





**D. Eligibility Determination:**

*A student is eligible to receive services and/or accommodations under Section 504 if it is determined that the student has a physical or mental impairment that substantially limits one or more major life activities. The team must consider a variety of sources when determining whether a student has such impairment.*

1. What sources of information are available at this time? *Check all that apply (Include relevant dates and names of evaluators, where appropriate.)*

- School records review (dated) \_\_\_\_\_  Observations of student (dated) \_\_\_\_\_
- Grades & report card review (dated) \_\_\_\_\_  Teacher reports (dated) \_\_\_\_\_
- Parent and/or student report (dated) \_\_\_\_\_  Informal assessments (dated) \_\_\_\_\_
- Medical information (dated) \_\_\_\_\_  Nursing Assessment (dated) \_\_\_\_\_
- Standardized testing (dated) \_\_\_\_\_  Parent/Student Interviews (dated) \_\_\_\_\_
- Checklists/behavior rating scales (dated) \_\_\_\_\_
- Other (dated) \_\_\_\_\_

2. Is current available information sufficient to make the determination of the presence of a physical or mental impairment that substantially limits a major life activity?

- Yes If "YES," continue to number 3 below.
- No If "No," Specify the type of additional information that is needed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

➤ If the team determines additional information is necessary and the information to be obtained includes testing, team must obtain parent consent on *Consent for Section 504 Evaluation* form; tests/evaluations recommended by the team shall be conducted at District expense. Parent may wish to provide outside evaluation and/or testing information from a qualified provider to be considered by the team; such evaluations and/or testing shall be at Parent expense. The District shall consider such outside information at team meeting, and must determine whether the information provided by the Parent meets the District's standards for evaluators and evaluations. If it is necessary to communicate with outside providers, the District must obtain a release to communicate with professionals outside of district. Once needed information is gathered, a 504 meeting will be reconvened to continue the process of determining eligibility.

3. Does the student have one or more physical or mental impairments?

*A "physical or mental impairment" means (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine or (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.*





NO             YES

If “**NO**”: If no physical or mental impairment exists, the student is not identified as an individual with a disability. Go to **Section E** of this form.

If “**YES**”: What are the impairments? *Please describe as recognized in DSM-5 or other respected source, if possible, if not excluded under Section 504/ADA (e.g., illegal drug use).*

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- **Attach all supporting documentation to this form. A statement of “YES” without supporting documentation is insufficient to meet this standard.**
  - **If the team determines that the student is identified as having one or more physical or mental impairments, continue to the next page to determine whether there is a substantial limitation to one or more major life activities.**

4. Does the identified impairment substantially limit one or more major life activities? Please describe degree of limitation as compared to other students. *Ask: Is the impairment impacting one or more major life activities? Which ones? How is one or more major life activity impacted? What is the impact at school?*

*A “major life activity” includes, but is not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, or working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, or reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.*

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## 5. Mitigating Measures:

In determining eligibility, the team must consider the impact of the disability without consideration of the ameliorative effects of any “mitigating measures” that the student may be using. For example, if the student is currently using a hearing aid, did the team consider whether the student would have a physical or mental impairment that substantially limits a major life activity if the student were not using the hearing aid?

Therefore, with respect to this student, did the team consider the impact of the disability on a major life activity without the potential impact of mitigating measures (except eyeglasses or contact lenses)?

Yes       No

*Mitigating measures include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.*

**Please include any information relevant to consideration of mitigating measures:**



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**E. Does the student have a disability under Section 504?**

1. Does the student have one or more **physical or mental impairments**?  No  
 Yes

2. Does the physical or mental impairment **substantially limit** one or more Major Life Activity?  No  Yes

*Both questions must be answered YES, based on the preceding review of evaluative data, in order to determine that the student has a disability under Section 504 of the Rehabilitation Act.*

3. Based on the answers to #1 and #2 above, does the student have a disability? under Section 504?

No

Yes

*If the answer to #3 is "No," skip to Section I. If the answer to #3 is "Yes," continue to Section F.*

**F. Does the student require a Section 504 Plan in order to provide the student with a free appropriate public education and access to the school's programs (e.g. curriculum, extra-curricular activities, facilities, etc.)?**

No

Yes

*If "Yes," the team must develop a Section 504 Plan.*

**G. Is this a re-evaluation (i.e. review of current plan/status) before a significant change in placement (e.g., review of new information)?**

No  Yes *[If "NO," skip to Section H]*

1. What is the anticipated significant change of placement?

- New information received about the student, the impairment or current placement
- Graduation
- Change in program due to Disciplinary Action
- Other (specify) \_\_\_\_\_

Please describe the updated information considered by the team in conducting the reevaluation.

