

STUDENTS

5145.5 EXPLOITATION/SEXUAL HARASSMENT

Sexual harassment will not be tolerated among students of Salisbury Central School. It is the policy of the Salisbury 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. Students are expected to adhere to a standard of conduct that is respectful and courteous to employees, to fellow students and to the public.

Definition

Sexual harassment is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including, but not limited to, insulting or degrading sexual remarks or conduct; threats or suggestions that a student's submission to or rejection of unwelcome conduct will in any way influence a decision regarding that student, or conduct of a sexual nature which substantially interferes with the student's learning, or creates an intimidating, hostile or offensive learning environment, such as the display in the educational setting of sexually suggestive objects or pictures.

Procedure

It is the express policy of the Salisbury Board of Education to encourage victims of sexual harassment to report such claims. Students are encouraged to promptly report complaints of sexual harassment to the District's Title IX Coordinator or to any employee of the District who will then notify the Title IX Coordinator and/or the Superintendent. Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.

The school district will provide training for all District employees and Title IX specific training for those individuals designated by the District to be Title IX Coordinators, investigators and decision-makers in the fulfillment of the Title IX grievance process and will annually distribute its policy and grievance procedures to staff and students in an effort to maintain an environment free of sexual harassment.

(cf. [4000.1/5145.44](#) – Title IX)

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000-e2(a).

Equal Employment Opportunity Commission Policy Guidance (N-915.035) on Current Issues of Sexual Harassment, effective 10/15/88.

Title IX of the Education Amendments of 1972, 34 CFR Section 106.

Title IX Final Rule, May 6, 2020

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

Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998)

Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26, 1998)

Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998)

Davis v. Monroe County Board of Education, No. 97-843 (U.S. Supreme Court, May 24, 1999).

Connecticut General Statutes

[46a-60](#) Discriminatory employment practices prohibited.

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

Approved by the Salisbury Board of Education: March 20, 2023

STUDENTS

5145.5R EXPLOITATION/SEXUAL HARASSMENT - REGULATION

Sexual harassment is prohibited in the school system. Sexual harassment can occur when, but is not limited to:

1. Submission to, or rejection of, the conduct by the individual is used as the basis of academic decisions affecting the individual.
2. The conduct has the purpose or effect of having a negative impact upon the individual's academic performance, or of creating an intimidating, hostile, or offensive educational environment.
3. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding services, honors, programs, or activities available at or through the educational institution.
4. Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gestures, display of sexually suggestive objects, pictures or cartoons.
5. Continuing to express sexual interest after being informed that the interest is unwelcome.
6. Coercive sexual behavior used to control, influence, or affect the educational opportunities, grades, and/or learning environment of student, including promises or threats regarding grades, course admission, performance evaluations, or recommendations; enhancement or limitation of student benefits or services (e.g. scholarships, financial aid, work study job).
7. Inappropriate attention of a sexual nature from peer(s), i.e. student to student, employee to employee.

Complaint Procedure

1. If a student believes that he/she is being or has been harassed, that person should immediately inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, unprofessional, or highly inappropriate.
2. As soon as a student feels that he or she has been subjected to sexual harassment, he or she should make a written complaint to the District Title IX Coordinator, or the Principal or his/her designee. The student may also notify any school employee who shall bring the allegation to the attention of the Title IX Coordinator. The student will be provided a copy of this policy and regulation and made aware of his or her rights.
3. The complaint should state the:
 - A. Name of the complainant
 - B. Date of the complaint,
 - C. Date(s) of the alleged harassment/discrimination,
 - D. Name or names of the harasser(s) or discriminator(s),
 - E. Location where such harassment/discrimination occurred,
 - F. Names of any witness(es) to the harassment/discrimination,
 - G. Detailed statement of the circumstances constituting the alleged

harassment/discrimination, and

H. Remedy requested.

4. Any student who makes an oral complaint of harassment to any of the above mentioned personnel will be provided a copy of this regulation and will be instructed to make a formal written complaint pursuant to the above procedure. In appropriate circumstances, due to the age of the student making the complaint, a parent or guardian of the Title IX Coordinator may be permitted to fill out the form, on the student's behalf.
5. If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed.
6. All complaints are to be forwarded immediately to the Principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent or his/her designee. In addition, a copy of any complaint filed shall also be forwarded to the Title IX Coordinator.
7. If possible, within five (5) working days of receipt of the complaint, the Title IX Coordinator or Principal or designee shall initiate the District's Title IX Grievance/Investigation Process to commence an effective, thorough, objective and complete investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the student and the alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist. The investigation shall be free of stereotypical assumptions about either party. The investigation shall be carried on discretely, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld.
8. Any student who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the student insists that his/her personally identifiable information not be shared with the alleged perpetrator, the student will be informed that the District's ability to investigate and/or take corrective action may be limited.
9. Upon receipt of a sexual harassment or sex discrimination complaint, the Title IX Coordinator shall provide the formal complaint to a trained Title IX investigator to commence an investigation of the complaint. The Title IX Investigator and decision-maker shall:
 - a) offer to meet with the complainant within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;
 - b) provide the complainant with a copy of the Board's sexual harassment policy and accompanying regulations;
 - c) consider whether any interim measures may be appropriate to protect the alleged victim, pending the outcome of the investigation;
 - d) investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;

- e) consider whether alleged sex discrimination or sexual harassment has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;
 - f) communicate promptly the outcome of the investigation in writing to the Title IX decision-maker to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), The decision-maker, in a written notice, shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;
 - g) when sex discrimination or sexual harassment has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the harassment or discrimination, as deemed appropriate by the Superintendent or his/her designee, and take steps to remedy the effects of the sex discrimination or sexual harassment;
10. The decision-maker shall make a written report summarizing the results of the findings of the investigation and proposed disposition of the matter, and shall provide copies to the complainant and the alleged harasser who shall have at least ten days to review the collected and provided material before any determination is reached regarding responsibility.
11. If the student complainant or alleged perpetrator is dissatisfied with the result of the investigation, he or she may file a written appeal within thirty (30) calendar days with the Superintendent, who shall review the decision-maker's written report, the information collected by the investigator together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Superintendent will direct a different Title IX trained decision-maker to conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completion of this review, the Superintendent shall respond to the complainant, in writing, within fifteen (15) school days following the receipt of the written request for appeal.

If after a thorough investigation, there is reasonable cause to believe that sexual harassment has occurred, the district shall take all reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to allegations of harassment may include reassignment, transfer, or disciplinary action. Further, if a sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist who shall coordinate any bullying investigation with the Title IX Coordinator.

The harasser and any other students or employees, if appropriate, will be informed that appropriate action shall be taken if further acts of harassment or retaliation occur. If further acts of harassment or retaliation do occur, appropriate action shall be taken.

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

At any time, a complainant alleging sex discrimination or sexual harassment may file formal complaint with the U.S. Department of Education, Office for Civil Rights, 8th Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111 (Telephone Number (617) 289-0111).

Copies of this regulation will be distributed to all elementary, middle and high school students.

Approved by the Salisbury Board of Education: March 20, 2023