

**Please Note: The attached minutes are pending Board approval.**

**Board of Education  
Newtown, Connecticut**

Minutes of the Board of Education meeting held June 1, 2021, at 6:30 p.m. in the Newtown High School auditorium.

M. Ku, Chair  
D. Delia, Vice Chair  
D. Cruson, Secretary  
D. Leidlein (absent)  
J. Vouros  
R. Harriman-Stites  
D. Zukowski

L. Rodrigue  
A. Uberti  
T. Vadas  
20 Staff  
60 Public  
1 Press

Mrs. Ku called the meeting to order at 6:32 p.m. and stated it was being recorded and live streamed.

Item 1 – Pledge of Allegiance

Item 2 – Celebration of Excellence

Dr. Rodrigue welcomed everyone and said we were celebrating our retirees which is bittersweet because we are losing outstanding individuals but we are equally happy they are moving on to enjoy some well deserved time with family and friends. Those attending were Jill Beaudry, Reed Intermediate School Assistant Principal, Susan Connelly, Newtown Middle School Counselor and teachers Samuel Haber, Hawley School, Elizabeth Hanna, Newtown High School, Carol Howard, Head O'Meadow School, Pamela Kohn, Reed Intermediate School, Thomas Kuroski, Newtown High School and NFT President, Maureen Pennarola, Head O'Meadow, Leslie Regensburger, Middle Gate School, Eileen Tabasko, Head O'Meadow School, Carrie Usher, Reed Intermediate School, Anna Volpacchio Newtown Middle School, and Carol Wexler, Reed Intermediate School.

Those teachers unable to attend were Patty Bowles, Newtown Middle School, Angela Chonisky, Reed Intermediate School, Kurt Eckhardt, Newtown High School, Michelle Holda-Vaccaro, Valerie LeBlanc, Newtown Middle School, Ed Obloj, Newtown High School, Abigail Olsen, Newtown Middle School, Mardi Smith, Reed Intermediate School, Carrie Usher, Reed Intermediate School, and Carol Wexler, Reed Intermediate School.

Dr. Rodrigue also recognized the top 5% of the 2021 graduating class who we are very proud of. Those students are Elijah Baraw, Colden Bobowick, Sophia Child, Arav Dave, Mitchell Doherty, Sawyer Findley, Collin Hoffman, Anna Mattioli, Nidhi Mukka, Ashley Reed, Ava Schwartz, Victoria Stevenson, Meredith Taylor, Julian Totir, Samantha Vertucci, Chase Yeaton, Sarah Nowacki who is the Salutatorian, and Julia Dolan who is the Valedictorian.

The CAFE Student Leadership Award winners are Willow Assante-LaBash and Annabelle Foley from Newtown Middle School and Jillian Clure and Collin Hoffman from Newtown High School. The CAPSS Superintendent Award winners are Grace Kase and Jennifer Socci from Newtown Middle School and Taegan Smith and Nick Sabillon from Newtown High School.

Mrs. Ku thanked Jillian Clure and Rushil Jerfy for serving as student representatives on the Board of Education and introduced next year's student representatives Christina Savo and Matt Irvin.

Item 3 – Consent Agenda

MOTION: Mr. Delia moved that the Board of Education approve the consent agenda which includes the minutes of May 18, 2021, the donations to Hawley School and Newtown High School, and the correspondence report. Mr. Cruson seconded. Motion passes unanimously.

Item 4 – Public Participation

Stephanie Stroeve, 7 Possum Ridge Road, thanked everyone for getting through this year and appreciated everyone's hard work. She encouraged everyone that working within the guidelines was important. We are done with the difficult part of this virus and the risk in children is much lower. She is advocating for returning to pre-COVID policies such as allowing students to return to school after 24 hours being fever-free without fever-reducing medication.

Jennifer Salinger, 68 Marlin Road, said she was in lockdown taking care of Covid patients and has great respect for making difficult decisions. She believes there is room for policy changes and to re-evaluate data. She hopes our families have the right to choose what is best for children to be in school without a mask. The quarantine policy needs to be revisited and students should be back in school full time five days per week. There could be longer lasting mental health problems due to isolation.

Janet Kuzma, 12 The Boulevard, said thousands of schools lifted mask mandates and made them a personal choice. The risk is no greater than the seasonal flu. Parents should have the choice for their children. Masks should be optional next year. She encouraged them to reach out to state officials.

Jen Larkin, 10 Marlin Road, feels that children deserve an in-person orientation this year. Do away with the plexiglass barriers. Work with the state. Regarding masks and federal funding, if you are keeping students in masks just to qualify for federal funding, she will fight that.

Kara Dogali, 2 Monitor Hill Road, spoke about her kindergartner. Her child struggles and cries every day about wearing a mask. She also has a child in second and third grade. We are leaving the little ones behind. Small changes can be made to make an impact. Think about the younger students and how this is impacting them.

Item 5 – Reports

Chair Report: Mrs. Ku noted that the Charter Revisions Commission met and the conversation was about recommendations the Board suggested which they are still considering.

Superintendent's Report:

Dr. Rodrigue spoke to multiple parents and shared a letter she wrote to the state and commissioner of education and addressed our mitigation strategies in place along with not having lunch in school, early releases and the new schedules.

Committee Reports:

Mrs. Harriman-Stites reported that the Policy Committee met last week and are discussing personnel policies and freedom of speech/social media policy for staff. We continue to look for guidance from the state regarding updating our policies relating to COVID 19.

Mr. Cruson noted the District Security and Safety Committee met last Thursday and discussed results from the bullying and cyber security report and the retirement of Tom Kuroski with Trent Harrison taking over as chair of the committee. We also discussed emergency response drills.

Ms. Zukowski said Public Building and Site met and will have the second estimate for the Hawley HVAC by the middle to end of June. In terms of the Town building an inventory, the group had a first walk through and are looking for how the data base will work. Regarding the nonlapsing work group, the biggest question is we have a nonlapsing account policy that calls out the Board of Finance but they are not the fiscal authority. They are concerned if that policy isn't changed how the Board will respond to it.

Mrs. Ku said we have two more meetings before the end of year fiscal statement comes through. If their work doesn't finish in time for us to make a request of the fiscal authority the Board of Education probably has to make a change to our own policy and regulation. She asked if that was something the Policy Committee should look at. There are three Board members on the joint workgroup who are familiar with what is being expected.

Mrs. Harriman-Stites said we would amend the policy to decide if it should not go through the Board of Finance by the end of this fiscal year and amend the policy when the work group is finished.

Mr. Cruson agrees the Policy Committee should look at this but we need guidance as to what is expected of the Board of Education if we are going to amend the policy.

Mr. Delia said the attorneys agreed that the Legislative Council is the deciding body. The work group is working on a joint agreement between the three Boards so we can work together under the same agreement.

Ms. Zukowski said there are two policies and asked if we could use "fiscal authority" in those policies instead of Finance Board.

Mrs. Ku felt that would be the easiest and asked the Policy Committee to look at it.

Mr. Delia was concerned about using fiscal authority. If the two attorneys said the Legislative Council was the deciding body, why are we not just using what they said.

Mr. Cruson thinks the Policy Committee should look at it and bring the Board a recommendation.

Mrs. Harriman-Stites said they would contact our attorney before bringing it to the Board.

#### Student Reports:

Mr. Jerfy reported on the senior events and Friday's prom. The award ceremony was the next day. The last day for seniors is June 8. He shared his appreciation for the opportunity to be part of the Board this year.

Ms. Clure noted that graduation will be held June 12 at 2:00 p.m. and students are excited to be graduating together. The seniors will walk through their elementary schools on June 10. The last day is June 15 and there are no final exams. Pick up for caps and gowns June 9. Spring sports is finishing up and the girls' golf team had an undefeated season. She also thanked the Board for this opportunity.

Mrs. Ku thanked them and said it was a pleasure having them on the Board and wished them the best of luck.