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If additional information, individualized testing and/or evaluations are necessary to determine continued eligibility and/or what is needed in the Student's Section 504 Plan to provide FAPE, please indicate.

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Recorder

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Title





*[This form is intended to be used if a parent or guardian or student 18 years of age or older wishes to pursue mediation or an impartial hearing with respect to the identification, evaluation, or educational placement of the student. It is not intended to be used a general complaint or grievance form for all parties eligible under Section 504].*

**Section 504 Request for Mediation/Hearing**

*This form is intended to be used if a parent or guardian or student 18 years of age or older wishes to pursue mediation or an impartial hearing with respect to the identification, evaluation, or educational placement of the student.*

Name of person requesting mediation/hearing: \_\_\_\_\_

Relationship to student: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

E-mail: \_\_\_\_\_

I/we request a **MEDIATION** / **HEARING** (please circle) concerning:  
\_\_\_\_\_, \_\_\_\_\_, who resides at  
(Name of student) (Date of birth)

\_\_\_\_\_ and attends \_\_\_\_\_.  
(Address of student) (Name of school)

The date of the Section 504 meeting at which the parties failed to reach agreement: \_\_\_\_\_

Description of the issues in dispute between the parties regarding the identification, evaluation or educational placement of the student:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed resolution or corrective action you wish to see taken with regard to the stated issues:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date



**SECTION 504/ADA DISCRIMINATION  
GRIEVANCE/COMPLAINT FORM FOR ISSUES REGARDING STUDENTS**

*This form is intended to be used if an individual has grievance/complaint under Section 504/ADA alleging discrimination on the basis of a disability, including in the identification, evaluation or educational placement of a student.*

1. Name of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

2. Contact Information for Complainant:

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Home Tel. #)

\_\_\_\_\_  
(Cell # or Work #)

\_\_\_\_\_  
(E-mail)

