated in accordance with the specific procedures for such issues. If a complaint involves allegations of discrimination or harassment of an employee or of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 4118.112/4218.112, Policy Regarding Prohibition of Sex Discrimination, Including Sex-Based Harassment (Personnel), or Policy 5145.5. Policy Regarding Prohibition of Sex Discrimination, Including Sex-Based Harassment (Students). Complaints involving allegations of discrimination or harassment of an employee or of a student based on disability will be addressed in accordance with the procedures set forth in Board Policy 4118.112/4218.112, Section 504/ADA (Personnel), or Board Policy 5145.4, Section 504/ADA (Students).

Alleged Discrimination/Harassment of Community Members on the Basis of Sex:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) on the basis of sex, sexual orientation, pregnancy, or gender identity or expression, the complaint shall be referred to the District's Title IX Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Alleged Discrimination/Harassment of Community Members on the Basis of Disability:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee)

based on disability, the complaint shall be referred to the District's Section 504/ADA Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Reporting to District Officials:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.

Any individual who believes a community member has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to the Assistant Superintendent in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Community, which accompany this policy, and are available online at <https://www.newtownpolicies.org/>. or upon request from the main office of any District school.

Reporting to State and Federal Agencies:

In addition to reporting to District officials in accordance with this policy, individuals also may file a complaint with the following agencies:

Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
(617-289-0111)
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Equal Employment Opportunity Commission (employees only):

Equal Employment Opportunity Commission, Boston Area Office
John F. Kennedy Federal Building
475 Government Center

Boston, MA 02203
(800-669-4000)

Questions/Requests for Accommodation:

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who:

1. has questions or concerns about this policy or its accompanying regulations;
OR
2. wishes to request or discuss accommodations based on religion; OR
3. who would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment:

may contact any District administrator or the following District official:

Frank Purcaro
Assistant Superintendent
3 Primrose Street Newtown, CT 06470
Telephone: 203-426-7617
purcarof@newtown.k12.ct.us

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity or expression, sexual orientation or pregnancy may contact the District's Title IX Coordinator:

Frank Purcaro
Assistant Superintendent
3 Primrose Street Newtown, CT 06470
Telephone: 203-426-7617
purcarof@newtown.k12.ct.us

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the District's Section 504/ADA Coordinator:

Frank Purcaro
Assistant Superintendent
3 Primrose Street Newtown, CT 06470
Telephone: 203-426-7617
purcarof@newtown.k12.ct.us

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

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

Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905

Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.

Americans with Disabilities Act, 42 U.S.C. § 12101

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794

Connecticut General Statutes § 1-1n, “Gender Identity or Expression”
defined

Connecticut General Statutes § 27-103

Connecticut General Statutes § 46a-51, Definitions

Connecticut General Statutes § 46a-58, Deprivation of rights

Connecticut Fair Employment Practices Act, Connecticut General
Statutes § 46a-60

Connecticut General Statutes § 46a-81c, Sexual orientation
discrimination: Employment

Connecticut General Statutes § 46b-1, Family relations matters and
domestic violence defined

Public Act No. 23-145, “An Act Revising the State’s Antidiscrimination
Statutes”

ADOPTED: _____

REVISED: _____

9/11/2024

ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (COMMUNITY MEMBERS)

Protected Class Discrimination Prohibited:

It is the policy of the Newtown Board of Education (the “Board”) that any form of discrimination or harassment on the basis of race, religion, color, national origin, ancestry, alienage, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”) is prohibited in the Newtown Public Schools (the “District”), whether by students, Board employees, Board members or third parties subject to the control of the Board, subject to the conditions and limitations established by law. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of Protected Class harassment or discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

The following non-exhaustive list provides examples of the types of prohibited conduct that may be considered Protected Class harassment that can lead to a hostile environment:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- other words or phrases considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to involve intent to harm, be directed toward a specific person, or involve repeated incidents.

Alleged Discrimination/Harassment of Students or Employees:

Complaints of alleged discrimination and/or harassment of students and/or personnel will be investigated in accordance with the non-discrimination policies applicable to students and/or personnel respectively. Complaints pertaining to specific forms of discrimination and/or harassment, such as sexual harassment or disability-based harassment, have specific policies and procedures applicable to these forms of harassment and will be investigated in accordance with the specific procedures for such issues. If a complaint involves allegations of discrimination or harassment of a student or an employee based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 4118.112/4218.112, Prohibition of Sex Discrimination, Including Sex-Based Harassment (Personnel), or Policy 5145.5, Policy Regarding Prohibition of Sex Discrimination, Including Sex-Based Harassment (Students). Complaints involving allegations of discrimination or harassment of a student or an employee based on disability will be addressed in accordance with the procedures set forth in Board Policy 4118.112/4218.112 Section 504/ADA (Personnel), or Board Policy 5145.5, Section 504/ADA (Students).

Alleged Discrimination/Harassment of Community Members on the Basis of Sex:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g. an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) on the basis of sex, sexual orientation, pregnancy, or gender identity or expression, the complaint shall be referred to the District's Title IX Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Alleged Discrimination/Harassment of Community Members on the Basis of Disability:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) based on disability, the complaint shall be referred to the District's Section 504/ADA Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Reporting to District Officials:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment, or retaliation.