Mr. Delia was proud of how they have grown since the year started. It's been a pleasure for them to be part of the Board. Congratulations and best of luck in the future.

Ms. Zukowski wished them the best of fun in college and to take advantage of all of the extracurriculars they offer. She wished the best for them.

#### Item 6 – Presentations

##### PEAC Presentation:

Dr. Rodrigue spoke about the Parent Educator Advisory Council and noted it was a unique and challenging year for them. The subgroups presented a summary of their work.

Michelle Hiscavich and Debbie Lubin spoke about the Partnerships Team. This group developed the program for senior virtual readers for K-8 Read Across America Day, developed a database of permanent seniors and volunteer readers for students in grades K-4, and developed an after school remote social/emotional learning groups pilot program for K-6 students which began in January.

Janice Gabriel is the facilitator on the Communications and Branding Team. Their accomplishments include reviewing the current mission statement and developed three possible drafts to combine the three into one cohesive revision to be presented to the district for feedback. The next step will review the feedback, incorporate it, and discuss with Dr. Rodrigue.

Budget/Operational Plan Team. Team members Jennifer Padilla and Dr. Christianne Golesky said this group's goals were to increase community engagement and awareness of the budget process and increase voter turnout for the budget referendum.

Rachel Torres and Kristi Parille spoke about the Diversity & Equity Team. This group leveraged support for the district, created a mission, vision, and values statement, reviewed the reporting policy, created a decision tree protocol, and reporting form.

##### Whitsons Food Service:

John Prunier and Joe Stango presented Whitsons operations overview. For the 2021-2022 school year we anticipate open cafeterias. All schools will be on a Universal Free Meal Waiver which has been extended to next year including the high school. They will go on the National School Lunch Program which will give us the benefit from the government. The district gets 10 cents for each meal served in this program. We are also expanding summer operations providing lunch for park and rec camps at Treadwell, Dickinson, the EdAdvance programs, summer school and the Senior Center.

Mrs. Ku thanked them for everything they did this year. She asked if the high school will be in the National School Lunch Program beyond next year.

Mr. Prunier didn't know if that would happen the following year because we don't know if the free meal waiver will be in place for that year.

#### Item 7 – New Business

##### COVID-19 Update:

Dr. Rodrigue stated we are still in the same position. There has been no quarantine in a while and she was thrilled that we can have activities like field day, recess, and graduation.

Mr. Delia asked how we are communicating next year's plan with parents.

Dr. Rodrigue said there is no return plan but are working on it as it's due June 23. She will be meeting with Donna Culbert on this also.

#### Item 8 – New Business

Naming High School Softball Field:

MOTION: Mr. Delia moved that the Board of Education approve naming the Newtown High School Softball Field, "The Lindell A. Hertberg Softball Field.": Mr. Cruson seconded.

Matt Memoli said Lin Herbert is one of a kind who he has known since he was coaching baseball. He's done so much for the district and students, has made many donations and goes to every practice.

Ms. Zukowski said she interviewed him for the Board newsletter and his enthusiasm was infectious.

Motion passes unanimously.

First Read of Policies:

Mrs. Harriman-Stites said these policies follow new guidelines with feedback from Suzanne D'Eramo.

Policy 4118.11/4218.11 Nondiscrimination follows State of Connecticut guidelines.

Policy 0521 Nondiscrimination (Mission Goals and Objectives) has revised mission goals objectives on nondiscrimination and we adjusted the language.

Policy 4118.112 and 4218.112 Sex Discrimination and Sexual Harassment in the Workplace is new and in line with new requirements.

Ms. Zukowski said there are a lot of duplication of definitions and concerned that we're going to have to find it in four or five places in all of the policies and asked if it can be in one and just indicate that in the others and could it be found in policy 0521.

Mrs. Harriman-Stites stated that we feel it's necessary to have the definitions in each policy and follow the guidelines from our attorney. She would not want to make any changes until we check with our attorney.

Policy 5145.5 Title IX of the Education Amendment of 1972 – Prohibition of Sex Discrimination and Sexual Harassment is a draft of a new policy.

Ms. Zukowski asked if this would be superseding Policy 5145.6 about procedures for student grievances.

Mrs. Harriman-Stites said this is separate from the grievance policy. There are some overlapping concerns but our sexual harassment reporting policy is prescribed by law.

Ms. Zukowski asked the committee to look at both policies.

Healthy Food Certification:

MOTION: Mr. Delia moved that the Board of Education will comply with the Connecticut Nutrition Standards during the period of July 1, 2021 through June 30, 2022. Such certification shall include all food offered for sale to students separately from reimbursable meals at all times and from all sources, including but not limited to, school stores, vending machines, school cafeterias, and fundraising activities on school premises, whether or not school sponsored. Mr. Cruson seconded.

Mrs. Ku asked if we could change this yearly.

Dr. Rodrigue said we could.

Motion passes unanimously.

Item 9 – Public Participation

MOTION: Mr. Delia moved that the Board of Education move to the high school office suite for the Superintendent's self-evaluation. Mr. Cruson seconded. Motion passes unanimously. Executive session began at 9:30 p.m.

MOTION: Mr. Cruson moved to adjourn. Mrs. Harriman-Stites seconded. Motion passes unanimously.

Item 11 – Adjournment

The meeting adjourned at 10:15 p.m.

Respectively submitted:

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Daniel J. Cruson, Jr.  
Secretary

**To:** Dr. Lorrie Rodrigue  
**From:** Christopher Moretti  
**Date:** 5/24/21  
**Re:** Private Donation

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Henry Abbott Technical High School has donated \$150.00 to Hawley School for the purchase of classroom supplies and books.

I am requesting that the Board of Education accept this generous gift on our behalf.

Newtown Board of Education  
3 Primrose Street  
Newtown, Connecticut 06470

Mark J. Pompano  
337 Blue Hills Drive  
Southington, Connecticut 06489

May 27, 2021

Re: Donation Of 2004 John Deere LT-160 Lawn Tractor to Newtown High School Auto-Tech Program

Dear Dr. Ku and Honorable Members of the Newtown Board of Education,

My wife Mary Kate and I are pleased to donate our 2004 John Deere LT-160 Lawn Tractor to Mr. Steve George and his students in the Newtown High School Auto-Tech Program. It is our hope that students can use the lawn tractor to hone their skills in automotive repair. We estimate the value of the tractor is \$300.00.

Sincerely,



**Correspondence Report**  
**05/18/2021 – 05/31/2021**

| <b>Date</b> | <b>Name</b>      | <b>Subject</b>                                                     |
|-------------|------------------|--------------------------------------------------------------------|
| 5/18/21     | Donna Norling    | Curriculum and Instruction Minutes                                 |
| 5/19/21     | Kathy June       | Middle School Moving Up Ceremony                                   |
| 5/19/21     | Michelle Ku      | Illustration for BOE Charter Recommendation                        |
| 5/19/21     | Michelle Ku      | High School Graduation                                             |
| 5/19/21     | Lorrie Rodrigue  | Fwd: Graduation letter to parents                                  |
| 5/19/21     | Kristen Mattera  | SWC Spectator Policy                                               |
| 5/20/21     | Matthew Memoli   | Re: SWC Spectator Policy                                           |
| 5/20/21     | Sandy Doski      | Re: SWC Spectator Policy                                           |
| 5/20/21     | Michelle Ku      | Re: SWC Spectator Policy                                           |
| 5/25/21     | Terri Greenfield | Virtual Art Walk Through – NMS                                     |
| 5/25/21     | Michelle Ku      | Two Important Items                                                |
| 5/25/21     | Kiley Gottschalk | BOF 5-27-21 Agenda                                                 |
| 5/26/21     | Michelle Ku      | Correspondence                                                     |
| 5/26/21     | Leah Sterry      | Snow days                                                          |
| 5/26/21     | Michelle Ku      | BOE representative for Equity and Inclusion Coordinator Interviews |
| 5/28/21     | Kathy June       | BOE Mailing – June 1, 2021                                         |
| 5/31/21     | Michelle Ku      | Fwd: Letter re: 2021-2022 Covid policy for schools                 |