3. Name of the Student: \_\_\_\_\_

4. Address of Student (if different from above):

\_\_\_\_\_  
\_\_\_\_\_

5. Age/Grade Level/School/ (if applicable):

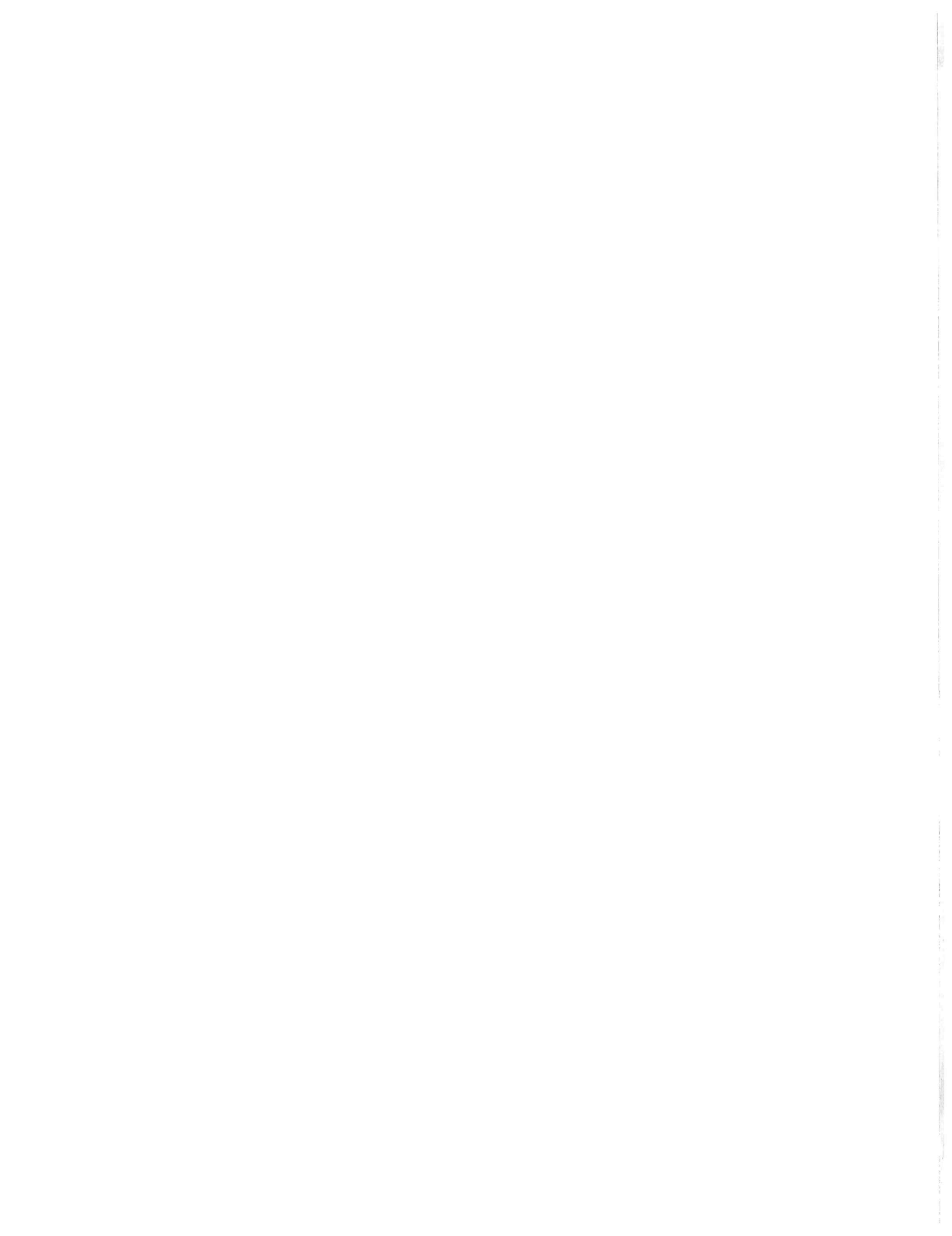
\_\_\_\_\_

6. Please describe the nature of your complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Proposed resolution or corrective action you wish to see taken with regard to the stated issues:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**NEW MILFORD PUBLIC SCHOOLS  
 AGREEMENT TO CHANGE SECTION 504 PLAN WITHOUT CONVENING  
 A SECTION 504 MEETING**

Student: \_\_\_\_\_ DOB: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_ 504 Plan Being Changed: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

We agree to make the changes to the student’s Section 504 Plan as described in the documents specified below and which are attached to this agreement. We understand that these changes were not made at a Section 504 meeting. We agree only to the changes described in the attached documents. We understand that this agreement is optional and that a parent/guardian can request a Section 504 meeting at any time to review the Section 504 Plan. We understand that this agreement can be made only if the changes are not part of an Annual Review of the student’s program.

