

Personnel – Certified/Non-Certified

Title IX Sexual Harassment

The District does not discriminate on the basis of sex in the education programs and activities that it operates. This requirement not to discriminate in the District's education programs and activities extends to admission (as applicable) and employment. Sexual harassment is a form of sex discrimination and will not be tolerated among New Milford Public Schools' students. It is the policy of the Board of Education that any form of sexual harassment is forbidden whether by students, supervisory or non-supervisory personnel, individuals under contract, or volunteers subject to the control of the Board. Employees are expected to adhere to a standard of conduct that is respectful and courteous to employees, to students, and to the public. An employee found to be a responsible party for sexual harassment in violation of Title IX may be subject to discipline up to and including termination of employment. A finding that an employee is not a responsible party for conduct that violates Title IX does not prevent discipline of the employee if the conduct violates another Board policy, personnel rule or code of conduct. Employee conduct that is not sexual harassment as defined under the Title IX regulations may still be found to be sexual harassment under Connecticut state law and/or Title VII of the Civil Rights Act as set forth in Policy 4118.112/4218.112.

Definitions

Sexual Harassment under Title IX: 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;
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 program or activity, or
3. Sexual assault, dating violence, domestic violence or stalking.

Actual Knowledge: notice of sexual harassment or allegations of sexual harassment to the District's Title IX coordinator or any employee of an elementary and/or secondary school. This standard is not met where the only District employee with actual knowledge is the respondent.

Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Education Program or Activity: includes locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment is alleged to have occurred.

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Formal Complaint: a document filed by a complainant or signed by the school-based Title IX coordinators alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment.

Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual Assault: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation as set forth in 20 USC §1092(f)(6)(A)(v).

Dating Violence: means violence committed by a person (a) who has been in a social relationship of a romantic or intimate nature with the victim, and (b) where the existence of such relationship shall be determined based on consideration of the following factors (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship as set forth in 34 U.S.C. §12291(a)(10).

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 Connecticut, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the jurisdiction as set forth in 34 U.S.C. §12291(a)(8).

Stalking: means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress as set forth in 34 U.S.C. §12291(a)(30).

Supportive Measures: 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 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.

Procedure

It is the express policy of the Board of Education to encourage victims of sexual harassment or those who have knowledge of sexual harassment to report such claims. Employees are encouraged to promptly report sexual harassment to the school-based Title IX coordinator or his/her designee.

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Victims of sexual harassment may file a report of sexual harassment and receive supportive measures. Victims of sexual harassment who want a formal investigation into the sexual harassment must file a written complaint of sexual harassment and request a formal investigation. Formal complaints will be investigated promptly and corrective action will be taken when the respondent is found, after an investigation, to be the responsible party. Retaliation against any individual 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 regarding a claimed Title IX violation is prohibited and may result in disciplinary action against the retaliator.

Legal Reference: 20 U.S.C. § 1681 Title IX of the Education Amendments of 1972
34 CFR Section 106 Regulations implementing Title IX
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)