TO: Lorrie Rodrigue, Superintendent  
FROM: Suzanne D'Eramo, Director of Human Resources  
RE: Superintendent's Report – Certified Staffing Update for MAY 2021  
DATE: May 27, 2021

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**MAY 2021**

**CERTIFIED RESIGNATION/RETIREMENTS: (effective June 30 unless otherwise noted)**

Sarah Williams – SHS school psychologist  
Chelsea Ciccio – MGS SPED  
Kimberly Heran – RIS .4 social worker  
Val LeBlanc – MS SRBI Coord. (effective 5/10/21)

**CERTIFIED NEW HIRES (for 2021-22):**

Casey Sollazzo – HAW school counselor  
Lindsey Maillet – RIS art  
Francis Sarenceni – NMS Project Challenge (.4)  
Elizabeth Mouchantat – NHS social studies (.4)  
Debra Howard – NHS SPED  
Amy Nyitray – NHS SAIL SPED teacher

**CERTIFIED OPEN POSITIONS (for 2021-22):**

SHS – school psychologist  
MGS – 3 classroom positions, SPED  
HOM – SPED  
RIS – grades 5&6 (5 positions), reading LA consultant, social worker (.4)  
NMS – Spanish (2 positions), SPED (2 positions)  
NHS – music/band director

**ADDITIONAL DISTRICT HIRING NOTES: (certified hires for the 21-22 school year will be recapped in the August hiring update)**

Here is a recap of all non-certified staff we have hired for the month of May:

Building subs/LT subs = 2  
Paraeducators/para subs = 2  
Custodian = 2

Of the 6 newly hired employees, all indicate a race/ethnicity of white.

Dear Newtown Board of Education,

The Newtown High School Athletic Department would like to formally name the Softball Field at Newtown High School after longtime volunteer Coach Lindell A. Hertberg.

Mr. Hertberg, who is currently an assistant coach with the NHS softball team, moved to Main Street in Newtown with his family in 1971. He quickly gained a reputation for volunteering and pitching in whenever it was needed, like helping the very first Newtown High Girls Soccer Team get uniforms. Mr Hertberg, has been inducted into *The Newtown Bee* Sports Hall of Fame, and has had a positive influence on many young female athletes.

Lindell "Lin" Hertberg has been a volunteer coach since the early 2000's working tirelessly for the program and doing it all for no compensation. Lin attends each practice working with the infielders and outfielders. Lin coaches all home games and travels to all away games, keeping stats for the Nighthawks. He has made many improvements to the field and has selflessly made many upgrades. He has donated the scoreboard at the field which was installed back in 2016, and also donated the outfield fence, giving our girls the opportunity to hit real home runs as there used to be no fence. He has donated the dugouts which used to simply be a bench, and most recently, Lynn purchased the windscreens which go around the entire outfield fence and make the field look truly professional.

But donating isn't the entire reason that we would like the field named after Lin. Hertberg and his family established the Hertberg Family Foundation Scholarship contributing \$10,000 annually to support a student through their undergraduate studies. He explained that the scholarship was established because his late wife, Bernal Hertberg, was a recipient of a college scholarship from a gentleman who had lost his wife and was looking for a way to honor her memory. "That scholarship changed her life," Hertberg said of his wife, who went on to dedicate her life to scholarship and philanthropy, "and it definitely affected her whole life... We hope that we can change people's lives."

Nothing makes Lin happier than giving back. He is absolutely dedicated to our school, and lives and breathes coming to the field each and every day. It would be an honor to name the softball field after Lin, he is selfless, compassionate, generous, and a true gentleman. NHS and the entire town is truly lucky to have him as a member of our community, as a friend, and as a ....coach.

Our parents and the team have been organizing a "Thank you Lin" night at the field in the coming weeks, and would love to be able to have the formal naming of the field ceremony at that time.

We ask that you grant us permission to name the softball field - The Lindell A. Herberg Softball Field.

Many thanks for your consideration.

Sincerely,

Matthew Memoli  
Athletic Director  
Newtown Public Schools

2020-2021  
Accomplishments of the

# Parent Educator Advisory Council

PEAC



Newtown, CT

## PEAC GOALS



*“To promote a partnership between educators and parents that will embrace core values, further a common language for all stakeholders, and support District priorities in the best interest of students.”*

**Dr. Lorrie Rodrigue, Superintendent**



**PEAC Sub-committees**

**Partnerships**

**Communications & Branding**

**Budget/Operational Plan**

**Diversity & Equity**



# Partnerships Team

Facilitator - Deborah Lubin (HAW Gr. K Teacher & Newtown Parent)

Newtown Parents and PTA Reps:

- Kelly Chokbengboune
- Kim Hettenbach
- Mary Murphy (PTA President)

Newtown Teachers:

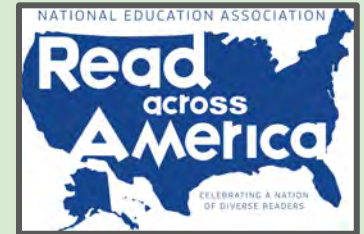
- Cynthia McArthur (SH Language Arts Consultant)
- Michelle Hiscavich (Dir. of Visual and Performing Arts, NHS Orchestra)



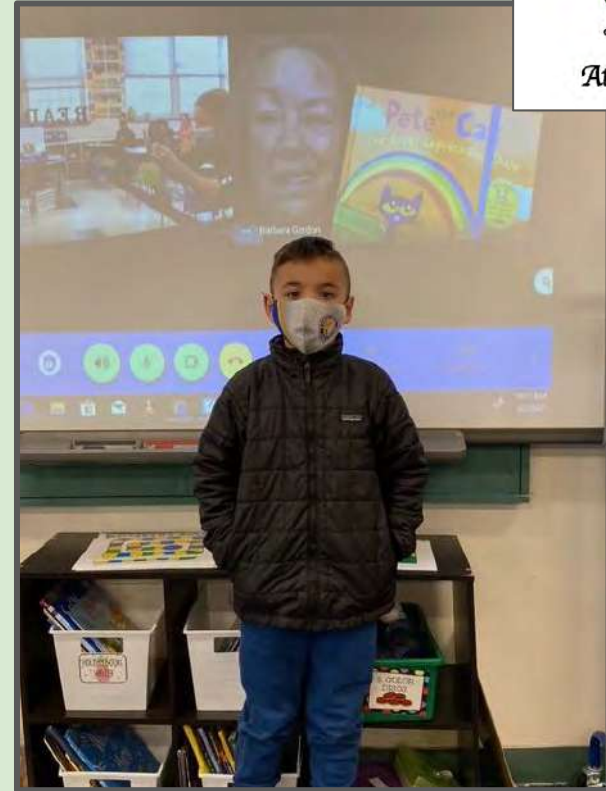
Partnerships Team Goals: To support, nurture, and assist in maintaining positive relationships between the Newtown Public Schools and our surrounding community.

## 2020-2021 Accomplishments

- Senior Virtual Readers for K-8 Read Across America Day
- Database of permanent Senior and volunteer readers Gr. K-4
- After school remote Social/Emotional Learning Groups Pilot Program K-6 began in January



# Photos from Read Across America Day



# Kids Core 2021-22

- Continue 2020-21 Social Emotional Learning Groups
- Three 8-week sessions offered throughout the year
- Small group settings in all elementary buildings
- Engaging activities to promote socialization
- No cost to Newtown families - grant funded
- Ability to reach out to 120 students





## Partnership Team Future Visions:

- Kids Core Program through Continuing Education Gr. K-4
- Newtown students begin visiting Senior Center again and welcome Seniors back to our schools
- To be continued.....