\_\_\_\_\_  
 Parent/Guardian Signature

\_\_\_\_\_  
 Date

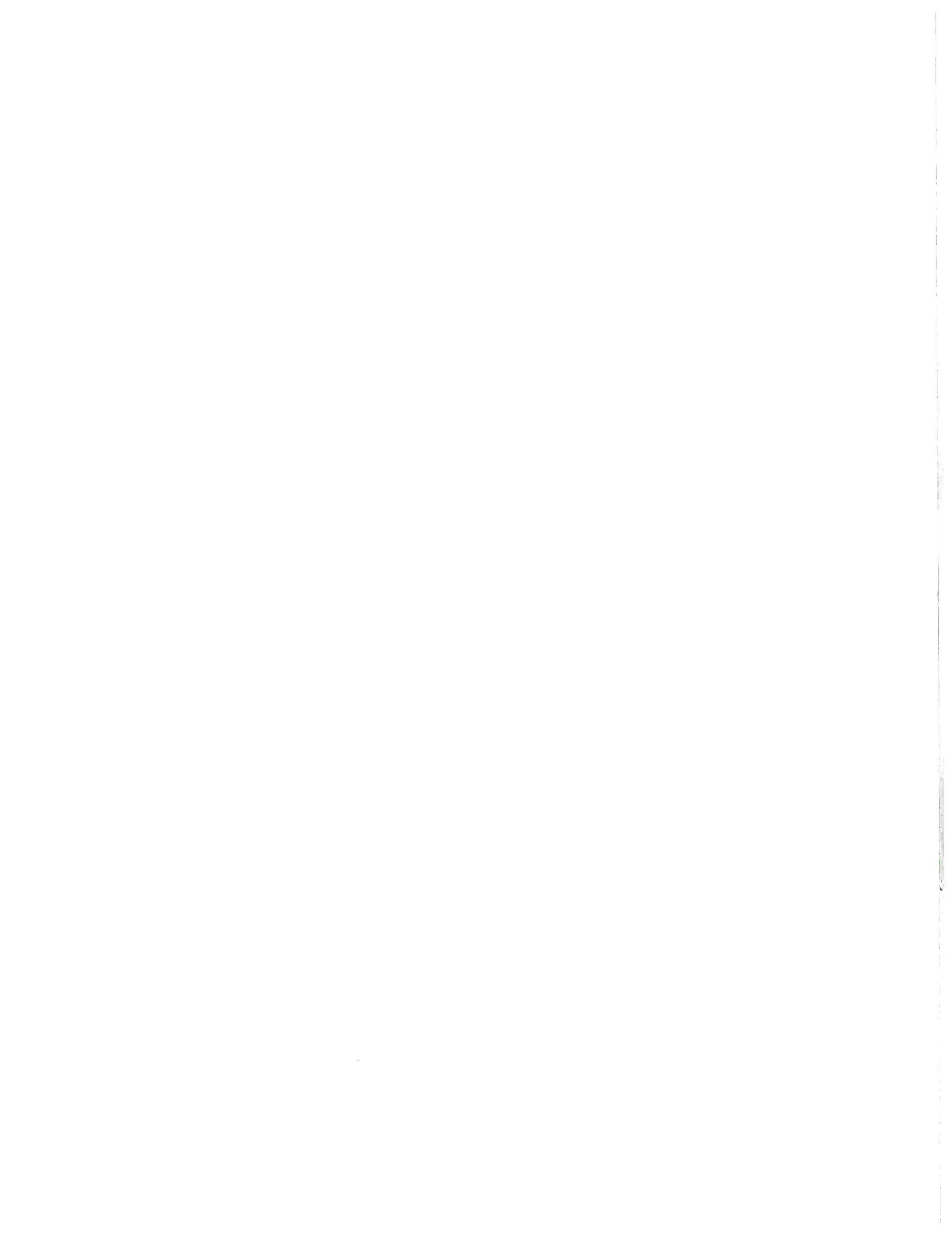
\_\_\_\_\_  
 School District Representative

\_\_\_\_\_  
 Date

*This agreement must be signed by an administrator of the District who has full authority to sign such a document on behalf of the District and who is knowledgeable about the general education curriculum and is knowledgeable about the availability of resources of the public agency.*

**The following documents are attached to this agreement:**

	Amendments (please specify)	
	Other (please specify)	



**NEW MILFORD PUBLIC SCHOOLS**  
**NOTICE AND CONSENT TO CONDUCT A SECTION 504**  
**EVALUATION/RE-EVALUATION**

Date \_\_\_\_\_  
:

Dear \_\_\_\_\_

Your child, \_\_\_\_\_, \_\_\_\_\_ has been referred for an evaluation to  
(student's name) (DOB)  
determine eligibility for services under Section 504. The District must obtain the consent of parents before  
conducting such an evaluation.

The tests/evaluation procedures listed below were recommended:

<u>TEST/EVALUATION PROCEDURE</u>	<u>AREA OF ASSESSMENT</u>	<u>EVALUATOR(S)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Adaptations/accommodations required for this evaluation are:  
\_\_\_\_\_  
\_\_\_\_\_

If the student requires physical adaptations in order for testing/evaluations to be completed,  
the following adaptations are required: \_\_\_\_\_  
\_\_\_\_\_

If the student's native language is other than English, the following adaptations are required:  
\_\_\_\_\_  
\_\_\_\_\_

No adaptations/accommodations required

**PARENTAL CONSENT**

**I give my consent** for the [DISTRICT NAME] Public Schools to conduct the evaluations described  
above. I understand that this consent may be revoked at any time.

\_\_\_\_\_  
Parent/Guardian Signature Date

**I do not give** my consent for the [DISTRICT NAME] Public Schools to conduct the evaluations  
described above. I understand that the District must take steps as are necessary, which may include  
requesting an impartial hearing, to ensure that my child receives or continues to receive a free  
appropriate public education.

\_\_\_\_\_  
Parent/Guardian Signature Date





**NEW MILFORD PUBLIC SCHOOLS**  
**NOTICE AND CONSENT FOR PLACEMENT ON SECTION 504 AND**  
**FOR THE PROVISION OF SECTION 504 ACCOMMODATIONS/SERVICES**

Date \_\_\_\_\_  
:

Dear \_\_\_\_\_

Your child, \_\_\_\_\_, \_\_\_\_\_ has been evaluated and has been  
(student's name) (DOB)

found eligible under Section 504. Prior to the implementation of Section 504 placement, and the provision of accommodations/services under Section 504 (as described in the Section 504 Plan attached hereto), the District requires your consent.