Any individual who believes that they, or another individual, has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing to Frank Purcaro, Assistant Superintendent, 3 Primrose Street Newtown, CT 06470, Telephone: 203-426-7617, purcarof@newtown.k12.ct.us in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Community.

Complaint Procedure:

Preferably, complaints should be filed within thirty (30) calendar days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The District will investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

As soon as an individual feels that they, or another individual, has been subjected to Protected Class discrimination or harassment, the individual should make a written complaint to the Superintendent or designee.

The individual who is alleged have experienced Protected Class discrimination/harassment (the "complainant") and any individual accused of Protected Class discrimination/harassment (the "respondent") (if applicable) will be provided a copy of the Board's policy and regulation and made aware of the individual's rights under this policy and regulation. In the event reported conduct allegedly violates more than one policy, the Board will coordinate an investigation in compliance with the applicable policies, laws and regulations.

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. Proposed remedy.

Any individual who makes an oral complaint of discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If an individual is unable to make a written complaint, the employee receiving the oral complaint will either reduce the complaint to writing, assist the individual with completing the written complaint form, or request the assistance of a District administrator to do so.

All complaints received by employees are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) under this complaint procedure, the Superintendent shall promptly investigate the complaint, or designate a District administrator or other trained individual to do so. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the reporter (if different from the complainant), the respondent and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, as determined by the investigator.

Upon receipt of a written complaint of discrimination or harassment of a community member, the investigator should:

1. Offer to meet with the complainant and respondent (if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended

based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;

2. Provide the complainant and respondent (if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (e.g., "Consequences were imposed.").
7. Communicate the outcome of the investigation in writing to the complainant and respondent (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant and respondent (if any) shall be notified of any extension of the investigation timeline. 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;
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of employees and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent (if any) will receive notice and interim measures may be implemented as necessary;

9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination or harassment. Corrective action should include steps designed to avoid continuing discrimination or harassment;
10. After receiving the written notice of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent challenging the outcome of the investigation and explaining the basis for appeal. Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee. The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the investigation. The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all written statements from the parties.

Complaint Procedure for Superintendent/Board Member Complaints:

Any district administrator or Board member who receives a complaint of discrimination, harassment or retaliation of a community member by a Board Member and/or the Superintendent shall forward the complaint promptly to the Assistant Superintendent. Complaints pertaining to the Superintendent or Board of Education members will be forwarded to the Chair of the Board of Education. Complaints pertaining to the Board Chair will be forwarded to the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the procedures described above.

If a complainant or a respondent is not satisfied with the findings and conclusions of an investigation in which the Superintendent or a member of the Board is the respondent, within (30) calendar days of receiving the findings such party may present the complaint and written outcome to the Board Chair (or, if initially presented by the Board Chair, the Board Vice Chair), who will take appropriate steps to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation. Such steps may include retention of an investigator different from the investigator who investigated the complaint.

Remedial Action:

If the District makes a finding of discrimination, harassment or retaliation of a community member, the District will take remedial action designed to:

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- D. Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
- E. Supports for the complainant; and
- F. Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

Staff Development:

The District will periodically provide staff development for District administrators and periodically distribute the Board's Non-Discrimination policies and the implementing administrative regulations to staff, students and parents in an effort to maintain an environment free of discrimination and harassment.

Reporting to State and Federal Agencies:

In addition to reporting to District officials in accordance with this policy, individuals also may file a complaint with the following agencies:

Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109- 3921
(617-289-0111)
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800-669-4000)

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Questions/Requests for Accommodation:

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who:

1. has questions or concerns about this policy or its accompanying regulations;
OR
2. wishes to request or discuss accommodations based on religion; OR
3. who would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination or harassment:

may contact any building administrator or the following District official:

Frank Purcaro
Assistant Superintendent
3 Primrose Street Newtown, CT 06470
Telephone: 203-426-7617
purcarof@newtown.k12.ct.us

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity or expression, sexual orientation or pregnancy may contact the District's Title IX Coordinator:

Frank Purcaro
Assistant Superintendent
3 Primrose Street Newtown, CT 06470
Telephone: 203-426-7617
purcarof@newtown.k12.ct.us

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the District's Section 504/ADA Coordinator:

Frank Purcaro
Assistant Superintendent
3 Primrose Street Newtown, CT 06470
Telephone: 203-426-7617
purcarof@newtown.k12.ct.us

9/11/2024

DISCRIMINATION/HARASSMENT COMPLAINT FORM

(For complaints based on race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, or status as a victim of domestic violence)

Name of the reporter _____

Relationship of reporter to the District _____

Name of the complainant/victim _____

Relationship of complainant/victim to the District _____

Date of the complaint _____

Date of the discrimination/harassment _____

Name or names of the discriminator(s) or harasser(s) _____

Location where such discrimination/harassment occurred _____

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

Detailed statement of the circumstances constituting the alleged discrimination or harassment _____

Proposed remedy: _____

9/11/2024