## Team:

### Team Members:

#### Facilitator:

Janice Gabriel - NHS Theatre and ELA

Carmella Amodeo - NPS Technology Department

Monica Kwarcinski - Newtown Parent

Nadia Papalia - NMS Language Arts Consultant

Deborah Petersen - Director of Pupil Personnel

Denise Strong - RIS 5th Grade Math & Science

# 2020 – 2021 Accomplishments



## Mission Statement Revision

- Held a focus group with 15 people representing each school, BOE, students, and parents.
- Reviewed the current mission statement and discussed if it captured our current practices.
- Developed three possible drafts of the mission statement and then worked as a subcommittee to combine the three into one cohesive revision to be presented to the district for feedback.
- Revised Drafter sent to all faculty and staff for feedback on May 24
- As of Friday, May 28, 111 staff members has provided feedback.

## Next Steps:

- Communication and Branding Committee will review all of the feedback and incorporate it and discuss with Dr. Lorrie Rodriguez

# 2020 - 2021 Accomplishments

## Blackboard for NPS

Launches - July 12, 2021



Blackboard Communicatio...

Education

★★★★☆ 25

OPEN



# Budget/Operational Plan Team:

## Team members:

Michelle Y. Failla\*: NPS K-12 HE & PE Coordinator & 5/6 Health Teacher

Chris Geissler: Principal, Middle Gate Elementary School

Dr. Christianne Golesky: Newtown parent

Jennifer Padilla: Newtown parent PTA President

Tanja Vadas: Director of Business & Finance Newtown

\* Subgroup facilitator



# Budget Committee Goals:

- To increase community engagement and awareness in the budget process.
- To increase voter turnout for the budget vote in Town Budget Referendum on April 27, 2021



# What we accomplished:



Created and distributed an educational [Budget Brochure](#) and [budget slideshow](#)



Created a [Spotlight slideshow](#) and a [Budget Spotlight video](#) published it on our YouTube station



Collaborated with all seven District Principals to hold a relevant and timely opportunity for students to participate in the democratic process and vote on a topic specific to each school then reported the [outcome of each vote](#)



Created a [Letter to the Community](#) that included an invitation to vote on April 27.

# Vote at Reed Intermediate School



# Diversity & Equity Team:

**Katherine Abrego**, World Languages Teacher at NHS

**Sabeena Ali**, Parent

**Satra Arokium**, Parent

**Nanette Green**, Parent

**Melissa Mottola**, Parent

**Kristi Parille**, World Languages Teacher at NHS

**Frank Purcaro**, Director of Teaching & Learning

**Newman Rochester**, Parent

**Rachel Torres**: Subgroup Facilitator, Social Studies Teacher at NHS,  
Parent

**David Weiss**, Parent

**Christine Wilford**, Parent

# D&E Goals & Accomplishments



1. Leverage support for District [CEI position](#)
2. Create a mission, vision, and values [D&E Statement](#)
3. [Review](#) Reporting Policy, create [Decision Tree](#) Protocol, and [Reporting Form](#)



*Newtown Public Schools  
Board of Education Meeting*

*June 1st, 2021*





# Introductions

- John Prunier
- *District Manager*
- Joe Stango
- *General Manager*



# Operations Overview

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People / Food / Communication

Meals Served During the Pandemic

A Look Ahead to next Year

WE LIVE OUR SIMPLY ROOTED® PHILOSOPHY EVERY DAY, THROUGH OUR...

PEOPLE

FOOD

COMMUNICATION



# People

COVID Response - All school food service teams successfully adapted to significant and ongoing changes in food service expectations throughout the entire school year

Staff have maintained a positive and customer focused attitude, demonstrated flexibility and teamwork throughout staffing challenges and worked extremely hard to fulfill the operating conditions of each school.

All staff has completed mandatory 8 hours of training as dictated by the CSDE through Whitson's Alchemy training portal.

# Newtown's School Lunch Heroes



# FOOD

## Community Meal Service



- Since the beginning of the school year, we have offered free meals to all youth of the community, ages 18 years and younger.
- We have offered meals throughout vacations, school closures and weather-related closures.
- We have offered free weekend meals for all students as they leave on Fridays.



# FOOD

# 2020-2021 Meal Projections

- **In school**
- Breakfast meals 30,453
- Lunch meals 33,563
- 
- **Remote Feeding (Starting 11/23/20)**
- Breakfasts and Lunches 32,502

# COMMUNICATION

- Monthly Dining Reports from Whitsons are communicated to the Business Client
- Monthly client meeting to review operations.
- Meet with Wellness Committee to discuss district initiative and represent Whitsons.
- Marketing throughout the cafeterias and schools will display branded stations and nutrition.





# Looking Forward to Next Year

- We look forward to School Year 2021-2022, anticipating opening of full cafeterias and station concepts
- All Schools will be on a Universal Free Meal Waiver
- High School will be on National Student Lunch Program
- District will be on Healthy Food Certification
- Expanding Farm-to-School collaboration and Local Food Sourcing
- Expanding Foodservice to Summer Operations
  - Park and Rec Camps
    - Treadwell Park
    - Dickenson Park
  - Ed Advance
  - Summer School



# Looking Forward to Next Year

- **Expanding Foodservice Opportunities with Town Senior Center and Central Office**
- **Expanding Technology**
  - **Exploring Grants for new POS System**
- **Collaborating with School Wellness and Advisory**
- **Continuing to seek feedback from the Students with surveys**
- **Offering more Organic and Plant Menu options.**



Whitsons is proud to be part of the Newtown family.  
We are committed to providing a child nutrition program  
that is in alignment with your school and community's goals.

THANK YOU!



# Q & A

  
**WHITSONS<sup>®</sup>**  
*School Nutrition*

## **Personnel - Certified/Non-Certified**

### **Nondiscrimination**

The Newtown Board of Education (the “Board”) will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression, except in the case of a bona fide occupational qualification.

It is the policy of the Board that any form of discrimination or harassment on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees or third parties subject to the control of the Board. The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic, and extracurricular activities, including athletics. It is also the policy of the Board of Education to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression.

For the purposes of this policy, “race” is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

For the purposes of this policy, “genetic information” means the information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. “Genetic information” may also include an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

For the purposes of this policy, “veteran” means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard, and Air Force and any reserve component thereof, including the Connecticut National Guard.

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

## **Personnel - Certified/Non-Certified**

### **Nondiscrimination**

Any employee wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form, which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Personnel. These regulations accompany Board Policies P 4118.11/P 4218.11 and are available online at <https://newtown-policies.campuscontact.com/> or on request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, disability, or pregnancy, such complaints will be handled under other appropriate policies P4118.112/P 4218.112, Sex Discrimination/Harassment in the Workplace and policies P 4118.14/P 4218.14, Nondiscrimination on the Basis of Disabilities.

Any employee also may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

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

Employees may also file a complaint regarding employment discrimination with the Equal Employment Opportunity Commission:

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

Employees may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(800-477-5737)

**P4118.11(c)**  
**P4218.11**

## **Personnel - Certified/Non-Certified**

## **Nondiscrimination**

Anyone who has questions or concerns about this policy, or would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination, discrimination on the basis of gender/sex, and discrimination on the basis of disability may contact:

Office of the Assistant Superintendent of Schools  
3 Primrose Street  
Newtown, CT 06470  
(203) 426-7617  
(email address may be found in the Administrative Regulations)

### **Legal References:**

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

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

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

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

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

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

Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.

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

Connecticut General Statutes § 10-153, Discrimination on the basis of sex, gender or expression or marital status prohibited

Connecticut General Statutes § 46a-51, Definitions

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

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

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

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

**R4118.11 (a)**  
**R4218.11**

## **Personnel - Certified/Non-Certified**

## **Nondiscrimination**

It is the policy of the Newtown Board of Education (the “Board”) that any form of discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression is forbidden, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is the express policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, disability, or pregnancy, such complaints will be handled, as appropriate, in accordance with other Board policies P 4118.112/P 4218.112, Sex Discrimination/Harassment in the Workplace; policies P 4118.14/P 4218.14, Nondiscrimination on the Basis of Disabilities.