**PARENTAL CONSENT**

- I give my consent** for the [DISTRICT NAME] Public Schools to place my child on a Section 504 plan as described in the Section 504 Plan attached hereto). I understand that this consent may be revoked at any time.

\_\_\_\_\_  
Parent/Guardian Signature Date

- I do not give** my consent for the [DISTRICT NAME] Public Schools to provide the accommodations/services described in the Section 504 Plan attached hereto.

\_\_\_\_\_  
Parent/Guardian Signature Date

Included with this form are:

- The Section 504 Plan developed at the Section 504 meeting on \_\_\_\_\_.  
 Your Notice of Rights Under Section 504.



**WORKSHEET FOR MANIFESTATION DETERMINATION**

(For those situations when the expulsion of a 504 student is contemplated; following a series of suspensions that constitute a change in placement; or following a series of informal exclusions that constitute a change in placement)

**STUDENT:** \_\_\_\_\_ **GRADE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**1. SECTION 504 MEETING PARTICIPANTS:**

NAME	Title
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**2. DESCRIBE NATURE OF STUDENT'S DISABILITY:**

\_\_\_\_\_  
\_\_\_\_\_

**3. DESCRIPTION OF MISCONDUCT:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- a. Date of Disciplinary Action: \_\_\_\_\_
- b. Date Parents Notified of Disciplinary Action: \_\_\_\_\_
- c. 504 of Notice of Rights Given? Yes No

**4. INFORMATION CONSIDERED IN CONDUCTING A MANIFESTATION DETERMINATION:**

*(Each item below must be considered. Check box as each topic is addressed.)*

- Teacher Observations of the Student
- Relevant Information Supplied by Parents
- Evaluations and Diagnostic Results
- Student's 504 Plan
- Relevant Information Supplied by School Staff
- Other (describe)

5. Was the misconduct in question caused by the student's disability, or does the misconduct in question have a **direct and substantial relationship** to the student's disability?



YES NO

Comments:

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6. Was the misconduct in question a **direct result** of the District’s failure to implement the Section 504 Plan (in relationship to the misconduct in question)?

YES NO

Comments:

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7. If the answer to **either** #5 or #6 is “Yes”, the behavior under review **is** considered a manifestation of the student’s disability.

8. If the answer to **both** #5 and #6 is “No”, the behavior under review **is not** considered a manifestation of the student’s disability.

***Procedure if Misconduct is not a Manifestation of the Student’s Disability:***

If the manifestation determination team determines that the misconduct in question is **not** a manifestation of the student’s disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as the procedures would be applied to a student without disabilities.

***Procedure if Misconduct is a Manifestation of the Student’s Disability:***

If the manifestation determination team determines that the misconduct in question **is** a manifestation of the student’s disability, the 504 Team should:

- 1) conduct a functional behavioral assessment unless the District had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student;
- OR**
- 2) if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; **and**
  - 3) return the student to the placement from which the student was removed, unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.



**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 New Milford Board of Education (the “Board”) for the New Milford 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 Holly Hollander, Assistant Superintendent. Any individual may make a report of sex discrimination and/or sexual harassment to any District employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Gwen Gallagher, Principal  
Northville Elementary School  
22 Hipp Road  
New Milford, CT 06776  
Telephone: 860-355-3713  
e-mail: [gallagherg@newmilfordps.org](mailto:gallagherg@newmilfordps.org)

Eric Williams, Principal  
Hill and Plain Elementary School  
60 Old Town Park Road  
New Milford, CT 06776  
Telephone: 860-354-5430  
e-mail: [williamse@newmilfordps.org](mailto:williamse@newmilfordps.org)

Jennifer Chmielewski, Assistant Principal  
Sarah Noble Intermediate School  
25 Sunny Valley Road  
New Milford, CT 06776  
Telephone: 860-210-4020  
e-mail: [chmielewskij@newmilfordps.org](mailto:chmielewskij@newmilfordps.org)



Frank Jawidzik, Assistant Principal  
Schaghticoke Middle School  
23 Hipp Road  
New Milford, CT 06776  
Telephone: 860-354-2204  
e-mail: [jawidzikf@newmilfordps.org](mailto:jawidzikf@newmilfordps.org)

Keith Lipinsky, Athletic Director  
New Milford High School  
388 Danbury Road  
New Milford, CT 06776  
Telephone: 860-350-6647, ext. 1411  
e-mail: [lipinskyk@newmilfordps.org](mailto:lipinskyk@newmilfordps.org)

Holly Hollander, Assistant Superintendent  
New Milford Public Schools  
25 Sunny Valley Road, Suite A  
New Milford, CT 06776  
Telephone: 860-354-3235  
e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)

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 prejudice 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 a hearing 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.