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

The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of harassment or discrimination on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

The school district will periodically provide staff development for district administrators and periodically distribute this policy and implementing administrative regulations to staff and students in an effort to maintain an environment free of harassment and discrimination.

#### Complaint Procedure

As soon as an individual feels that he or she has been subjected to discrimination or harassment on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression he/she should make a written complaint to the Assistant Superintendent or his/her designee. The individual and any respondent (if applicable) will be provided a copy of the Board’s policy and regulation and made aware of his/her rights.

**R4118.11 (b)**  
**R4218.11**

### **Personnel - Certified/Non-Certified**

### **Nondiscrimination**

The complaint should state the:

- Name of the complainant,
- Date of the complaint,
- Date(s) of the alleged harassment/discrimination,
- Name(s) of the harasser(s) or discriminator(s),
- Location where such harassment/discrimination occurred,
- Names of any witness(es) to the harassment/discrimination,
- Detailed statement of the circumstances constituting the alleged harassment/discrimination; and
- Proposed remedy.

Any individual who makes an oral complaint of harassment or discrimination will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If an individual is unable to make a written complaint, the staff member receiving the oral complaint will either reduce the complaint to writing or assist the individual with completing the written complaint form.

All complaints received by staff members are to be forwarded immediately to the Assistant Superintendent. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Assistant Superintendent or his/her designee shall promptly investigate the complaint. During the course of the investigation, the Assistant Superintendent or designee shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator (“respondent”), and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, as determined by the investigator.

Upon receipt of a written complaint of discrimination, the investigator should:

1. Offer to meet with the complainant and respondent (if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;

**R4118.11 (c)**  
**R4218.11**

## **Personnel - Certified/Non-Certified**

### **Nondiscrimination**

2. Provide the complainant and respondent (if applicable) with a copy of the Board’s non-discrimination policy and accompanying regulations;

3. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
4. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Communicate the outcome of the investigation in writing to the complainant and respondent (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be extended by fifteen (15) business days during periods of time when school is in session or reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) from the date the complaint was received by the Assistant Superintendent's office. The complainant and respondent (if any) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;
7. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent (if any) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);
8. Whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the harassment or discrimination. Corrective action should include steps to avoid continuing discrimination;
9. If either party to the complaint is not satisfied with the findings and conclusions of the investigation, the complainant may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the party requesting an appeal, the Superintendent shall review the

**R4118.11 (d)**

**R4218.11**

## **Personnel - Certified/Non-Certified**

### **Nondiscrimination**

investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with a designated investigator (if applicable), complainant, and respondent (if any) and meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling a designated investigator's conclusions or findings (if applicable). The Superintendent shall provide written notice to the complainant and respondent (if any) of the proposed actions within fifteen (15) business days (provided that such timeframe may be reasonably extended based on the availability of

necessary witnesses and/or participants during periods of time when school is not in session) following the receipt of the written request for review.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, disability, or pregnancy, such complaints will be handled under other appropriate policies P4118.112/P 4218.112, Sex Discrimination/Harassment in the Workplace; policies P 4118.14/P 4218.14, Nondiscrimination on the Basis of Disabilities.

Any employee also may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”):

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

Employees may also file a complaint regarding employment discrimination with the Equal Employment Opportunity Commission:

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

Employees may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities

**R4118.11 (e)**  
**R4218.11**

## **Personnel - Certified/Non-Certified**

### **Nondiscrimination**

450 Columbus Blvd.  
Hartford, CT 06103-1835  
(800-477-5737)

Anyone who has questions or concerns about these regulations, or about the Board’s policies regarding discrimination on the basis of gender/sex or discrimination on the basis of disability may contact:

Mrs. Anne Uberti

Assistant Superintendent of Schools  
3 Primrose Street  
Newtown, CT 06470  
(203) 426-7617  
ubertia@newtown.k12.ct.us

### **DISCRIMINATION COMPLAINT FORM**

**(For complaints based on race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression)**

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged discrimination/harassment \_\_\_\_\_

Name or names of the discriminator(s) or harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such discrimination/harassment occurred \_\_\_\_\_

\_\_\_\_\_

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

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Detailed statement of the circumstances constituting the alleged discrimination or harassment

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Proposed remedy \_\_\_\_\_

\_\_\_\_\_

Signature of Complainant \_\_\_\_\_

## Mission – Goals – Objectives

### Nondiscrimination

The District shall promote nondiscrimination and an environment free of harassment based on an individual's race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression, or any other basis prohibited by state or federal law, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic, and extracurricular activities, including athletics. It is also the policy of the Board of Education to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression. ~~race, color, religion, sex, sexual orientation, gender identity/expression, national origin, ancestry, disability, (including, but not limited to, intellectual disability, past or present history of mental disorder, physical disability or learning disability), genetic information, marital status or age or because of the race, color, religion, sex, sexual orientation, gender identity or expression, national origin, disability, genetic information, marital status or age of any other persons with whom the individual associates.~~ The District provides equal access to the Boy Scouts and other designated youth groups.

For the purposes of this policy, "race" is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. "Protective hairstyles" includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

For the purposes of this policy, "genetic information" means the information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individuals' family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

For the purposes of this policy, "veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard, and Air Force and any reserve component thereof, including the Connecticut National Guard.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or

## **Mission – Goals – Objectives**

### **Nondiscrimination**

treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

In keeping with requirements of federal and state law, the District strives to remove any vestige of discrimination in employment, assignment and promotion of personnel; in educational opportunities and services offered to students; in student assignment to schools and classes; in student discipline; in location and use of facilities; in educational offerings and materials; and in accommodating the public at public meetings.

The Board encourages staff to improve human relationships within the schools and to establish channels through which citizens can communicate their concerns to the administration and the Board.

The Superintendent shall appoint and make known the individuals to contact on issues concerning the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1974, Title VI, Title VII, Title IX and other civil rights or discrimination issues. The Board will adopt and the District will publish grievance procedures providing for prompt and equitable resolution of student and employee complaints.

Federal civil rights laws prohibit discrimination against an individual because he/she has opposed any discrimination act or practice or because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing. ADA further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under the Act.

(cf. 4111/4211 – Recruitment and Selection)

(cf. 4111.1/4211.1 – Equal Employment Opportunity/ Minority Recruitment)

(cf. 4118.11/4218.11 – Nondiscrimination)

(cf. 4118.112/4218.112 - Sex Discrimination and Sexual Harassment in the Workplace)

(cf. 4118.14/4218.14 – Nondiscrimination on the Basis of Disability)

(cf. 5145.5 – Sexual Harassment)

(cf. 5145.6 – Student Grievance Procedure)

# Mission – Goals – Objectives

## Nondiscrimination

Legal Reference: Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.  
29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.  
Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.  
34 CFR Section 106.8(b), OCR Guidelines for Title IX.  
Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)  
20 U.S.C. 7905 (Boy Scouts of America Equal Access Act contained in No Child Left Behind Act of 2001)  
*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)  
*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.)  
The Vietnam Era Veterans’ Readjustment Act of 1974, as amended, 38 U.S.C. §4212  
Title II of the Genetic Information Nondiscrimination Act of 2008  
Connecticut General Statutes  
46a-60 Discriminatory employment practices prohibited.  
10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include “sexual orientation” and P.A. 11-55 to include “gender identity or expression”)  
10-153 Discrimination on account of marital status.  
17a-101 Protection of children from abuse.  
The Americans with Disabilities Act as amended by the ADA Amendments Act of 2008  
Public Law 111-256  
*Meacham v. Knolls Atomic Power Laboratory* 128 S.Ct. 2395, 76 U.S.L.W. 4488 (2008)  
*Federal Express Corporation v. Holowecki* 128 S.Ct. 1147, 76 U.S.L.W. 4110 (2008)  
*Kentucky Retirement Systems v. EEOC* 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008)  
*Sprint/United Management Co. v. Mendelsohn* 128 S.Ct. 1140, 76 U.S.L.W. 4107 (2008)

Policy adopted:

December 2, 2014

NEWTOWN PUBLIC SCHOOLS  
Newtown, Connecticut

## DISCRIMINATION COMPLAINT FORM

**(For complaints based on race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression)**

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged discrimination/harassment \_\_\_\_\_

Name or names of the discriminator(s) or harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such discrimination/harassment occurred \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged discrimination or harassment

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Proposed remedy

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\_\_\_\_\_

Signature of Complainant

\_\_\_\_\_

## Personnel - Certified/Non-Certified

### Sex Discrimination and Sexual Harassment in the Workplace

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

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

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

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

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

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

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

## Personnel - Certified/Non-Certified

### Sex Discrimination and Sexual Harassment in the Workplace

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

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

#### Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Employees are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner.