#### 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 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

1. 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.
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 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.



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 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.
6. 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.
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 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.
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 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 non-accidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
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, 8<sup>th</sup> 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.



## 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.

**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: \_\_\_\_\_



**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: **Holly Hollander, Assistant Superintendent, New Milford Public Schools, 25 Sunny Valley Road, Suite A, New Milford, CT 06776, Telephone: 860-354-3235, e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)**

**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.**

*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: **Holly Hollander, Assistant Superintendent.**

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.**







**Model Notification of Rights Under the Protection of Pupil Rights Amendment  
("PPRA")**

***[Note: Districts must send this notification to parents and/or eligible students annually, at the beginning of the school year, and within a reasonable period of time after any substantive change to its PPRA policies.]***

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, affords parents and eligible students (*i.e.* students over 18 or emancipated minors) certain rights with respect to the administration of student surveys, the collection and use of personal information, and the administration of certain physical exams. These rights include:

1. the right of a parent to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to a student;
2. the right of a parent to inspect, upon request, any survey concerning one or more of the following confidential topics:
  - a. political affiliations or beliefs of the student or the student's parent;
  - b. mental or psychological problems of the student or the student's family;
  - c. sex behavior or attitudes;
  - d. illegal, anti-social, self-incriminating, or demeaning behavior;
  - e. critical appraisals of other individuals with whom respondents have close family relationships;
  - f. legally recognized privileged relationships, such as those with lawyers, doctors, physicians, or ministers;
  - g. religious practices, affiliations, or beliefs of the student or the student's parent; or
  - h. income, other than as required by law to determine eligibility for certain programs or for receiving financial assistance under such programs;
3. the right of a parent to consent before a student is required to submit to a survey that concerns one or more of the confidential topics (see #2, above, a-h) if the survey is funded in whole or in part by a program of the U.S. Department of Education;
4. the right of a parent or eligible student to receive notice and opt out of a student's participation in a survey that concerns one or more of the confidential topics (see #2, above, a-h) if the student is not required to submit to such survey, whether the survey is funded in whole or in part by a program of the U.S. Department of Education or some other source;

5. the right of a parent to inspect, upon request, any instructional material used as part of the educational curriculum. Instructional material means any instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet) but does not include academic tests or academic assessments;
6. the right of a parent to inspect, upon request, any instrument used in the collection of personal information from students gathered for the purpose of marketing, selling or otherwise providing that information to others for that purpose. Personal information means individually identifiable information including, a student or parent's first and last name, a home or other physical address; a telephone number or a social security number;
7. the right of a parent whose student(s) is scheduled to participate in the specific activities provided below to be directly notified of the specific or approximate dates of the following activities, as well as the right of a parent or eligible student to opt-out of participation in these activities:
  - a. activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information (or otherwise providing that information to others for that purpose);
  - b. the administration of any survey containing confidential topics (see #2, above, a-h) if the survey is either not funded as part of a program administered by the United States Department of Education or is funded by the United States Department of Education but the student is not required to submit to such survey; or
  - c. any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school, scheduled by the school in advance, and unnecessary to protect the immediate health and safety of a student. Such examinations do not include a hearing, vision, or scoliosis screening or other examinations permitted or required by State law.

Parents and eligible students may not opt-out of activities relating to the collection, disclosure, and/or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing education products or services for, or to students or educational institutions, such as the following:

- a. college or other post-secondary education recruitment, or military recruitment;



- b. book clubs, magazines, and programs providing access to low-cost literary products;
- c. curriculum and instructional materials used by elementary and secondary schools;
- d. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
- e. the sale by students of products or services to raise funds for school-related or education-related activities; and
- f. student recognition programs.

To protect student privacy in compliance with the PPRA, the New Milford school district has adopted policies regarding these rights. Parents and/or eligible students who believe their rights have been violated under the PPRA may contact:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920