Violations of this Policy by employees will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this Policy and illegal under state and federal law.

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

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

**P4118.112(c)**  
**P 4218.112**

## Personnel - Certified/Non-Certified

# Sex Discrimination and Sexual Harassment in the Workplace

Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator is the Assistant Superintendent of Schools. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Office of the Assistant Superintendent of Schools

3 Primrose Street

Newtown, CT 06470

(203) 426-7617

(Electronic mail address is included in the Administrative Regulations)

Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S.

Department of Education:

Office for Civil Rights, Boston Office

U.S. Department of Education

8th Floor

5 Post Office Square

Boston, MA 02109-3921

(617-289-0111)

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities

450 Columbus Blvd.

Hartford, CT 06103-1835

(860-514-3400)

## Legal References:

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

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

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

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

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

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

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

**P4118.112(d)**

**P 4218.112**

## Personnel - Certified/Non-Certified

# Sex Discrimination and Sexual Harassment in the Workplace

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

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

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

**R4118.112(a)**  
**R4218.112**

## **Personnel - Certified/Non-Certified**

### **Sex Discrimination and Sexual Harassment in the Workplace**

It is the policy of the Newtown Board of Education (the “Board”) for the Newtown Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. It is the policy of the Board to maintain a working environment free from

harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

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

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

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

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

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

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

**R4118.112(b)**  
**R4218.112**

## **Personnel - Certified/Non-Certified**

### **Sex Discrimination and Sexual Harassment in the Workplace**

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

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;

3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

### **NOTICE OF THE TITLE IX COORDINATOR**

The District's Title IX Coordinator is the Assistant Superintendent. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Mrs. Anne Uberti  
Assistant Superintendent of Schools  
3 Primrose Street  
Newtown, CT 06470  
(203) 426-7617  
ubertia@newtown.k12.ct.us

The Title IX Coordinator manages the District's compliance with Title IX, Title VII and Connecticut law with respect to sexual harassment and/or sex discrimination and is an available resource to anyone seeking information or wishing to file a formal complaint of same. When a

**R4118.112(c)**  
**R4218.112**

### **Personnel - Certified/Non-Certified**

#### **Sex Discrimination and Sexual Harassment in the Workplace**

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

### **EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE**

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems: a grievance process for complaints of sex discrimination involving allegations of sexual harassment and grievance procedures for complaints of sex discrimination

that are not sexual harassment. Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the **grievance process** set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these regulations.

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

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

## **SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT**

### **A. Definitions**

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

**R4118.112(d)**  
**R4218.112**

### **Personnel - Certified/Non-Certified**

#### **Sex Discrimination and Sexual Harassment in the Workplace**

- 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.
- 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 his or her 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 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.
- **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.

**R4118.112(e)**  
**R4218.112**

## **Personnel - Certified/Non-Certified**

### **Sex Discrimination and Sexual Harassment in the Workplace**

#### **B. Reporting Sexual Harassment**

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a person in the District’s education program or activity, the Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant has filed 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 or designee will explain to the complainant the process for doing so.
2. The District will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in these Administrative Regulations shall preclude the District from placing an employee respondent on administrative leave during the

pendency of the grievance process. Further, nothing in these Administrative Regulations shall limit or preclude the District from removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the District shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

### **C. Formal Complaint and Grievance Process**

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the 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.

**R4118.112(f)**  
**R4218.112**

## **Personnel - Certified/Non-Certified**

### **Sex Discrimination and Sexual Harassment in the Workplace**

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 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 or designee has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator or designee 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 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 and a copy of this grievance process. The written notice must also include the following:

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

**R4118.112(g)**

**R4218.112**

## **Personnel - Certified/Non-Certified**

### **Sex Discrimination and Sexual Harassment in the Workplace**

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 section.

**R4118.112(h)**  
**R4218.112**

## **Personnel - Certified/Non-Certified**

### **Sex Discrimination and Sexual Harassment in the Workplace**

9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.
10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the 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. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other

evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.

**R4118.112(i)**

**R4218.112**

## **Personnel - Certified/Non-Certified**

### **Sex Discrimination and Sexual Harassment in the Workplace**

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

#### **D. Informal Resolution**

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

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

Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a

satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

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

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

**R4118.112(j)**  
**R4218.112**

## **Personnel - Certified/Non-Certified**

### **Sex Discrimination and Sexual Harassment in the Workplace**

#### **E. Appeal Process**

After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based.

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. Both parties will then have an opportunity to submit a written statement in support of, or challenging, the outcome. Such written statement must be submitted ten (10) school days after receiving written notice of the appeal. 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). The decision-maker(s) for the appeal, in their discretion, will determine the appropriate procedure for the appeal. After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. 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 a complainant notifies the Title IX Coordinator in writing that 1) the

**R4118.112(k)**

**R4218.112**

## **Personnel - Certified/Non-Certified**

### **Sex Discrimination and Sexual Harassment in the Workplace**

complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in the District; or 3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

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

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

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

#### **G. Miscellaneous**

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

which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report

**R4118.112(l)**

**R4218.112**

## **Personnel - Certified/Non-Certified**

### **Sex Discrimination and Sexual Harassment in the Workplace**

4. such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
5. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. 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.
6. 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.

## Personnel - Certified/Non-Certified

### Sex Discrimination and Sexual Harassment in the Workplace

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

##### A. Definitions

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

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

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

##### C. Grievance Procedures

1. As soon as an employee feels that he or she has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Title VII or Connecticut law), he/she should make a written complaint to the Title IX Coordinator or to the building principal, or his/her designee. The employee will be provided a copy of the Board's policy and Administrative Regulations and made aware of his or her rights. 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.

## **Personnel - Certified/Non-Certified**

### **Sex Discrimination and Sexual Harassment in the Workplace**

2. The complaint should state the:
  - i. Name of the complainant;
  - ii. Date of the complaint;
  - iii. Date(s) of the alleged discrimination;
  - iv. Name(s) of the discriminator(s);
  - v. Location where such discrimination occurred;
  - vi. Names of any witness(es) to the discrimination;
  - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
  - viii. Remedy requested.
3. Any employee who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.
4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against an employee, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
6. Any employee who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the employee requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the employee insists that his/her information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited.

**R4118.112(o)**  
**R4218.112**

## **Personnel - Certified/Non-Certified**

### **Sex Discrimination and Sexual Harassment in the Workplace**

7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
- i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
  - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
  - iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
  - iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
  - v. consider whether alleged sex discrimination has created a hostile work environment, including consideration of the effects of off-campus conduct on the school;
  - vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and
  - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or his/her designee, and take steps to remedy the effects of the sex discrimination.

**R4118.112(p)**  
**R4218.112**

## **Personnel - Certified/Non-Certified**

### **Sex Discrimination and Sexual Harassment in the Workplace**

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, he or she may file a written appeal within five (5) school days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

#### **D. Miscellaneous**

1. If a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
3. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. 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.

**R4118.112(q)**  
**R4218.112**

#### **Personnel - Certified/Non-Certified**

#### **Sex Discrimination and Sexual Harassment in the Workplace**

#### **Section III. Further Reporting**

At any time, a complainant alleging sex discrimination or sexual harassment may also file a formal complaint with the U.S. Department of Education:

Office for Civil Rights, Boston Office

U.S. Department of Education

8th Floor

5 Post Office Square

Boston, MA 02109-3921

(617-289-0111)

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities

450 Columbus Blvd.

Hartford, CT 06103-1835

(860-514-3400).

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

## 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.

**Affirmative Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

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 to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:
  - (i) because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant affirmatively consented, or
  - (ii) if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
- E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of affirmative consent.

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

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged sexual harassment \_\_\_\_\_

Name(s) 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)  
(PERSONNEL)**

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date(s) of the alleged sex discrimination \_\_\_\_\_

Name(s) 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: \_\_\_\_\_

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

## **SEXUAL HARASSMENT IS ILLEGAL**

**AND IS PROHIBITED BY**

**THE CONNECTICUT DISCRIMINATION EMPLOYMENT PRACTICES ACT**

**(Section 46a-60(a)(8) of the Connecticut General Statutes)**

**AND**

**TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

**(42 United States Code Section 2000e et seq.)**

Sexual harassment means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

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

### **EXAMPLES OF SEXUAL HARASSMENT INCLUDE:**

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

### **REMEDIES FOR SEXUAL HARASSMENT MAY INCLUDE:**

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

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

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

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

AN INFRACTION OF THIS POLICY BY SUPERVISORS OR CO-WORKERS SHOULD BE REPORTED IMMEDIATELY TO ANNE UBERTI, ASSISTANT SUPERINTENDENT OF SCHOOLS. CONFIDENTIALITY WILL BE MAINTAINED TO THE EXTENT POSSIBLE.

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

THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
450 COLUMBUS BLVD.  
HARTFORD, CT 06103-1835  
(860-514-3400)

AND/ OR:

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

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

## Students

### **Title IX of the Education Amendment of 1972 – Prohibition of Sex Discrimination and Sexual Harassment**

It is the policy of the Newtown Board of Education (the “Board”) for the Newtown Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board.

The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”) not to discriminate in such a manner. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of all parties. Any student or employee who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including expulsion or termination, respectively.

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

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

**Sex discrimination** occurs when 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** means conduct on the basis of sex that satisfies one or more of the following:

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

#### Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Students are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner. The Board further directs its employees to maintain confidentiality to the extent appropriate and not tolerate any reprisals or retaliating that occurs as a result of the good faith reporting of charges of sex

## P 5145.5 (b)

discrimination and/or sexual harassment. Any such substantiated reprisals or retaliation will result in disciplinary action against the retaliator up to and including expulsion or termination as appropriate.

Violations of this Policy by employees will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this Policy and illegal under state and federal law.

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

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

The Board’s Title IX Coordinator is the Assistant Superintendent of Schools. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Office of the Assistant Superintendent of Schools  
3 Primrose Street  
Newtown, CT 06470  
(203) 426-7617

(Electronic mail address is included in the Administrative Regulations)

### Legal References:

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

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

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

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

## R 5145.5(a)

## **Students - Title IX of the Education Amendment of 1972 – Prohibition of Sex Discrimination and Sexual Harassment (Students)**

It is the policy of the Newtown Board of Education (the “Board”) for the Newtown Public Schools 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. 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 Amendment 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 Amendment 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** 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.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board’s Policy regarding Title IX of the Education Amendment 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 overture 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, letter, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures;

**R 5145.5(b)**

4. Touching of a sexual nature or telling sexual or dirty jokes;

5. Transmitting or displaying 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 Amendment of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students).

### **NOTICE OF THE TITLE IX COORDINATOR**

The District's Title IX Coordinator is the Assistant Superintendent. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Mrs. Anne Uberti  
Assistant Superintendent of Schools  
3 Primrose Street  
Newtown, CT 06470  
(203) 426-7617  
ubertia@newtown.k12.ct.us

The Title IX Coordinator manages the District's compliance with Title IX and is an available resource to anyone seeking information or wishing to file a formal complaint. 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

**R 5145.5(c)**

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**

### **A. Definitions**

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

### **R 5145.5(d)**

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

#### **C. Formal Complaint and Grievance Process**

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the 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

**R 5145.5(e)**

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 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 or designee has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator or designee 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 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 and a copy of this grievance process. The written notice must also include the following:
  - i. The identities of the parties involved in the incident, if known;
  - ii. The conduct allegedly constituting sexual harassment as defined above;
  - iii. The date and the location of the alleged incident, if known;
  - iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
  - v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
  - vi. A statement of any provision in the District's policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the written notice, the District

**R 5145.5(f)**

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.
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 section.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.
10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the

**R 5145.5(g)**

investigation's facts and/or determination while the 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. 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. 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 Amendment 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 Amendment 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 Section E of this Regulation.

#### **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

#### **R 5145.5(h)**

informal resolution process, such as mediation, to resolve the formal complaint without the need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Title IX Coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or designee will provide the parties with written notice disclosing the sexual harassment

allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The District must obtain voluntary, written consent to the informal resolution process from both parties.

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

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

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

#### E. Appeal Process

After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based.

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. Both parties will then have an opportunity to submit a written statement in support of, or challenging, the outcome. Such written statement must be submitted ten (10) school days after receiving written notice of

#### **R 5145.5(i)**

the appeal. 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). The decision-maker(s) for the appeal, in their discretion, will determine the appropriate procedure for the appeal. After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. 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 1) would not constitute sexual harassment as defined 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 a complainant notifies the Title IX Coordinator in writing that 1) 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.

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 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 or designee 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

#### **R 5145.5(j)**

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 Amendment of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. 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.
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.

**R 5145.5(k)**

## **SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT)**

### **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.

#### C. Grievance Procedures

1. As soon as a student feels that he or she has been subjected to sex discrimination other than sexual harassment, he/she or his/her parent/legal guardian should make a written complaint to the Title IX Coordinator or to the building principal, or his/her designee. The employee will be provided a copy of the Board's policy and Administrative Regulations and made aware of his or her rights. 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.

#### **R 5145.5(I)**

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 his/her 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 his/her personally identifiable information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
  - i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
  - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;

**R 5145.5(m)**

- 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 his/her 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, he or she may file a written appeal within five (5) school days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes 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

## **R 5145.5(n)**

10. 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 sexual harassment complaint raises a concern about bullying behavior, the Title IX Coordinator or designee shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the

alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.

2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
3. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendment of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. 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 formal complaint with the U.S. Department of Education:

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

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.

**Affirmative Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

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 to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:
  - (i) because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant affirmatively consented, or
  - (ii) if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
- E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of affirmative consent.

## COMPLAINT FORM REGARDING SEXUAL HARASSMENT (STUDENTS)

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged sexual harassment \_\_\_\_\_

Name(s) 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) (STUDENTS)**

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date(s) of the alleged sex discrimination \_\_\_\_\_

Name(s) 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: \_\_\_\_\_

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

Minutes of the Board of Education virtual meeting held May 18, 2021, at 6:30 p.m.

M. Ku, Chair  
D. Delia, Vice Chair  
D. Cruson, Secretary  
D. Leidlein  
J. Vourous  
R. Harriman-Stites  
D. Zukowski

L. Rodrigue  
A. Uberti  
T. Vadas  
approximately 50 Staff  
approximately 40 public

Mrs. Ku called the meeting to order at 6:43 p.m. and stated it was being recorded and live streamed.

Item 1 – Pledge of Allegiance

Item 2 – Profiles in Professionalism

Dr. Rodrigue noted that we were here to recognize truly outstanding staff and community members. She and Mrs. Uberti announced the winners which included Laura Altieri, Executive Secretary, Middle Gate Elementary School, Melissa Arsenault, School Counselor, Middle Gate Elementary School, Jill Beaudry, Assistant Principal, Reed Intermediate School, Anne Dalton, District Nursing Supervisor, Tracy Galassi, Grade 3 Teacher, Hawley Elementary School, Jaclyn Lloyd, Physical Education Teacher, Sandy Hook Elementary School, Amy McGinniss, Special Education Teacher, Newtown High School, Deirdre Murphy, Nurse, Reed Intermediate School, Eric Myhill, Project Challenge Teacher, Head O'Meadow/Middle Gate/Reed Intermediate Schools, Karen Powell, Nurse, Newtown High School, Laura Taylor, President, Newtown High School Band Parent Corporation, and Richard Thorne, Head Custodian, Middle Gate Elementary School. A short reception followed.

Item 3 – Consent Agenda

MOTION: Mr. Delia moved that the Board of Education approve the consent agenda which includes the minutes of May 4, 2021 and the correspondence report. Mr. Cruson seconded. Motion passes unanimously.

Item 4 – Public Participation

Item 5 – Reports

Chair Report: Mrs. Ku spoke about the middle school moving up ceremony and high school graduation and asked for Board representatives at the middle school ceremonies. The next meeting will also begin at 6:30 p.m. The Charter Revision Commission meeting was tomorrow night and would be a virtual meeting. She reminded everyone that the diversity, equity and inclusion survey from CAGE is still open for Board members to take. We will address the Board self-evaluation, CAGE workshops on diversity and equity for Boards, and the Superintendent's evaluation.

Superintendent's Report: We have end-of-year activities including proms at the high school. Our snow date committee met and they will outline their plan for snow days next year and the use of remote days if the State allows that flexibility. We met today regarding the hiring process for the equity and inclusion coordinator who will be housed at the high school and funded by a grant. We will include parents and students on the interview committee. We also received official word our NOVO grant is secured.

Committee Reports:

Mrs. Harriman-Stites said the Policy Committee met last week and brought back the gaming policy. They continue going through personnel policies.

Mr. Vouros reported that the Curriculum and Instruction Committee met and there was a professional development update and discussion on equity and diversity. Mrs. Uberti reported that the IT Department was working on the collection of devices process before the end of the school year. Summer curriculum work was also discussed.

Mr. Delia reported on the CFF Committee meeting where they discussed the joint nonlapsing account work we are doing and agreed to work in the best interest of the Newtown community members.

Mrs. Ku stated the nurses negotiations were ongoing and asked members to stay after the meeting for an update.

Mr. Delia said EdAdvance will be moving into their new workspace and invited us to the ribbon cutting on June 7.

#### Student Representatives:

Ms. Clure reported that the Capstone presentations were scheduled with the first one last week. Spring sports are finishing up regular games this week. The Junior Prom is this Friday and Senior Prom is June 4. Parents will be helping out with pictures. A lot of Covid restrictions are being lifted. The Mystery of Edwin Drood will be shown online. Godspell was presented May 14 freshman and sophomores.

Mr. Jerfy noted there are fun activities for seniors this week. Next week is the senior trip to Six Flags and the senior BBQ is coming up. There are fundraisers being held such as the one for NICE for money for our sister school in India.

#### Financial Report Month ending April 30, 2021:

MOTION: Mr. Delia moved that the Board of Education approve the financial report for the month ending April 30, 2021. Mr. Cruson seconded.

Mr. Delia stated the CFF Committee discussed this report in great detail and supported this motion.

Mrs. Vadas presented the financial summary along with account updates.

Motion passes unanimously.

#### Item 6 – Presentations

##### Athletics Program Update:

Matt Memoli gave an update on this year's athletics program. He thanked the middle school and high school student athletes who have been outstanding. Wrestling is the only sport we didn't have and football had a modified season. He also thanked the coaching staff and parents who were so supportive, our athletic trainer who was on top of students wearing masks, and Deb Modzelewski and the school nurses who have been amazing.

Mrs. Ku thanked Mr. Memoli for all he's done this year to make sports work.

##### Adoption of New K-5 Math Program:

Dr. Frank Purcaro presented the K-5 Math Pilot 2020-2021 report and resource selection.

Mr. Vouros was very encouraged to see and hear students will learn the vocabulary that goes with this and asked what will happen for students in grades 6, 7 and 8.

Dr. Purcaro stated we will start the process for those grade levels.

Mrs. Ku thanked him and our teachers who were involved.

MOTION: Mr. Delia moved that the Board of Education approve Bridges Math as the K-5 math resource selection. Mr. Cruson seconded. Motion passes unanimously.

Jill Bracksieck thanked the classrooms teachers who piloted the program. She said the teachers said it was amazing watching their first graders experiencing this program. She was proud of Newtown for piloting this the way they did and making a really good choice. Chris Fedas said watching the program in the school was amazing.

#### Item 7 – Old Business

MOTION: Mr. Delia moved that the Board of Education approve the continuation of the school activity fund accounts. Mr. Cruson seconded.

Mr. Delia said the CFF Committee discussed this in great detail with Mrs. Vadas. There has been no change over the years and they were comfortable supporting this.

Motion passes unanimously.

#### Second Read of Policy 5124:

MOTION: Mr. Delia moved that the Board of Education approve Policy 5145.31 Gaming.

Mr. Cruson seconded.

Mrs. Harriman-Stites said the Policy Committee discussed and added wording to clarify this policy.

Ms. Zukowski liked the wording change and asked Dr. Rodrigue if it was alright for younger students to play games or engage in fantasy sports when learning a subject and that nothing precludes those activities in this policy.

Dr. Rodrigue said that can happen in instruction.

Ms. Zukowski asked for clarification on a 50/50 raffle. She was concerned that was illegal and the statute has an exclusion that educational and charitable organizations are excluded.

MOTION: Ms. Zukowski moved to amend the motion to change the title from Gaming to Gambling. Mr. Delia seconded.

Ms. Zukowski said that now with videos and computer games there is a second definition where gaming is playing these games.

Mr. Delia said he also was going to ask about that.

Vote on amendment: Motion passes unanimously.

Vote on policy: Motion passes unanimously.

#### COVID-10 update:

Dr. Rodrigue said we are at a 1% positivity rate. The Governor has supported the decision of the CDC for guidance for masks outdoors and indoors if fully vaccinated. Those who want to wear one can do so and this starts tomorrow. Nothing will change in mediation strategies in our schools. We look ahead to a brighter fall. We will be putting together a back to school plan and that will be part of it.

Mrs. Ku noted that many students haven't gotten vaccinated yet. Only 12% of 12 to 15 year olds have gotten vaccinated.

Item 8 – New Business

MOTION: Mr. Delia moved that the Board of Education award the contract for the Reed Intermediate School Lighting and Boiler Project to Greenleaf Energy. Mr. Cruson seconded.

Mr. Delia said they discussed this in the CFF meeting and Greenleaf has done a good job. Mr. Gerbert noted that our CIP amount for this project was in the \$1.5M range and this is roughly half a million less. We started looking at this after the Legislative Council approved the CIP.

Mr. Delia thanked Mr. Gerbert for his wonderful work on this project. He is serving the community so well. We are saving hundreds of thousands of dollars and thanked Mr. Gerbert for his efforts on the project. .

Mr. Gerbert noted Rick Thorne as a Profiles in Professionalism recipient and that his heart and soul is into his job.

Motion passes unanimously.

Item 9 – Public Participation

MOTION: Mr. Cruson moved to adjourn. Mrs. Harriman-Stites seconded. Motion passes unanimously.

Item 10 – Adjournment

The meeting adjourned at 9:15 p.m.

Respectfully submitted:

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Daniel J. Cruson, Jr.  
Secretary